

# UNDERSTANDING THE HOMELAND THREAT LANDSCAPE

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## HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS SECOND SESSION

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## UNDERSTANDING THE HOMELAND THREAT LANDSCAPE

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Wednesday, July 25, 2012

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

The committee met, pursuant to call, at 10:05 a.m., in Room 311, Cannon House Office Building, Hon. Peter T. King [Chairman of the committee] presiding.

Present: Representatives King, Lungren, Rogers, McCaul, Broun, Miller, Walberg, Cravaack, Walsh, Meehan, Quayle, Long, Duncan, Marino, Turner, Thompson, Sanchez, Jackson Lee, Cuellar, Clarke of New York, Richardson, Clarke of Michigan, Hahn, and Barber.

Also present: Representative Crawford.

Chairman KING. Good morning. The Committee on Homeland Security will come to order.

Before we begin the actual proceedings, I would like to acknowledge the appearance of a new Member to the Congress, Member of the committee, Congressman Ron Barber from Arizona. He succeeds our former colleague, Gabby Giffords, for whom he served as district director, I believe. He has a long, distinguished record in Arizona. I am sure Secretary Napolitano is familiar with him. I'm getting ganged up on by people from Arizona here.

But, anyway, Ron, it is good to have you on the committee. Look forward to working with you. You know, we appreciate the interest and concern you have already shown. So, thank you.

Mr. THOMPSON. [Off mike.]

Chairman KING. The gentleman from Mississippi.

Mr. THOMPSON. I would also like to welcome Mr. Barber to the Democratic side. Your reputation for being a hard worker precedes you. We look forward to it. The work is in the rear, as soon as the meeting is over. We look forward to you picking it up. But thank you very much for being here.

Chairman KING. I will start with the formal notice. The Committee on Homeland Security is meeting today to hear testimony from Homeland Security Secretary Janet Napolitano and National Counterterrorism Director Matthew Olsen on the homeland threat landscape. I will recognize myself for an opening statement.

But before I begin the opening statement—and I will defer to Secretary Napolitano if she wants to add to the comments—I want to acknowledge that we just learned—Secretary Napolitano learned yesterday that former Homeland Security employees were killed in Afghanistan this week. Our thoughts and prayers, as the Secretary said, are with the families of former U.S. Border Patrol agent and

retired ICE agent Benjamin Monsivais and retired CBP Port Director Joseph Perez.

They were in Afghanistan working with contractors, supporting the Afghan border police in their training efforts, and also two other individuals wounded in this senseless attack. So obviously, our thoughts and prayers go out to them and their families.

Chairman KING. If the Secretary wants to comment on that now, I will defer to you.

Secretary NAPOLITANO. [Off mike.]

Chairman KING. All right. Thank him for his service.

I will now recognize myself for an opening statement.

This is Secretary Napolitano's fourth appearance before our committee in the past 18 months. She has also held a number of unofficial meetings and briefings with Members of the committee. I know this occurs on both sides of the aisle, and I want to thank her for her cooperation on that.

Matt Olsen is, I guess, just finishing his first year as director of the National Counterterrorism Center. He has a long distinguished record in Government prior to that. I would just say, in a personal capacity, I have had several meetings with him, received several briefings from him. Whenever there has been an incident and we had to reach him by phone, if I was back in the District, he was there. He provided the essential information, and has, again, been more than willing to cooperate with us in any way, and I thank you for your service and look forward to continued working with you.

When Secretary Napolitano testified before our committee in January 2012, she stated that the radicalization of U.S. citizens to al-Qaeda's violent and extremist ideology was a "game-changer." To examine that threat, I convened a series of hearings to examine the scope and the severity of that threat. That is really what we are faced with today, is what is the scope and severity of the threat, both from homegrown terrorists, from splinter terrorist groups around the world, and from core al-Qaeda?

In the past year, past 15 months, there have been a number of outstanding achievements. There was the killing of bin Laden. There was the killing of Awlaki. There was the killing of Samir Khan, and other top al-Qaeda leaders.

Yet there are still real threats. In this 112th Congress alone, there have been 10 al-Qaeda plots that we know of against the United States. In addition to that now, we have plots from Iran, as the attempted assassinations here in Washington demonstrated last December. Also with the intensity in the Middle East, with Iran and Israel, with the United States and Iran, with Iran and her neighbors, we have to be concerned about threats to the homeland from Hezbollah. We also have hearings on that, but I look forward to any testimony you have on that, especially seeing what happened to Bulgaria, to the extent that Hezbollah was involved in the killing of the Israeli children in Bulgaria.

Also, there has been an emergence of Boko Haram. Congressman Meehan has done an outstanding job in that with his subcommittee. We have asked to have Boko Haram designated as a foreign terrorist organization. I believe, Congressman Meehan and others in the committee believe that is essential, if the Justice Department is going to have the powers of enforcement that it needs.

Again, this is a growing threat, and I look forward to any testimony you have on the whole issue of Boko Haram.

There has been another issue, and that is the question of leaks, which I believe have a direct impact on the security of our homeland. It began last year after the killing of bin Laden, which was—the President deserves tremendous credit for that, but the leaks that poured out of the administration in the days and weeks following that. Then the agreement with Sony Pictures to do a film on it.

Then, after that, we had the—just 2 months ago, the al-Qaeda in the Arabian Peninsula plot, which was details that were leaked to the media, to the Associated Press, before the work was completed on that, I believe compromising the effort that was in there, not just with the United States, but also with several of our very key allies overseas.

Then we saw the series of leaks in late May or early June, involving drones, Stuxnet . . . and, again, these are most sensitive information which was being given out—it appears to me—it appears to Senator Feinstein and others—from people high up in the administration, people within the White House. Senator Feinstein said several months ago, these are unprecedented leaks.

I have demanded investigations of all these. I know on the arrangements between the administration and Sony Pictures, the CIA did an investigation. As a result of that, they have made several very significant structural changes in the CIA, and the Department of Defense inspector general is still carrying out an investigation as to all the details of the arrangements between the military and Sony Pictures in the preparation of this film. The inspector general only began this investigation after a 4-month preliminary investigation as to whether or not a full investigation was warranted.

The FBI is carrying out right now investigations of the leaks—well, without going into details—carrying out two very significant investigations regarding aspects of the leaks.

Also, a recent matter was Hani Nour Eldin, who belongs to the Islamic group, which is a designated foreign terrorist organization, was allowed into the United States, had access to the White House and to the United States Congress. I will be discussing this with the Secretary. I don't believe the letter or the spirit of the law was complied involving visa waivers and what procedures have to be followed when we are dealing with a designated foreign terrorist organization.

On a very positive note, I want to commend the Secretary for the work that is being done as far as the grant system, which are becoming more and more risk-based. I particularly support the continuation of the Securing the Cities program, which I believe is focused and is very effective at preventing attacks against urban areas from areas that are out in the suburbs, similar to what happened in Madrid and London, where we can foresee terrorists actually planning the attack outside the cities and bringing the devices—in this case nuclear devices, into large urban areas.

That program has been going ahead. I want to thank the Secretary for the continued support that we have gotten on that.

Again, I look forward to the hearing today. I think the issue—while we—obviously, there are philosophical differences on the committee, and to some extent perhaps between and among us, the fact is, all of us share a common desire to defeat terrorism, to win this war, and to do all we can to make sure that the counterterror forces have all of the weapons and powers that they need and the support of the Congress.

So, with that, I yield to the distinguished Ranking Member, the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman, for holding today's hearing on understanding the homeland threat landscape. I want to thank Secretary Napolitano, Director Olsen for appearing here this morning.

As we meet today to consider the homeland threat landscape, we must be mindful that yesterday the leader of al-Qaeda in Iraq issued a videotaped message indicating his intentions to carry out attacks within the United States. Those new threats require an assessment of our ability to meet our known challenges and address our known vulnerabilities.

According to recent reports, this Nation has spent about \$360 billion on homeland security since September 1, 2001. But despite this amount of spending, we have not filled all the gaps.

I think most people would agree that we have made some gains. Aviation security, border security, disaster response, and information-sharing activities have been improved. For the most part, these improvements in security have not required us to surrender the Constitutional rights and protections that are the cornerstone of this Nation's freedom.

This Nation cannot sacrifice security or freedom in the face of any threat, foreign or domestic. As we look back at the last 11 years, we have greatly decreased the Nation's vulnerability to attack. I would be remiss if I did not mention that this administration's actions abroad, from eliminating a threat posed by bin Laden to stiffening our military presence, has also contributed to decreasing our vulnerability at home.

However, we must be candid. Some vulnerabilities remain, and the nature of the threat continues to evolve. As we continue this evolution process, we must focus on the nature of the terrorist actor. The most recent incidents in this country have involved lone-wolf actors who are ideologically motivated to commit violent acts. We must accept that we will not be able to find every lone wolf on terror. But we cannot accept that we are powerless to close opportunities and remove the instrumentalities of destruction.

As I stated at a hearing last week, we should not forget that the United States—the last person to crash a plane into a Federal building, fueled by an anti-Government ideology, was a pilot, U.S. citizen, in Texas. GAO has reported that the Department has testified that we do not check Americans seeking flight training against the terrorist watch list until they apply for a pilot's license. The lesson of 9/11 is that we need to keep people who seek to do us harm from being trained as pilots. We must remove the opportunities and instrumentalities of destruction.

I have introduced a bill that would require everyone who is seeking to be trained as a pilot, make sure that they are vetted against



a terrorist watch list. I hope my colleagues will join me in that effort.

As we consider the vulnerabilities that remain, I am disappointed that we have not yet managed to achieve the screening of 100 percent of maritime cargo before it reaches our shores.

Madam Secretary, it is my understanding that you have recently signed a blanket 2-year waiver of the 100 percent screening requirement. I do not understand how the Department can ignore a statutory mandate designed to close a known vulnerability. Searching the cargo before it reaches this country provides us with the best opportunity to remove instrumentalities of destruction before they reach this country.

Finally, as we consider threats and vulnerabilities, we must also think about likely targets. GAO has introduced several reports highlighting the poor state of Federal building security. While promises have been made, little changes have been.

I hope we have not forgotten that a lone-wolf terrorist blew up a Federal building in Oklahoma several years before the events of September 11. Timothy McVeigh used this opportunity and created destruction. We did not need to see this happen again before we take action.

In closing, as we began today's discussion about the homeland threat landscape, I look forward to hearing about how we can move away from merely identifying the problem and move toward finding and implementing solutions.

With that, Mr. Chairman, I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JULY 25, 2012

As we meet today to consider the homeland threat landscape, we must be mindful that yesterday, the leader of al-Qaeda in Iraq issued a videotaped message indicating his intention to carry out attacks within the United States. These new threats require an assessment of our ability to meet our known challenges and address our known vulnerabilities.

According to *The New York Times*, this Nation has spent about \$360 billion on homeland security since September 1, 2001. But despite this amount of spending we have not filled all the gaps. I think most people would agree that we have made some gains. Aviation security, border security, disaster response, and information-sharing activities have been improved. For the most part, these improvements in security have not required us to surrender the Constitutional rights and protections that are the cornerstone of this Nation's freedom. This Nation cannot sacrifice security or freedom in the face of any threat—foreign or domestic.

As we look back at the last 11 years, we have greatly decreased this Nation's vulnerability to attack. I would be remiss if I did not mention that this administration's actions abroad, from eliminating the threat posed by bin Laden to shifting our military presence, have also contributed to decreasing our vulnerability at home.

However, we must be candid. Some vulnerabilities remain and the nature of the threat continues to evolve. As we consider this evolution process, we must first focus on the nature of the terrorist actor. The most recent incidents in this country have involved the lone-wolf actor who is ideologically motivated to commit violent acts. We must accept that we will not be able to find every lone wolf bent on terror. But we cannot accept that we are powerless to close opportunities and remove the instrumentalities of destruction.

As I stated at a hearing last week, we should not forget that in the United States the last person to crash a plane into a Federal building, fueled by an anti-Government ideology, was a pilot in Texas. GAO has reported and the Department has testified that we do not check Americans seeking flight training against the terrorist watch list until they apply for a pilot's license. The lesson of 9/11 is that we need

to keep people who seek to do us harm from being trained as pilots. We must remove the opportunities and the instrumentalities of destruction. I have introduced a bill that would require everyone who is seeking to be trained as pilot is vetted against a terrorist watch list. I hope my colleagues will join me in that effort.

As we consider the vulnerabilities that remain, I am disappointed that we have not yet managed to achieve the screening of 100% of maritime cargo that reaches our shores. Madame Secretary, it is my understanding that you have recently signed a blanket 2-year waiver of the 100% screening requirement. I do not understand how the Department can ignore a statutory mandate designed to close a known vulnerability. Searching the cargo before it reaches this country provides us with the best opportunity to remove instrumentalities of destruction before they reach this country.

Finally, as we consider threats and vulnerabilities, we must also think about likely targets. GAO has produced several reports highlighting the poor state of Federal building security. While promises have been made, little has changed. I hope we have not forgotten that a lone-wolf terrorist blew up a Federal building in Oklahoma several years before the events of September 11. Timothy McVeigh used his opportunity and created destruction. We do not need to see this happen again before we take action.

In closing, as we begin today's discussion about the homeland threat landscape, I look forward to hearing about how we can move away from merely identifying the problems and move toward finding and implementing solutions.

Chairman KING. I thank the Ranking Member. I am going to ask if we can recess for a few moments. Apparently, there is a problem with the microphones, which should be corrected in the next several moments. So the committee stands in recess for hopefully just a few minutes.

[Recess.]

Chairman KING. The hearing will resume, and—Madam Secretary, Mr. Director, we regret the inconvenience and the delay.

Mr. Olsen, I was hoping that perhaps, considering your past experience with the NSA, you could have had somebody come in and, you know, rewire it for us very quickly, but—anyway, I would thank the Ranking Member for his opening statement. Other Members of the committee are reminded that opening statements may be submitted for the record.

We are pleased to have two very distinguished witnesses before us today on this topic, obviously, of homeland security and the threats to the homeland.

Secretary Napolitano was sworn in as the third Secretary of Homeland Security in January 2009, previously served as the Governor of Arizona and that State's attorney general. As I said, just in the past 18 months alone, she has testified before this committee four times. I am sure she has loved every minute of it.

With that, we would recognize the Secretary and look forward to her testimony.

Secretary Napolitano.

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

Secretary NAPOLITANO. Thank you Chairman King, Ranking Member Thompson, and Members of the committee. I thank Director Olsen and NCTC for their close partnership and collaboration across many areas.

I am pleased to join you today, and I thank the committee for your strong support for the Department of Homeland Security, not only over the past 3½ years, but indeed, since the Department's

founding. I look forward to continuing our work together to protect the American people as we advance our many shared goals.

[Off mike.]

Chairman KING. Excuse me, Secretary. Is the system working? It seems to be going in and out.

Secretary NAPOLITANO. I can speak very loudly. Let me try again.

Today, nearly 11 years after the 9/11 attacks, America is stronger and more secure, thanks to the work of the men and women of DHS and our Federal, State, local, Tribal, territorial, and international partners across the homeland security enterprise.

Yet while the United States has made significant progress, threats from terrorists persist and continually evolve:

We face direct threats from al-Qaeda.

We face growing threats from other foreign-based terrorist groups which are inspired by al-Qaeda ideology but appear to have few operational connections to the core al-Qaeda group, such as al-Qaeda in the Arabian Peninsula and Al Shabaab.

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 home-grown as well as those that originate abroad.

These threats are not limited to any one individual, group, or ideology, and as we have seen, the tactics employed by terrorists can be as simple as a homemade bomb or as sophisticated as a biological threat or a coordinated cyber attack.

While we deal with a number of threats and threat actors at any given time, three areas merit special, sustained attention:

The first is aviation. With respect to our aviation sector, the Christmas day 2009 plot, the October 2010 air cargo threat, and the more recent AQAP plot that would have targeted a U.S.-bound airliner with explosives make clear that commercial aviation remains a target. Terrorists, especially AQAP, continue to seek ways to circumvent existing security measures; their methods and tactics are sometimes ingenious and increasingly sophisticated.

A second area is cyber. Cyber threats and incidents have increased significantly over the past decade. Our Nation continues to confront a dangerous combination of known and unknown vulnerabilities in cyberspace, strong and rapidly expanding adversary capabilities, and limited threat and vulnerability awareness. We remain hopeful that Congress can pass strong cybersecurity legislation this year.

The third area of growing concern is home-grown violent extremism. Within the context of U.S.-based violent extremism, we know that foreign terrorist groups affiliated with al-Qaeda, and individual extremists, are actively seeking to recruit or inspire Westerners to carry out attacks against Western and U.S. targets.

Recruitment within the United States spans a variety of activities, using social media, personal interaction, and publication of magazines, among other things.

Today, the Department operates with the understanding that a significant terrorist risk to the homeland is posed by violent extremists inspired by al-Qaeda and its affiliates.

This threat is real, as evidenced by the multiple recent thwarted attacks of domestic violent extremists inspired by al-Qaeda, including the arrest of Naser Jason Abdo in Fort Hood in July 2011 and the arrest of Amine el-Khalifi in February 2012 in Washington, DC. Importantly, however, we also know that violent extremism can be inspired by various religious, political, or other ideological beliefs.

The recent terrorist attack overseas in Bulgaria, as well as the shooting last week in Aurora, Colorado, further demonstrate that we must remain vigilant and prepared.

We mitigate these threats in several ways. First and foremost, we have worked to build a homeland security enterprise that allows DHS and our many partners to detect threats earlier, share information, minimize risks, and maximize our ability to respond and recover from attacks and disasters of all kinds.

With respect to the aviation sector, we have implemented a layered detection system focusing on risk-based screening, enhanced targeting, and information-sharing, while simultaneously facilitating travel for nearly 2 million domestic air travelers every day.

Following the December 2009 threat, we launched a historic global initiative to strengthen international aviation, which has improved cooperation on passenger and air cargo screening, technology development and deployment, information collection and sharing, and the development of security standards.

We have strengthened information sharing with our international partners. For example, our new and historic PNR agreement with the European Union allows us to continue sharing passenger information so that we can better identify travelers who merit our attention before they depart for the United States.

Our Pre-Departure Targeting Program, Immigration Advisory Program and enhanced in-bound targeting operations also allow us to more effectively identify high-risk travelers who are likely to be inadmissible to the United States, and make recommendations to commercial carriers to deny boarding before a plane departs.

At home, we have continued the deployment of advanced technology at airports, including AIT machines, while at the same time implementing new programs to make the screening process more efficient for trusted travelers through programs such as TSA PreCheck and Global Entry.

Across the cyber domain, we have continued to partner with sector-specific agencies and the private sector to help secure cyberspace and critical infrastructure such as the financial sector, the power grid, water systems, and transportation networks.

We have taken significant action to protect Federal civilian government systems through the deployment of intrusion detection systems like EINSTEIN, greater monitoring and sharing of threat information, National exercises and incident response planning, public awareness and outreach programs, and a cyber workforce initiative to recruit the next generation of cyber professionals.

Internationally, we have worked with our partners to share expertise, combat cybercrime, and strengthen shared systems and networks.

Finally, we have improved our domestic capabilities to detect and prevent terrorist attacks against our citizens, our communities, and our critical infrastructure.

We have increased our ability to analyze and distribute threat information at all levels. Specifically, we have worked to build greater analytic capability through 77 designated fusion centers, resulting in unprecedented levels of information sharing at the State and local level.

We have invested in training for local law enforcement and first responders of all types, to increase expertise and capacity at the local level.

For example, we have transformed how we train front-line officers regarding suspicious activities, through the Nationwide Suspicious Activity Reporting Initiative, in partnership with the Department of Justice.

We are also in the final stages of implementing a Countering Violent Extremism curriculum for Federal, State, local, and correctional facility law enforcement officers that is focused on community-oriented policing, which will help front-line personnel identify activities that are potential indicators of potential terrorist activity and violence.

Through the Nation-wide expansion of the “If You See Something, Say Something,” campaign, we are encouraging all Americans to alert local law enforcement if they see something that is potentially dangerous.

DHS has come a long way in the nearly 11 years since 9/11 to enhance the protection of the United States and engage our partners in this shared responsibility.

Together, we have made significant progress to strengthen the homeland security enterprise. But many challenges still remain.

Threats against our Nation, whether by terrorism or otherwise, continue to exist and evolve. DHS must continue to evolve as well. We continue to be ever-vigilant to protect against threats, while promoting travel, trade, and safeguarding our essential rights and liberties.

I thank the committee for your attention as we work together to keep our Nation safe.

[The prepared statement of Secretary Napolitano follows:]

PREPARED STATEMENT OF HON. JANET NAPOLITANO

JULY 25, 2012

Thank you Chairman King, Ranking Member Thompson, and Members of the committee, I am pleased to join you today, and I thank the committee for your strong support for the Department of Homeland Security (DHS), not only over the past 3½ years, but indeed, since the Department’s founding. I look forward to continuing our work together to protect the American people as we advance our many shared goals.

Almost 11 years after the terrorist attacks of September 11, America is stronger and more secure, thanks to the support of the Congress, the work of the men and women of DHS, and our Federal, State, local, Tribal, and territorial partners across the homeland security enterprise. I thank them all for their service.

Created with the founding principle of protecting the American people from terrorist and other threats, DHS and its many partners across the Federal Government, public and private sectors, and communities throughout the country have strengthened homeland security to better mitigate and defend against evolving threats.

Additionally, within the Federal Government, many departments and agencies contribute to the homeland security mission. The Nation's armed forces serve on the front lines of homeland security by degrading al-Qaeda's capabilities to attack the United States and targets throughout the world. The Office of the Director of National Intelligence, the Central Intelligence Agency, and the entire intelligence community, of which DHS is a member, are producing better streams of intelligence than at any time in history.

The Federal homeland security enterprise also includes the strong presence of the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI), whose role in leading terrorism investigations has led to the arrest of numerous individuals on terrorism-related charges.

But despite considerable progress, the horrific attack last week in Aurora, Colorado—and the terrorist attack in Bulgaria—serve as a reminder that our work to detect and prevent attacks against Americans is never done.

As I have said many times, homeland security begins with hometown security. As part of our commitment to strengthening hometown security, we have worked to get information, tools, and resources out of Washington, DC, and into the hands of State, local, Tribal, and territorial officials and first responders.

This has led to significant advances. We have made great progress in improving our domestic capabilities to detect and prevent terrorist attacks against our citizens, our communities, and our critical infrastructure. We have increased our ability to analyze and distribute threat information at all levels. We have invested in training for local law enforcement and first responders of all types in order to increase expertise and capacity at the local level. We have also supported and sustained preparedness and response capabilities across the country through more than \$36 billion in homeland security grants since 2002.

As we look ahead, and in order to address evolving threats and make the most of limited resources, the administration proposed a new vision for homeland security grants in the fiscal year 2013 President's budget. The administration's proposal focuses on building and sustaining core capabilities associated with the five mission areas within the National Preparedness Goal (NPG), helping to elevate Nation-wide preparedness.

This proposal reflects the many lessons we have learned in grants management and execution over the past 10 years. Using a competitive, risk-based model, the proposal envisions a comprehensive process to assess gaps, identify and prioritize deployable capabilities, limit periods of performance to put funding to work quickly, and require grantees to regularly report progress in the acquisition and development of these capabilities. The administration looks forward to working with Congress and stakeholders on this proposal to enable all levels of government to build and sustain, in a collaborative way, the core capabilities necessary to prepare for incidents that pose the greatest risk to the security of the Nation.

Our experience over the past several years has also made us smarter about the terrorist threats we face and how best to deal with them. We continue to expand our risk-based, intelligence-driven security efforts. By sharing and leveraging information, we can make informed decisions about how to best mitigate risk, and provide security that is seamless and efficient.

We also free up more time and resources, giving us the ability to focus those resources on those threats or individuals we know the least about. This approach not only makes us safer, it also creates efficiencies within the system for travelers and for businesses. In other words, our homeland security and our economic security go hand-in-hand.

Strengthening homeland security includes a significant international dimension. To most effectively carry out our core missions—including preventing terrorism, securing our borders, enforcing immigration laws, and protecting cyberspace—we partner with countries around the world. This work ranges from strengthening cargo, aviation, and supply chain security to joint investigations, information sharing, and science and technology cooperation.

Through collaborations with other Federal agencies and our foreign counterparts, we not only enhance our ability to prevent terrorism and transnational crime; we also leverage the resources of our international partners to more efficiently and cost-effectively secure global trade and travel, to help ensure that dangerous people and goods do not enter our country.

In my time today, I would like to provide an update on the key areas of the DHS mission that fall within the committee's jurisdiction, our priorities, and our vision for working with the Congress to build on the substantial progress we have achieved to date and must continue to sustain in the months and years ahead.

## PREVENTING TERRORISM AND ENHANCING SECURITY

While the United States has made significant progress, threats from terrorists—including, but not limited to al-Qaeda and al-Qaeda-affiliated groups—persist and continually evolve, and the demands on DHS continue to grow. Today's threats are not limited to any one individual, group, or ideology and are not defined or contained by international borders. Terrorist tactics can be as simple as a homemade bomb and as sophisticated as a biological threat or a coordinated cyber attack.

DHS and our partners at the Federal, State, Tribal, and local levels have had success in thwarting numerous terrorist plots, including the attempted bombings of the New York City subway, foiled attacks against air cargo, and other attempts across the country. Nonetheless, recent attacks overseas, and the continued threat of home-grown terrorism in the United States, demonstrate how we must remain vigilant and prepared.

To address these evolving threats, DHS employs risk-based, intelligence-driven operations to prevent terrorist attacks. Through a multi-layered detection system focusing on enhanced targeting and information sharing, we work to interdict threats and dangerous people at the earliest point possible. We also work closely with Federal, State, and local law enforcement partners on a wide range of critical homeland security issues in order to provide those on the frontlines with the information and tools they need to address threats in their communities.

Likewise, countering biological, nuclear, and radiological threats requires a coordinated, whole-of-Government approach. DHS, through the Domestic Nuclear Detection Office, works in partnership with agencies across Federal, State, and local governments to prevent and deter attacks using nuclear and radiological weapons through nuclear detection and forensics programs. The Office of Health Affairs (OHA), the Science and Technology Directorate (S&T), and the Federal Emergency Management Agency (FEMA) also provide medical, scientific, and other technical expertise to support chemical, biological, nuclear, and radiological preparedness and response efforts.

*Sharing Information, Expanding Training, and Raising Public Awareness*

The effective sharing of information in a way that is timely, actionable whenever possible, and that adds value to the homeland security enterprise is essential to protecting the United States. As part of our approach, we have changed the way DHS provides information to our partners by replacing the outdated color-coded alert system with the National Terrorism Advisory System, or NTAS, which provides timely, detailed information about credible terrorist threats and recommended security measures.

We also have continued to enhance our analytic capability through the 77 designated fusion centers, resulting in unprecedented information-sharing capabilities at the State and local levels. DHS has supported the development of fusion centers through deployed personnel, training, technical assistance, exercise support, security clearances, connectivity to Federal systems, technology, and grant funding. We currently have more than 90 DHS intelligence officers deployed to fusion centers, working side by side with their Federal, State, and local counterparts.

We are working to ensure that every fusion center supported by DHS maintains a set of core capabilities that includes the ability to assess local implications of National intelligence, share information with Federal authorities so we can identify emerging National threats, and ensure the protection of civil rights, civil liberties, and privacy.

Specifically, we are encouraging fusion centers to develop and strengthen their grassroots analytic capabilities so that National intelligence can be placed into local context, and the domestic threat picture can be enhanced based on an understanding of the threats in local communities. We are partnering with fusion centers to establish more rigorous analytic processes and analytic production plans, increase opportunities for training and professional development for State and local analysts, and encourage the development of joint products between fusion centers and Federal partners.

Over the past 3 years, we have transformed how we train our Nation's front-line officers regarding suspicious activities, through the Nationwide Suspicious Activity Reporting Initiative (NSI). This initiative, which we conduct in partnership with the Department of Justice, is an administration effort to train State and local law enforcement to recognize behaviors and indicators potentially related to terrorism and terrorism-related crime; standardize how those observations are documented and analyzed; and ensure the sharing of those reports with the Federal Bureau of Investigation-led Joint Terrorism Task Forces (JTTFs) for further investigation.

More than 229,000 law enforcement officers have now received training under this initiative, and more are getting trained every week. The training was created in collaboration with numerous law enforcement agencies, and with privacy, civil rights, and civil liberties officials. DHS also has expanded the Nationwide Suspicious Activity Reporting Initiative to include our Nation's 18 critical infrastructure sectors. Infrastructure owners and operators from the 18 sectors are now contributing information, vetted by law enforcement through the same screening process otherwise used to provide information to the JTTFs.

Because an engaged and vigilant public is vital to our efforts to protect our communities, we have also continued our Nation-wide expansion of the "If You See Something, Say Something™" public awareness campaign. This campaign encourages Americans to contact law enforcement if they see something suspicious or potentially dangerous. To date, we have expanded the campaign to Federal buildings, transportation systems, universities, professional and amateur sports leagues and teams, entertainment venues, some of our Nation's largest retailers, as well as local law enforcement. Most recently DHS has partnered with sports leagues such as the National Football League, Major League Baseball, the National Basketball Association, National Collegiate Athletic Association, National Hockey League, U.S. Golf, and the U.S. Tennis Association, to promote public awareness of potential indicators of terrorism at sporting events.

#### *Countering Violent Extremism*

At DHS, we believe that local authorities and community members are often best able to identify individuals or groups residing within their communities exhibiting dangerous behaviors—and intervene—before they commit an act of violence. Countering violent extremism (CVE) is a shared responsibility, and DHS continues to work with a broad range of partners to gain a better understanding of the behaviors, tactics, and other indicators that could point to terrorist activity, and the best ways to mitigate or prevent that activity.

The Department's efforts to counter violent extremism are three-fold. We are working to better understand the phenomenon of violent extremism, and assess the threat it poses to the Nation as a whole, and within specific communities. We are bolstering efforts to address the dynamics of violent extremism and strengthen relationships with those communities targeted for recruitment by violent extremists. We are also expanding support for information-driven, community-oriented policing efforts that have long proven effective in preventing violent crime. All of this is consistent with the administration strategy released in August 2011 and the related Strategic Implementation Plan released in December 2011.

DHS has conducted extensive analysis and research to better understand the threat of violent extremism in order to support State and Local law enforcement, fusion centers, and community partners with the knowledge needed to identify behaviors and indicators of violent extremism, and prevent violent crime. This includes over 75 case studies and assessments produced by the DHS Office for Intelligence and Analysis (I&A) since 2009 on home-grown violent extremist activities, including an in-depth study that examined the common behaviors associated with 62 cases of al-Qaeda-inspired violent extremists.

Finally, DHS is in the last stages of implementing a CVE curriculum for Federal, State, local, and correctional facility law enforcement officers that is focused on community-oriented policing, which will help front-line personnel identify activities that are potential indicators of potential terrorist activity and violence. The training's key goal is to help law enforcement recognize the indicators of violent extremist activity and distinguish between those behaviors that are potentially related to crime and those that are Constitutionally protected or part of a religious or cultural practice. We piloted the 24-hour State and local training curriculum in San Diego in January 2012, and we are aiming to finalize the curriculum by the end of 2012. DHS is working with the International Association of Chiefs of Police to develop shorter CVE training modules for the recruit and field training officer level, which will be introduced into Police Academies and posted on an internet-based platform before the end of 2012. We are also developing a similar curriculum with the Federal Law Enforcement Training Center for Federal law enforcement officers, and finalizing a CVE awareness training for Correctional Facility, Probation, and Parole Officers in collaboration with the Interagency Threat Assessment Coordination Group, the Bureau of Prisons, and the National Joint Terrorism Task Force.

Ensuring that State and Local law enforcement have access to operationally accurate and appropriate training is a top priority. With local communities and the Department of Justice, we have published guidance on best practices for community partnerships to prevent and mitigate home-grown threats. DHS publicly released the *CVE Training Guidance and Best Practices*, which was sent to all State and



local partner grantors and grantees thereby tying to grant guidance policy on October 7, 2011. DHS also incorporated language into fiscal year 2012 grant guidance that prioritizes CVE and allows funds to be used in support of State and local CVE efforts.

*Protecting Our Aviation System*

Threats to our aviation system remain active and continue to evolve. Consequently, TSA is working internationally and with the private sector to continue to improve security screening, while simultaneously facilitating lawful travel and trade. We are continuing to strengthen protection of our aviation sector through a layered detection system focusing on risk-based screening, enhanced targeting, and information-sharing efforts to interdict threats and dangerous people at the earliest point possible.

The Department is focused on measures to shift aviation security from a “one-size-fits-all” approach for passenger screening to a risk-based approach. In doing so, TSA utilizes a range of measures, both seen and unseen, as part of its layered security system—from state-of-the-art explosives detection, to using Advanced Imaging Technology (AIT) units and canine teams to screen passengers and cargo, to expediting screening for known travelers. Through Secure Flight, TSA is now pre-screening 100 percent of all travelers flying within, to, or from the United States against terrorist watch lists before passengers receive their boarding passes.

In our increasingly interconnected world, we also work beyond our own airports, partnering with our Federal agencies and countries to protect both National and economic security.

For example, through the Pre-Departure Targeting Program, Immigration Advisory Program, and enhanced in-bound targeting operations, Customs and Border Protection (CBP) has improved its ability to identify high-risk travelers who are likely to be inadmissible into the United States and make recommendations to commercial carriers to deny boarding before a plane departs.

Through the Visa Security Program, U.S. Immigration and Customs Enforcement (ICE) has deployed trained special agents overseas to high-risk visa activity posts to identify potential terrorist and criminal threats before they reach the United States.

Through preclearance agreements, CBP Officers deployed overseas inspect passengers abroad through the same process a traveler would undergo upon arrival at a U.S. port of entry, allowing us to extend our borders outward while facilitating a more efficient passenger experience.

Finally, our continued use, analysis, and sharing of Passenger Name Record (PNR) data has allowed us to better identify passengers who merit our attention before they depart for the United States. On July 1, 2012, a new agreement with the European Union on the transfer of PNR data entered into force, marking an important milestone in our collective efforts to protect the international aviation system from terrorism and other threats.

As we have taken these actions to strengthen security, we also have focused on expediting trade and travel for the millions of people who rely on our aviation system every day. One key way we have done this is through expansion of trusted traveler programs.

For instance, the Global Entry program, which is managed by CBP, is allowing us to expedite entry into the United States for pre-approved, low-risk air travelers. More than 1 million trusted traveler program members are able to use the Global Entry kiosks, and we are expanding the program both domestically and internationally as part of the administration’s efforts to foster increased travel and tourism.

In addition to U.S. citizens and lawful permanent residents, Mexican nationals can now enroll in Global Entry, and Global Entry’s benefits are also available to Dutch citizens enrolled in the Privium program; South Korean citizens enrolled in the Smart Entry Service program; Canadian citizens and residents through the NEXUS program; and citizens of the United Kingdom, Germany, and Qatar through limited pilot programs. In addition, we have signed agreements with Australia, New Zealand, Panama, and Israel to allow their qualifying citizens and permanent residents to participate in Global Entry. We are continuing to expand the program both domestically and internationally as part of the administration’s efforts to foster travel and tourism, which supports the President’s Executive Order 13597 on Travel and Tourism.

U.S. citizen participants in Global Entry are also eligible for TSA PreCheck™—a passenger prescreening initiative. TSA PreCheck™ is part of the agency’s ongoing effort to implement risk-based security concepts that enhance security by focusing on travelers the agency knows least about. More than 1.7 million passengers have received expedited screening through TSA PreCheck™ security lanes since the

initiative began last fall. TSA PreCheck™ is now available in 18 airports for select U.S. citizens traveling on Alaska Airlines, American Airlines, Delta Air Lines, United Airlines and US Airways and members of CBP Trusted Traveler programs. TSA has expanded TSA PreCheck™ benefits to U.S. military active-duty members traveling through Ronald Reagan Washington National and Seattle-Tacoma International airports. In addition to TSA PreCheck™, TSA has implemented other risk-based security measures including modified screening procedures for passengers 12 and younger and 75 and older.

#### *Visa Waiver Program*

With our partners overseas, we have acted to strengthen the Visa Waiver Program (VWP), a program that boosts our economy by facilitating legitimate travel for individuals traveling to the United States for tourism or business. According to the Commerce Department, tourism alone supported 7.6 million U.S. jobs last year, and tourism revenue in early 2012 was up 14% from the previous year.

The VWP is an essential driver of international tourism because it allows eligible nationals of 36 countries to travel to the United States without a visa and remain in our country for up to 90 days. Almost two-thirds of international travelers come to the U.S. from VWP countries. Additionally, since its inception in the mid-1980s, VWP has also become an essential tool for increasing security standards, advancing information sharing, strengthening international relationships, and promoting legitimate travel to the United States.

Over the last several years, DHS has focused on bringing VWP countries into compliance with information-sharing agreement requirements of The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Pub. L. No. 110-53. As of January 2012, all VWP countries have completed an exchange of diplomatic notes or an equivalent mechanism for the requirement to enter into an agreement to share information on lost and stolen passports with the United States through INTERPOL or other designated means.

DHS, in collaboration with the Department of Justice, has concluded Preventing and Combating Serious Crime (PCSC) agreements, or their equivalent, with 35 VWP countries and two VWP aspirants. DHS, along with the Departments of Justice and State, continues to work closely with the remaining country to sign a PCSC agreement. These agreements facilitate the sharing of information about terrorists and serious criminals.

The U.S. Government has also concluded negotiations on arrangements with all VWP countries for the exchange of terrorism screening information.

Additionally, DHS developed the Electronic System for Travel Authorization (ESTA) as a proactive on-line system to determine whether an individual is eligible to travel to the United States under the VWP, and whether such travel poses any law enforcement or National security risks.

We support carefully managed expansion of the VWP to countries that meet the statutory requirements, and are willing and able to enter into a close security relationship with the United States. To this end, we support current bi-partisan efforts by the Congress, such as the proposed JOLT Act of 2012, to expand VWP participation and to promote international travel and tourism to the United States while maintaining our strong commitment to security. Additionally, as part of the President's recent Executive Order, we are working with partner countries to meet existing requirements and prepare for further expansion of the VWP.

#### *Overstays and Exit Capabilities*

Over the past year, we have worked to better detect and deter those who overstay their lawful period of admission through the enhanced biographic program. The ability to identify and sanction overstays is linked to our ability to determine who has arrived and departed from the United States. By matching arrival and departure records, and using additional data collected by DHS, we can better determine who has overstayed their lawful period of admission.

In May 2011, as part of Phase 1 of the enhanced biographic effort, DHS began a coordinated effort to vet all potential overstay records against intelligence community and DHS holdings for National security and public safety concerns. Using those parameters, we reviewed the backlog of 1.6 million overstay leads within the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program and referred leads based on National security and public safety priorities to ICE for further investigation.

Through limited automated means, DHS cross-referenced additional overstay leads with DHS location and immigration holdings, closing additional records by confirming changes in immigration information or travel history that had not yet been recorded. Previously, these records would not have been examined, except in

instances when resources allowed it. Now, we are vetting all overstays for public safety and National security concerns, and DHS is also conducting automated reviews for changes in immigration status or travel history. This is performed on a recurrent basis.

In July, Congress approved DHS's plan to continue building its enhanced biographic capability. DHS is implementing Phase 2 of this effort, and expects to have these enhancements in place by early 2013. Once completed, this initiative will significantly strengthen our existing capability to identify and target for enforcement action those who have overstayed their authorized period of admission, and who represent a public safety and/or National security threat by incorporating data contained within law enforcement, military, and intelligence repositories.

This strategy also will also enhance our ability to identify individual overstays; provide the State Department with information to support visa revocation, prohibit future VWP travel for those who overstay, and place "lookouts" for individuals, in accordance with existing Federal laws; establish greater efficiencies to our Visa Security Program; and enhance the core components of an entry-exit and overstay program.

Concurrently, the Department's Science and Technology Directorate (S&T) is working to establish criteria and promote research for emerging technologies that would provide the ability to capture biometrics and develop a biometric exit capability at a significantly lower operational cost than is currently available. S&T is working closely with the National Institute of Standards and Technology (NIST) on this initiative.

Last, as part of the Beyond the Border Action plan signed by President Obama and Canadian Prime Minister Harper in December 2011, we are creating an exit program on the United States Northern Border. Under the plan, the United States and Canada will exchange entry records, so that an entry to one country essentially becomes an exit record from the other.

#### *Protecting Surface Transportation*

Beyond aviation, we have worked with Federal agencies and other Government partners, transportation sector entities, and companies across the United States to enhance security of surface transportation infrastructure through risk-based security assessments, critical infrastructure hardening, and close partnerships with State and local law enforcement partners.

Because of its open access architecture, surface transportation has a fundamentally different operational environment than aviation. As a result, our approach must be different. To protect surface transportation, we have conducted compliance inspections throughout the freight rail and mass transit domains; critical facility security reviews for pipeline facilities; comprehensive mass transit assessments that focus on high-risk transit agencies; and corporate security reviews conducted in multiple modes of transportation on a continuous basis to elevate standards and identify security gaps.

We also have continued to support Visible Intermodal Prevention and Response (VIPR) teams, including 12 multi-modal teams. VIPR teams are composed of personnel with expertise in inspection, behavior detection, security screening, and law enforcement for random, unpredictable deployments throughout the transportation sector to prevent potential terrorist and criminal acts.

These efforts have been supported by more than \$1.9 billion in DHS grant funding awarded through the Transit Security Grant Program to harden assets, improve situational awareness, and build National capabilities to prevent and respond to threats and incidents across the transportation sector.

#### GLOBAL SUPPLY CHAIN SECURITY

Securing the global supply chain system is integral to securing both the lives of people around the world, and maintaining the stability of the global economy. We must work to strengthen the security, efficiency, and resilience of this critical system. Supply chains must be able to operate effectively, in a secure and efficient fashion, in a time of crisis, recover quickly from disruptions, and continue to facilitate international trade and travel.

We know that a crisis or vulnerability in any part of the world has the ability to impact the flow of goods and people thousands of miles away. Beyond loss of life and physical damage, these events can cause large economic consequences. Therefore, our economy is dependent on our ability to secure and facilitate the flow of people and goods to and from our shores.

Within the American economy, trade with our international partners accounts for roughly one-quarter of our GDP. This year alone, DHS will help facilitate about \$2

trillion in legitimate trade, while enforcing U.S. trade laws that protect the economy, the health, and the safety of the American people.

Earlier this year, the administration announced the U.S. National Strategy for Global Supply Chain Security to set a Government-wide vision of our goals, approach, and priorities to strengthen the global supply chain system. The National Strategy establishes two explicit goals: Promoting the efficient and secure movement of goods and fostering resilient supply chain systems. As we work to achieve these goals, we will be guided by the overarching principles of risk management and collaborative engagement with key stakeholders who also have key supply chain roles and responsibilities.

DHS is now working in close partnership with other Federal departments and agencies to translate the high-level guidance contained in the Strategy into concrete actions. We are focusing our immediate efforts on the priority action areas identified in the Strategy.

In addition to the National Strategy for Global Supply Chain Security, DHS continues to advance a range of other measures and programs to strengthen different components of this vital system in partnership with multilateral organizations such as the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), the World Customs Organization (WCO), and the Asia-Pacific Economic Cooperation (APEC) as well as bilaterally with trading partners.

We are also working closely with industry and foreign government partners to identify and address high-risk shipments as early in the shipping process as possible by collecting and analyzing advance electronic commercial data. This allows DHS to make risk-informed decisions about what cargo is safe to be loaded onto vessels and aircraft prior to their departure from a foreign port and facilitates the clearance of those shipments upon their arrival in the United States.

Through the Container Security Initiative (CSI), CBP works with host government customs services to examine high-risk maritime containerized cargo at foreign seaports, before they are loaded on-board vessels destined for the United States. CSI teams currently operate at a total of 58 ports in North America, Europe, Asia, Africa, the Middle East, and Latin and Central America—covering approximately 80 percent of all maritime containerized cargo imported into the United States.

In the aviation environment, we are working with leaders from global shipping companies and the International Air Transport Association (IATA) to develop preventive measures, including terrorism awareness training for employees and vetting personnel with access to cargo. We are reviewing our foreign partners' cargo screening to determine whether their programs provide a level of security commensurate with U.S. air cargo security standards. Those who meet these requirements are officially recognized to conduct screening for cargo traveling to the United States. We are also building partnerships, through mutual recognition arrangements, with foreign governments maintaining industry partnership programs comparable to the Customs-Trade Partnership against Terrorism. We concluded such an agreement with the European Union in May which will give us better visibility into the security applied early in the supply chain for shipments from all 27 Member States of the European Union.

DHS is also focused on preventing the exploitation of the global supply chain by those seeking to use the system to transport dangerous, illicit, contraband, contaminated, and counterfeit products. For example, under Program Global Shield, we are working with more than 90 countries to prevent the illegal theft or diversion of precursor chemicals that can be used to make Improvised Explosive Devices, or IEDs. Through these efforts, we have already seized more than 62 metric tons of these deadly materials.

DHS, through ICE and CBP, also continues to investigate U.S. export control law violations, including those related to military items, controlled "dual-use" commodities, and sanctioned or embargoed countries. We are committed to ensuring that foreign adversaries do not illegally obtain U.S. military products and sensitive technology, including weapons of mass destruction and their components, or attempt to move these items through the global supply chain. In fiscal year 2011, ICE initiated 1,780 new investigations into illicit procurement activities, made 583 criminal arrests, and accounted for 2,332 seizures valued at \$18.9 million. ICE also manages and operates the Export Enforcement Coordination Center (E2C2), an interagency hub for streamlining and coordinating export enforcement activities and exchanging information and intelligence.

#### SECURING AND MANAGING OUR BORDERS

DHS secures the Nation's air, land, and sea borders to prevent illegal activity while facilitating lawful travel and trade. The Department's border security and

management efforts focus on three interrelated goals: Effectively securing U.S. air, land, and sea borders; safeguarding and streamlining lawful trade and travel; and disrupting and, in coordination with other Federal agencies, dismantling transnational criminal and terrorist organizations.

#### *Southwest Border*

To secure our Nation's Southwest Border, we have continued to deploy unprecedented amounts of manpower, resources, and technology, while expanding partnerships with Federal, State, Tribal, territorial, and local partners, as well as the government of Mexico.

We have increased the number of Border Patrol agents Nation-wide from approximately 10,000 in 2004 to more than 21,000 today with nearly 18,500 "boots on the ground" along the Southwest Border. Working in coordination with State and other Federal agencies, we have deployed a quarter of all ICE operational personnel to the Southwest Border region—the most ever—to dismantle criminal organizations along the border.

We have doubled the number of ICE personnel assigned to Border Enforcement Security Task Forces, which work to dismantle criminal organizations along the border. We have tripled deployments of Border Liaison Officers, who facilitate cooperation between U.S. and Mexican law enforcement authorities on investigations and enforcement operations, including drug trafficking, in coordination with the Drug Enforcement Administration. We also have increased the number of intelligence analysts working along the U.S.-Mexico border.

In addition, we have deployed dual detection canine teams as well as non-intrusive inspection systems, Mobile Surveillance Systems, Remote Video Surveillance Systems, thermal imaging systems, radiation portal monitors, and license plate readers to the Southwest Border. These technologies, combined with increased manpower and infrastructure, give our personnel better awareness of the border environment so they can more quickly act to resolve potential threats or illegal activity. We also are screening southbound rail and vehicle traffic, looking for the illegal weapons and cash that are helping fuel the cartel violence in Mexico.

We also have completed 651 miles of fencing out of nearly 652 miles mandated by Congress as identified by Border Patrol field commanders, including 299 miles of vehicle barriers and 352 miles of pedestrian fence.

To enhance cooperation among local, Tribal, territorial, State, and Federal law enforcement agencies, we have provided more than \$203 million in Operation Stonegarden funding to Southwest Border law enforcement agencies over the past 4 years.

Our work along the border has included effective support from our partners at the Department of Defense (DOD). In addition to continuing support from DOD's Joint Task Force—North, in 2010, President Obama authorized the temporary deployment of up to 1,200 National Guard troops to the Southwest Border to contribute additional capabilities and capacity to assist law enforcement agencies as a bridge to longer-term deployment of border surveillance technology and equipment that will strengthen our ability to identify and interdict the smuggling of people, drugs, illegal weapons, and money.

Beginning in March 2012, DOD's National Guard support to CBP began to transition from ground support to air support, essentially moving from boots on the ground to boots in the air with state-of-the-art aerial assets equipped with the latest detection and monitoring capabilities.

These aerial assets, which include both rotary and fixed-wing aircraft, supplement the CBP Office of Air and Marine aerial assets and support the Border Patrol's ability to operate in diverse environments, expand our field of vision in places with challenging terrain, and help us establish a greater visible presence from a distance, which increases deterrence. And this year, CBP introduced an extremely effective new aviation surveillance technology to monitor the border. The U.S. Army has loaned CBP a new electronic sensor system. CBP flies Predator B unmanned aircraft systems (UASs) with this new system on the Southwest Border. This system provides DHS with the first broad-area, electronic sensor system, with capabilities that far exceed those of the ground-based fixed or mobile systems.

The results of these comprehensive and coordinated efforts have been significant. Border Patrol apprehensions—a key indicator of illegal immigration—have decreased 53 percent in the last 3 years and have decreased 80 percent from what they were at their peak. Indeed, illegal immigration attempts have not been this low since 1971. Violent crime in U.S. border communities has also remained flat or fallen over the past decade, and statistics have shown that some of the safest communities in America are along the border. From fiscal years 2009 to 2011, DHS seized

74 percent more currency, 41 percent more drugs, and 159 percent more weapons along the Southwest Border as compared to fiscal years 2006 to 2008.

To further deter individuals from illegally crossing our Southwest Border, we also directed ICE to prioritize the apprehension of recent border crossers and repeat immigration violators, and to support and supplement Border Patrol operations. Between fiscal years 2009 and 2011, ICE made over 30,936 criminal arrests along the Southwest Border, including 19,563 arrests of drug smugglers and 4,151 arrests of human smugglers.

In addition to our efforts to strengthen border security, we made great strides in expediting legal trade and travel, working with local leaders to update infrastructure and reduce wait times at our Southwest Border ports of entry. Along the Southwest Border, new initiatives have included outbound infrastructure improvements and port hardening, which when completed, will expand our outbound inspection capabilities, enhance port security, and increase officer safety. We also have implemented Active Lane Management, which leverages Ready Lanes, Dedicated Commuter Lanes, and LED signage to dynamically monitor primary vehicle lanes and re-designate lanes as traffic conditions and infrastructure limitations warrant.

These efforts are not only expediting legitimate trade, they are also stopping contraband from entering and leaving the country. In fiscal year 2011, DHS interdicted goods representing more than \$1.1 billion in Manufacturer's Suggested Retail Price. Further, the value of consumer safety seizures including pharmaceuticals totaled more than \$60 million, representing a 41 percent increase over fiscal year 2010.

#### *Northern Border*

To protect the Northern Border, we have continued to deploy technology and resources, invest in port of entry improvements to enhance security, and deepen our strong partnership with Canada.

For instance, CBP expanded unmanned aerial surveillance coverage along the Northern Border into eastern Washington, now covering 950 miles of the Northern Border. In 2011, CBP Office of Air and Marine provided nearly 1,500 hours of unmanned aerial surveillance along the Northern Border.

In 2011, CBP opened the Operations Integration Center in Detroit—a multi-agency communications center for DHS, and other Federal, State, local, and Canadian law enforcement agencies. The Operations Integration Center increases information-sharing capabilities leading to seizures of drugs, money, and illegal contraband along the Northern Border within the Detroit Sector.

ICE has four Border Enforcement Security Task Force (BEST) units along the Northern Border. These units, including representatives from the Royal Canadian Mounted Police, Canadian Border Services Agency, and numerous other provincial Canadian police departments, enhance coordination of U.S.-Canada joint interdictions and investigations, resulting in increased security for both countries.

To support the *Beyond the Border Action Plan*, in June we released the DHS Northern Border Strategy, the first unified strategy to guide the Department's policies and operations along the U.S.-Canada border. Through this strategy, we will continue to work to improve information sharing and analysis within DHS, as well as with our partners. We will enhance coordination of U.S.-Canada joint interdictions and investigations, deploy technologies to aid joint security efforts along the border, and continue to update infrastructure to facilitate travel and trade. We also look forward to continuing to deepen partnerships with Federal, State, local, Tribal, private sector, and Canadian partners that are so critical to the security, resiliency, and management of our Northern Border.

#### *Maritime*

With more than 350 ports and 95,000 miles of coastline, the U.S. maritime domain is unique in its scope and diversity.

The Coast Guard provides maritime security using a major cutter and patrol boat fleet to respond to threats, and launch boats and aircraft to maintain a vigilant presence over the seas. Closer to shore, Coast Guard helicopters small cutters and boats monitor, track, interdict, and board vessels. In the Nation's ports, the Coast Guard and CBP, along with our Federal, State, local, and Tribal partners, working in concert with other port stakeholders, monitor critical infrastructure, conduct vessel escorts and patrols, and inspects vessels and facilities.

The U.S. Coast Guard plays an integral role in DHS' border enforcement strategy through its maritime operations as part of Joint Interagency Task Force (JIATF)—South, the U.S. Southern Command entity that coordinates integrated interagency counter drug operations in the Caribbean Sea, Gulf of Mexico, and the eastern Pacific. In fiscal year 2011, Coast Guard major cutters and other assets removed over 75 metric tons of cocaine, more than 17 metric tons of marijuana, detained 191 sus-

pected smugglers, and seized 40 vessels. Additionally, Coast Guard Law Enforcement Detachments are deployed aboard U.S. Navy and Allied assets to support detection, monitoring, interdiction and apprehension operations. CBP Office of Air and Marine P-3 and Coast Guard fixed-wing aircraft have also been an integral part of successful counter-narcotic missions operating in the Source and Transit Zones in coordination with JIATF-South. Collectively the efforts to interdict drugs in the Source and Transit Zones helped to control the flow of drugs to the Southwest Border.

Robust interagency cooperation and strong international partnerships also helped the Coast Guard interdict 2,474 migrants at sea in fiscal year 2011.

#### SAFEGUARDING AND SECURING CYBERSPACE

Our daily life, economic vitality, and National security depend on a safe, secure, and resilient cyberspace. A vast array of interdependent IT networks, systems, services, and resources are critical to communication, travel, powering our homes, running our economy, and obtaining Government services. While we are more network-dependent than ever before, increased interconnectivity increases the risk of theft, fraud, and abuse.

Cyber incidents have increased significantly over the last decade and the United States continues to confront a dangerous combination of known and unknown vulnerabilities in cyberspace, strong and rapidly expanding adversary capabilities, and limited threat and vulnerability awareness. There have been instances of theft and compromise of sensitive information from both Government and private-sector networks. Last year, the DHS U.S. Computer Emergency Readiness Team (US-CERT) received more than 100,000 incident reports, and released more than 5,000 actionable cybersecurity alerts and information products.

DHS is the Federal Government's lead agency for securing civilian government computer systems and works with our industry and Federal, State, local, Tribal, and territorial government partners to secure critical infrastructure and information systems. DHS analyzes and mitigates cyber threats and vulnerabilities; distributes threat warnings; provides solutions to critical research and development needs; and coordinates the vulnerability, mitigation, and consequence management response to cyber incidents to ensure that our computers, networks, and information systems remain safe. DHS also works with Federal agencies to secure unclassified Federal civilian government networks and works with owners and operators of critical infrastructure to secure their networks through risk assessment, mitigation, and incident response capabilities.

With respect to critical infrastructure, DHS and the sector-specific agencies work together with the private sector to help secure the key systems upon which Americans rely, such as the financial sector, the power grid, water systems, and transportation networks. Protecting critical infrastructure requires taking an integrated approach toward physical and cybersecurity and ensuring that we can utilize our established partnerships with the private sector to address cybersecurity concerns. We do this by sharing actionable cyber threat information with the private sector, helping companies to identify vulnerabilities before a cyber incident occurs, and providing forensic and remediation assistance to help response and recovery after we learn of a cyber incident.

In addition, DHS S&T works collaboratively across Federal agencies, private industry, academic networks and institutions, and global information technology owners and operators to research, develop, test, and transition deployable solutions to secure the Nation's current and future cyber and critical infrastructures.

To combat cyber crime, DHS leverages the skills and resources of the U.S. Secret Service and ICE, who investigate cyber criminals and work with the Department of Justice, which prosecutes them. Cyber crime investigations are directly led by the USSS and involve numerous partners at the Federal, State, and local level as well as the private sector. In fiscal year 2011 alone, USSS prevented \$1.6 billion in potential losses through cyber crime investigations. Additionally, ICE HSI cyber crime investigations relating to child exploitation in fiscal year 2011 resulted in 1,460 criminal arrests, 1,104 indictments and 928 convictions. One significant child exploitation investigation conducted by ICE HSI was Operation Delego, which resulted in prosecutors bringing charges against 72 individuals for their alleged participation in an international criminal network that sought the sexual abuse of children and the creation and dissemination of child pornography.

DHS recognizes that partnership and collaboration are crucial to ensuring that all Americans take responsibility for their actions on-line. To that end, we are continuing to grow the Department's *Stop.Think.Connect.*<sup>TM</sup> Campaign, which is a year-

round National public awareness effort designed to engage and challenge Americans to join the effort to practice and promote safe on-line practices.

The Department of Defense is a key partner in our cybersecurity mission. In 2010, I signed a Memorandum of Understanding with then-Secretary of Defense Robert Gates to formalize the interaction between DHS and DOD, and to protect against threats to our critical civilian and military computer systems and networks. Congress mirrored this division of responsibilities in the National Defense Authorization Act for fiscal year 2012. We are currently working with the Defense Industrial Base to exchange actionable information about malicious activity.

As much as we are doing, we must do even more. To this end, Congress has before it several pieces of proposed legislation designed to address emerging cyber threats. The proposal the administration has supported is a bipartisan bill sponsored by Senators Lieberman, Collins, Rockefeller, and Feinstein, and is known as the *Cyber Security Act of 2012*.

Under current law, Congress gave DHS significant cyber authorities, and we inherited a patchwork of others. But we have reached a point where the current threat outpaces our existing amalgam of laws, and so we are working with Congress to make some changes to the law. Specifically, the *Cyber Security Act of 2012* would require the establishment of baseline cybersecurity practices for the Nation's critical core infrastructure.

It removes barriers to information sharing between the Federal Government, industry, and State, local, Tribal, and territorial governments so that we may more quickly respond to and mitigate any cyber threat or intrusion. And, importantly, the legislation would help us attract and retain cybersecurity professionals to execute this complex and challenging mission by adding flexibility to the current personnel laws. I understand that Senator Lieberman has recently introduced a new version of this legislation. The administration is currently reviewing this version of the bill and looks forward to working with the Congress as the bill moves through the legislative process.

#### ENSURING ROBUST PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES SAFEGUARDS

The Department builds privacy, confidentiality, and civil rights and civil liberties protections into its operations, policies, programs, and technology deployments from the outset of their development.

The DHS Privacy Office—the first statutorily-required privacy office of any Federal agency—partners with every DHS component to assess policies, programs, systems, technologies, and rulemakings for privacy risks, and recommends privacy and confidentiality protections and methods for handling personally identifiable information.

DHS's Office for Civil Rights and Civil Liberties (CRCL) plays a key role in the Department's mission to secure the Nation while preserving individual freedoms and represents the Department's commitment to the idea that core civil rights values—liberty, fairness, and equality under the law—are a vital part of America, and that these values provide a bulwark against those who threaten our safety and security.

Since its inception, CRCL has expanded its participation in programs and activities throughout the Department and continued its efforts to promote civil rights and civil liberties. For example, CRCL collaborates with U.S. Immigration and Customs Enforcement on detention reform and other immigration-related efforts, and works with TSA to ensure that evolving aviation security measures are respectful of civil rights and civil liberties.

CRCL's community engagement efforts include a wide variety of stakeholders and organizations through regular roundtables across the country. CRCL has also expanded its training capacity and worked closely with the DHS Privacy Office and the Office of Intelligence and Analysis to offer civil rights and civil liberties training for fusion centers, as well as training to a number of the Department's Federal, State, and local partners.

#### CONCLUSION

While America is stronger and more resilient as a result of these efforts, threats from terrorism persist and continue to evolve. Today's threats do not come from any one individual or group. They may originate in distant lands or local neighborhoods. They may be as simple as a homemade bomb or as sophisticated as a biological threat or coordinated cyber attack.

As threats to our Nation evolve, DHS must also evolve. Thus, we continue to remain vigilant, protecting our communities from terrorist threats, while promoting



the movement of goods and people and maintaining our commitment to civil rights and civil liberties.

I thank the committee for your continued partnership and guidance as together we work to keep our Nation safe. I look forward to your questions.

Chairman KING. Thank you, Secretary Napolitano. Thanks for working through the technical problem with us.

I will ask the staff—okay. It is—okay.

Our next witness is Matthew Olsen, who served as the director of the National Counterterrorism Center, the NCTC, since August of last year. Prior to joining NCTC, Mr. Olsen served as the general counsel for the National Security Agency, where he served as the chief legal officer for NSA. He also has served in Government with the FBI and the Department of Justice, and it is a pleasure to have him testify here before this committee for the first time.

Director Olsen.

**STATEMENT OF MATTHEW G. OLSEN, DIRECTOR, NATIONAL COUNTERTERRORISM CENTER**

Mr. OLSEN. Chairman King, Ranking Member Thompson, Members of the committee, thank you very much.

I appreciate this opportunity to be here with the committee today to discuss the terrorist threat facing our country and our efforts to combat it. I am particularly pleased to be here with Secretary Napolitano. The Department of Homeland Security and NCTC are strong partners in the fight against terrorism.

As you mentioned, Chairman, I have now served as the director of NCTC for almost a year. During that year, we have continued to make steady progress in the fight against terrorism. At the same time, acts of terror and acts of violence still threaten us here at home and abroad.

As you know, just last week in Bulgaria, seven people were killed in a brazen terrorist attack on a bus filled with Israeli tourists. While there is no suggestion that the shooting last week in Colorado was connected to international terrorism, the attack is a tragic reminder that a lone, calculating shooter can inflict devastating damage.

Over the past year, with the guidance and support of Congress and of this committee, we have placed relentless pressure on the core of al-Qaeda. We have denied that group safe haven and the ability to plan and to train. Following the death of Osama bin Laden last year, several of his top lieutenants have been eliminated.

The leaders that remain lack experience, and they are under siege. They have a very limited ability to recruit and to communicate with other operatives. In short, the intelligence picture shows that al-Qaeda core is a shadow of its former self. The overall threat from al-Qaeda in Pakistan is degraded.

While these gains are significant and enduring, al-Qaeda and its affiliates and its adherents around the world, as well as other terrorist organizations, continue to pose a significant threat to our country. As al-Qaeda's core leadership struggles to remain relevant, it has turned to other groups to carry out attacks and to advance its ideology.

These groups are from an array of countries. They include Yemen, Somalia, Iraq, and Iran. The men and women at the National Counterterrorism Center are confronting this threat and working with resolve to prevent a terrorist attack.

In the balance of my remarks, I would like to further describe briefly the threat landscape and then discuss the role of NCTC and some of the ways that we are responding to this threat.

First, beginning with al-Qaeda in Pakistan, as I mentioned over the past year, sustained pressure has degraded Pakistan-based al-Qaeda's leadership and its operational capabilities, leaving the core of al-Qaeda at its weakest point in over a decade.

The death of bin Laden, the subsequent losses of other top lieutenants and senior planners, have eroded the group's bench of potential leaders and have shaken the group's sense of security in Pakistan's tribal areas. Al-Qaeda is placing a greater emphasis on smaller, simpler plots that are easier to carry out and more difficult to detect.

We remain concerned that individuals like the alleged Fort Hood shooter, Nidal Hasan, and the Toulouse shooter, Mohamed Merah, may inspire other like-minded individuals to conduct attacks in the name of al-Qaeda.

Beyond the core of al-Qaeda, we face a diverse set of affiliated groups, enabled in part by political instability and unrest in areas such as Yemen and Somalia. To varying degrees, these groups coordinate their activities and follow the direction of al-Qaeda leadership in Pakistan.

The single most capable affiliate today is al-Qaeda in the Arabian Peninsula, AQAP, based in Yemen. This group remains the affiliate most likely to attempt and to carry out a transnational attack, including against the United States. The death of Anwar al-Awlaki last September temporarily slowed AQAP's external plotting efforts, but the group maintains the intent and the capability to conduct U.S. attacks with little or no warning. AQAP demonstrated this intent last May, when it plotted to bring down an airliner bound for the United States.

We monitor other key al-Qaeda affiliates and related groups in the Middle East, in South Asia, and in Africa. These groups remain primarily focused on local and regional plotting. Al-Qaeda in the Lands of the Islamic Maghreb, or AQIM, and Boko Haram are active in countries like Mali and Nigeria, and are focused on targeting Western and U.S. interests in that region.

Al-Shabaab, which formally merged with al-Qaeda just this past February, is principally concerned with combating Kenyan and Ethiopian incursions into Somalia, which are eroding the group's safe haven in Somalia. It also remains intent on conducting attacks against regional and Western targets in East Africa, having carried out a number of recent low-level attacks in Kenya.

Pakistani and Afghan militant groups, including the Pakistani Taliban, or TTP, the Haqqani network, Lashkar-e-Taiba, or L.T., continue to pose a direct threat to U.S. interests and our allies in South Asia. We continue to watch for signs that any of these groups or networks or individuals is pursuing operations outside of that region as a strategy to achieve their objectives.

Al-Qaeda in Iraq continues to carry out high-profile, coordinated attacks against government and civilian targets in Iraq. Just this past weekend, more than 100 people were killed in terrorist attacks across Iraq. In a video a couple days ago, AQI, al-Qaeda in Iraq's leader, forecast a new offensive against individuals in Iraq and threatened to carry out attacks in the United States.

In the past 2 years, American and Canadian law enforcement authorities have arrested North American-based AQI operatives, highlighting the potential threat posed by U.S.-based AQI associates.

I would like to take a moment to discuss the terrorist threat from Lebanese Hezbollah and Iran. Lebanese Hezbollah has intensified its terrorist activities around the world. Since 2008, it has engaged in an increasingly aggressive terrorist campaign, seeking to carry out attacks in places like Egypt, Israel, and Thailand. Israel has blamed Hezbollah for the attack last week on an Israeli tourist bus in Bulgaria, taking the lives of seven people.

Iran remains the foremost state sponsor of terrorism. Since 9/11, the regime has expanded its involvement with terrorists and insurgent groups, primarily in Iraq and in Afghanistan, that target U.S. and Israeli interests. Iran has been linked to plots elsewhere, as well. As the committee is aware, the disrupted Iranian plot to assassinate the Saudi ambassador to the United States last fall demonstrated that Iran is willing to conduct terrorist attacks inside the United States.

Then finally, Mr. Chairman, with regard to HVEs, the home-grown violent extremists who are inspired by al-Qaeda's ideology continue to pose a threat to the United States, as Secretary Napolitano discussed. AQAP members Anwar al-Awlaki and Samir Khan created propaganda specifically for an American audience. Even after their deaths, that propaganda remains accessible on-line.

Lone actors or small insular groups posed the most serious HVE threat to the homeland. They are difficult to detect. They may carry out their attacks without travel and without consulting others.

Now, briefly, if I could turn to the role that the National Counterterrorism Center is playing. Our analysts review all terrorism intelligence, collected both inside and outside of the United States. We have access to the full catalogue of reporting, both foreign and domestic, on terrorism issues, and our workforce includes representatives from across the government, including from the Department of Homeland Security. They reflect a wide range of viewpoints and perspectives.

Today, we are facing a dynamic and complex threat environment, and we are seeking to adapt to that threat. I would like to focus on a couple of key initiatives that we have adopted to, in particular, focus on the threat to the U.S. homeland.

In 2010, NCTC created the Pursuit Group. This group is designed to develop tactical leads and to pursue terrorist threats. The Pursuit Group analysts at NCTC help ensure that terrorism cases are examined thoroughly, focusing on the details and connections that could yield relevant information. These analysts provide leads to operational organizations, like DHS and the FBI and the CIA.

Second, we continue to implement important reforms in the watch listing process. We have improved our processing and information-sharing in support of that mission. As the threat continues to evolve, our experts on watch listing work closely with the rest of the CT community to expedite the sharing of information and to build more complete terrorist identities.

Additionally, we have implemented several improvements to our information technology. Our counterterrorism data layer is being developed to process relevant information and to allow analysts to search and correlate terrorism information in a single environment.

Later this week, Mr. Chairman, the London Olympics begin. For the past 2 years, NCTC, in coordination with our intelligence community and British partners, has been leading the U.S. effort to make sure that we are collecting and analyzing and sharing all potential threat information relating to the Olympics and that we are in a position to respond quickly to prevent any possible plotting tied to the games.

Finally, if I may say, that all of these activities must be consistent with the protection of privacy and civil liberties of the American people. As NCTC's director, I am committed to making sure that we retain the trust and the confidence of our citizens.

I would like to close these opening remarks by identifying our single most important resource, and that is our people. As we bolster our efforts to meet the challenges posed by the threat I have described, our progress is dependent on maintaining and developing a diverse workforce, much of which comes from other agencies like the Department of Homeland Security. I am proud to lead such a committed group of professionals.

Mr. Chairman and Ranking Member Thompson and Members of the committee, thank you for this opportunity. Thank you for your continued support of our mission and the men and women of the National Counterterrorism Center. I am happy to answer your questions.

[The statement of Mr. Olsen follows:]

PREPARED STATEMENT OF MATTHEW G. OLSEN

JULY 25, 2012

Thank you Chairman King, Ranking Member Thompson, Members of the committee. I appreciate this opportunity to be here today to discuss the terrorist threat against the United States and our efforts to counter it.

I also want to express my appreciation to the committee for your steadfast leadership and your support of the National Counterterrorism Center (NCTC). I am particularly pleased to be here today with Secretary Napolitano. The Department of Homeland Security and NCTC are strong and vital partners in the fight against terrorism.

I have now served as Director of NCTC for close to 1 year. During this year, with the support and guidance of Congress, we have made significant progress in the fight against terrorism. Our Nation has placed relentless pressure on al-Qaeda's leadership. We have denied the group safe havens, resources, and the ability to plan and train. Following the death last year of Usama bin Ladin, several of his top lieutenants have been eliminated. The leaders that remain lack experience and are under siege. They have limited ability to recruit and communicate with other operatives. In short, the intelligence picture shows that al-Qaeda core is a shadow of its former self, and the overall threat from al-Qaeda in Pakistan is diminished.

Further, the Government has disrupted terrorist attacks in the United States and abroad. Our intelligence officers have worked to identify and stop terrorist plots before they are executed. And we have investigated and prosecuting individuals who have sought to carry out and supported terrorist operations.

In addition, we have continued to build an enduring counterterrorism framework—including institutions like NCTC and DHS—dedicated to analyzing and sharing terrorism information across the Government and to the mission of detecting and preventing terrorist attacks against our citizens and interests around the world.

The credit for these successes belongs to the men and women in our military, law enforcement, and intelligence communities.

While these gains are real and enduring, al-Qaeda, its affiliates and adherents around the world—as well as other terrorist organizations—continue to pose a significant threat to our country. This threat is resilient, adaptive, and persistent.

More than a decade after the September 11 attacks, we remain at war with al-Qaeda, and we face an evolving threat from its affiliates and adherents. America's campaign against terrorism did not end with the mission at bin Ladin's compound in Abbottabad, Pakistan. Indeed, the threats we face have become more diverse. As al-Qaeda's core leadership struggles to remain relevant, the group has turned to its affiliates and adherents to carry out attacks and to advance its ideology. These groups are from an array of countries, including Yemen, Somalia, Nigeria, Iraq, and Iran. To varying degrees, these groups coordinate their activities and follow the direction of al-Qaeda leaders in Pakistan. Many of the extremist groups themselves are multi-dimensional, blurring the lines between terrorist group, insurgency, and criminal gang.

Confronting this threat and working with resolve to prevent another terrorist attack is NCTC's overriding mission. We continue to monitor threat information, develop leads, work closely with domestic and international partners, and develop strategic plans to combat our terrorist adversaries. Today I can report that, while we have taken important steps against al-Qaeda and other terrorist groups, much work remains. And the dedicated professionals at NCTC, along with our partners across the Government and overseas, remain steadfast, and committed to sustaining and enhancing the effort to protect the Nation.

In my statement, I will begin by examining the terrorist threats to the homeland and to U.S. interests. I will then describe NCTC's role in addressing these threats and some of the key reforms and initiatives we have adopted.

#### THE TERRORIST THREAT IN TRANSITION

##### *Pakistan-based al-Qaeda Core*

Over the past year, sustained CT pressure has systematically degraded Pakistan-based al-Qaeda's leadership and operational capabilities. These efforts have left the group at its weakest point in the last 10 years. Although core al-Qaeda remains committed to its overarching goals, it is clearly a group in decline.

The death of Usama bin Ladin on May 2, 2011 removed al-Qaeda's founder and leader and its staunchest proponent of spectacular attacks against the U.S. homeland. The subsequent losses of several of bin Ladin's top lieutenants and senior operational planners—including general manager Atiyah Abd al-Rahman last August and his replacement Abu Yahya al-Libi this June—have eroded the group's bench of potential leaders and have shaken al-Qaeda's sense of security in Pakistan's tribal areas. Remaining leaders have been driven underground to varying degrees and the group has shifted a substantial portion of its attention from terrorist plotting to security and survival.

Operationally, core al-Qaeda has not conducted a successful operation in the West since the 2005 London bombings. The group, however, remains committed to striking Western targets, including the United States. Its degraded capabilities almost certainly will compel operational planners to place a greater emphasis on smaller, simpler plots that are easier to carry out.

Since bin Ladin's death, multiple al-Qaeda leaders have publicly endorsed the concept of individual acts of violence. We remain concerned that individuals like alleged Fort Hood shooter Nidal Hassan and Toulouse shooter Mohammed Merah may inspire other like-minded individuals to conduct attacks in al-Qaeda's name.

Despite its shrinking leadership cadre, al-Qaeda continues to issue propaganda and media statements specifically focused on the Arab unrest. Persistent conflict in places such as Yemen, Libya, and Syria, and the impending withdrawal of U.S. forces from Afghanistan, may provide core al-Qaeda a propaganda opportunity to claim victories over the United States and reinvigorate its image as the leader of the global movement. Senior leaders almost certainly recognize that the Coalition drawdown in Afghanistan presents an opportunity for the group to reconstitute in parts of the country and in propaganda declare a major victory.

*Al-Qaeda's Affiliates: A Persistent and Diversifying Threat to the U.S. and Overseas Interests*

**AQAP.**—Al-Qaeda in the Arabian Peninsula (AQAP) remains the affiliate most likely to attempt and carry out transnational attacks, including against the United States. Despite Anwar al-Aulaqi's death, the group maintains the intent and capability to conduct anti-U.S. attacks with little to no warning.

In its three attempted attacks against the U.S. homeland—the airliner plot of December 2009, an attempted attack against U.S.-bound cargo planes in October 2010, and an airliner plot this May—AQAP has shown an awareness of Western security procedures and demonstrated its efforts to adapt. The death of al-Aulaqi probably temporarily slowed AQAP's external plotting efforts but did not deter the group from attempting another aviation attack in May. We are also concerned by AQAP's efforts to exploit the security vacuum associated with the Arab Spring, although the group has suffered recent setbacks in these efforts.

AQAP also remains intent on publishing the English-language *Inspire* magazine—previously spearheaded by al-Aulaqi and now-deceased Samir Khan—in order to mobilize Western-based individuals for violent action. While the deaths of al-Aulaqi and Khan have affected the quality of the magazine, the publication endures and continues to reach a global audience of violent extremists.

**AQIM and Boko Haram.**—Al-Qaeda in the Lands of the Islamic Maghreb (AQIM) and Boko Haram remain focused on local and regional attack plotting, including targeting Western interests in Nigeria. The groups have shown minimal interest in targeting the U.S. homeland.

AQIM is actively working with local violent extremists in northern Mali to establish a safe haven from which to advance future operational activities. While Boko Haram is primarily focused on plotting against targets in Nigeria, in April a spokesman for the group publicly threatened to find a way to attack a U.S.-based news outlet if its coverage of Islam did not change.

**Al-Qaeda in Iraq.**—Since the withdrawal of U.S. forces from Iraq late last year, al-Qaeda in Iraq (AQI) has conducted numerous high-profile attacks there and this year has carried out coordinated country-wide attacks against government, security, and Shia civilian targets. During the past 2 years AQI has continued to release media statements supporting global extremism.

AQI's propaganda statements have cited its support for uprisings against secular governments in the Middle East and North Africa and, in a June statement, the group expressed solidarity with the Syrian Sunni population. In January 2011 it published an explosives training video that called for lone-wolf attacks in the West and against so-called apostate regimes in the Middle East.

During the past 2 years, American and Canadian authorities have arrested several North America-based AQI associates, highlighting the potential threat posed by to the United States. The FBI in May 2011 arrested Kentucky-based Iraqi nationals Waad Alwan and Shareef Hamadi for attempting to send weapons and explosives from Kentucky to Iraq and conspiring to commit terrorism while in Iraq. Alwan pled guilty to supporting terrorism in December. In January 2010, Canadian authorities arrested dual Iraqi-Canadian citizen Faruq Isa who is accused of vetting individuals on the internet for suicide operations in Iraq.

**Al-Shabaab.**—We continue to monitor al-Shabaab and its foreign fighter cadre as a potential threat to the United States, although the group is mainly focused on combating the on-going Kenyan and Ethiopian incursions into Somalia which have eroded its territorial safe haven since late last year.

The group, which formally merged with al-Qaeda in February, also remains intent on conducting attacks against regional and Western targets in East Africa, especially in countries supporting Transitional Federal Government (TFG) and allied forces in Somalia. Probable al-Shabaab sympathizers recently conducted several low-level attacks in Kenya. Al-Shabaab leaders publicly have called for transnational attacks, including threatening to avenge the January death of British national and al-Shabaab senior foreign fighter Bilal Berjawi.

OTHER TERRORIST THREATS

**Lebanese Hizballah.**—Lebanese Hizballah has intensified its terrorist activities around the world and we remain concerned that the group's activities endanger U.S. interests and citizens, as well as our allies.

Since May 2008, Hizballah plots against Israeli targets in Azerbaijan, Egypt, and Israel have been disrupted, and additional operational activity in Turkey has reportedly been uncovered. The Government of Israel has cited possible Hizballah involvement in the July 18 terrorist attack in Burgas, Bulgaria. Hizballah has engaged in an increasingly aggressive terrorist campaign since the end of its 2006 war with

Israel and probably accelerated by the death of its operations chief Imad Mughniyah in Syria in 2008.

In Thailand this past January, a dual Lebanese-Swedish citizen and suspected Hizballah facilitator was arrested by the Royal Thai police at the Bangkok airport as he prepared to leave the country. Following his arrest, the individual gave the location of two buildings where Thai authorities found a large supply of explosive precursors. The disrupted attack may have targeted Israelis in an area popular with tourists from many countries, including the United States.

*Iranian Threat.*—Iran remains the foremost state sponsor of terrorism. Since 9/11 the regime has expanded its involvement with terrorist and insurgent groups—primarily in Iraq and Afghanistan—that target U.S. and Israeli interests.

Iran's Islamic Revolutionary Guard Corps-Qods Force and Ministry of Intelligence and Security have been involved in the planning and execution of terrorist acts and the provision of lethal aid—such as weapons, money, and training—to these groups, particularly Lebanese Hizballah. Iran's relationship with Hizballah since 9/11 has evolved from a traditional state sponsor-proxy relationship to a strategic partnership that provides a unified front against Israel and the United States.

The disrupted Iranian plot to assassinate the Saudi Ambassador to the United States last fall demonstrates that Iran is more willing to conduct terrorist operations inside the United States than was previously assessed. As part of the plot, the Islamic Revolutionary Guard Corps-Qods Force attempted to use a dual Iranian-U.S. national to recruit Mexican criminal organizations to conduct the assassination, raising our concerns that Iran may seek to leverage other Mexican contacts for activities in the United States.

*South Asia-Based Militants.*—Pakistani and Afghan militant groups—including Tehrik-e Taliban Pakistan (TTP), the Haqqani Network, and Lashkar-e Tayyiba (LT)—continue to pose a direct threat to U.S. interests and our allies in the region, where these groups probably will remain primarily focused. We continue to watch for signs that any of these groups, networks, or individuals are actively pursuing or have decided to incorporate operations outside of South Asia as a strategy to achieve their objectives.

TTP's recent claim of responsibility for the beheading of 17 Pakistani soldiers and its threat to attack Coalition supply lines through Pakistan underscore the threat the group poses in the region. TTP leaders have repeatedly threatened attacks against the United States, including after the death of bin Ladin in May 2011. TTP's claim of responsibility for the failed Times Square bombing in May 2010 demonstrates its willingness to act on this intent.

The Haqqani Network has orchestrated and carried out multiple attacks against NATO and Afghan Government targets in Afghanistan, notably the 18-hour multi-pronged assault against military, security, and government facilities in Kabul and three other cities in April.

LT leaders have maintained a regional focus. LT leaders almost certainly recognize that an attack in the United States would bring intense international backlash upon Pakistan and endanger the group's safe haven there. LT provides training to a wide range of Pakistani and Western militants, some of whom could plot terrorist attacks in the West without direction from LT leaders. LT members frustrated with the group's focus on South Asia likewise could leave LT to join a more globally focused group like al-Qaeda.

LT has demonstrated a willingness to attack Western interests in South Asia in pursuit of its regional objectives, as it did through a high-profile operation targeting hotels frequented by Westerners during the Mumbai attacks in 2008.

#### *Homegrown Violent Extremists*

Homegrown violent extremists (HVEs), including those who are inspired by al-Qaeda's ideology, continue to pose a threat to the United States. HVEs inspired by al-Qaeda are almost certainly entering a period of transition as U.S.-based violent extremists adjust to the deaths and disruption of influential English-language figures who helped al-Qaeda's ideas resonate with some in the United States.

Now-deceased AQAP members Anwar al-Aulaqi and Samir Khan were probably best positioned to create propaganda specifically for an American audience and mobilize HVEs. Their propaganda remains easily accessible on-line and will likely continue to inspire HVE violence.

The growth of on-line English-language extremist content during the past 3 years has fostered a shared identity—but not necessarily operational collaboration—among HVEs. Plots disrupted during the past year were unrelated operationally, but may demonstrate a common cause rallying independent violent extremists to plot against the United States.

Lone actors or insular groups pose the most serious HVE threat to the homeland. HVEs could view lone-offender attacks as a model for future plots in the United States and overseas. The perceived success of previous lone-offender attacks combined with al-Qaeda and AQAP's propaganda promoting individual acts of terrorism is raising the profile of this tactic.

The arrests last year of Texas-based Saudi Khalid Aldawsari and U.S. Army Private First Class Naser Abdo, as well as the successful attack in France, underscore the threat from lone offenders who are able to adapt their plans quickly by rapidly changing time lines, methods, and targets to meet existing circumstances—all without consulting others.

#### THE ROLE OF NCTC

##### *NCTC's Core Missions*

The overarching mission of the NCTC is to lead the effort to combat international terrorism. In 2004 the 9/11 Commission observed that, "the United States confronts a number of less visible challenges that surpass the boundaries of traditional nation-states and call for quick, imaginative, and agile responses." That observation—as true today as it was in 2001—led the Commission to recommend the creation of a National Counterterrorism Center: "Breaking the mold of national government organization, this NCTC should be a center for joint operational planning and joint intelligence."

In 2004 Congress established NCTC. The Intelligence Reform and Terrorism Prevention Act set forth NCTC's key responsibilities as detailed below. These responsibilities are captured in NCTC's mission statement: "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 unity of effort."

*Intelligence Integration and Analysis.*—NCTC serves as the primary organization in the U.S. Government for analyzing and integrating all intelligence possessed or acquired by the Government pertaining to international terrorism and counterterrorism. NCTC has a unique responsibility to examine all international terrorism issues, spanning geographic boundaries, and allowing for intelligence to be analyzed regardless of whether it is collected inside or outside the United States.

NCTC has access to the catalogue of reporting—both foreign and domestic—on terrorism issues. NCTC's strategic analyses are vetted and coordinated throughout the intelligence community, which adds multiple analytic perspectives. NCTC produces coordinated assessments on such critical terrorism issues as terrorist safe havens, state sponsors of terrorism, counterterrorism cooperation worldwide, and regional terrorism issues and groups. NCTC also regularly prepares intelligence assessments that are integrated into NCTC's Directorate of Strategic Operational Planning to inform policymakers on the progress of U.S. counterterrorism efforts.

NCTC's analytic cadre includes detailees and assignees from across the intelligence community and Government, ensuring NCTC products reflect the diversity of the entire intelligence community and not the analytic view of one group or agency.

*Watchlisting.*—NCTC hosts and maintains the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support. NCTC has developed and maintains the Terrorist Identities Datamart Environment (TIDE) on known and suspected terrorists and terrorist groups. In this role, NCTC advances the most complete and accurate information picture to our partners to support terrorism analysts. We also support screening activities that ultimately help prevent terrorist plans and operations against U.S. interests.

*Situational Awareness and Support to Counterterrorism Partners.*—NCTC provides direct support to counterterrorism partners at both the Federal and State and local levels.

In particular, our unique, centralized access to intelligence information on terrorist activity enables our analysts to integrate information from foreign and domestic sources and to pass that information in a timely manner to domestic agencies. Below are several examples:

- NCTC provides around-the-clock support to domestic counterterrorism activities through the NCTC Operations Center, which is collocated with FBI Counterterrorism Division Watch. NCTC produces and disseminates daily situational awareness products and chairs thrice-daily secure video teleconferences to facilitate timely information exchanges between all counterterrorism partners.
- The Interagency Threat Assessment and Coordination Group (ITACG), located at NCTC and led by DHS and FBI, brings together Federal and non-Federal



intelligence, law enforcement, and first responder detailees, who are dedicated to bridging the intelligence information gap between traditional intelligence agencies and State, local, Tribal, and private-sector partners. ITACG ensures that shared information is both timely, relevant, and transformed into situational awareness products for public safety officials—including police officers and firefighters—enhancing their capabilities to quickly assess and effectively respond to suspected terrorist activities.

- NCTC expedites the dissemination of information at unclassified levels to support DHS and FBI efforts to inform law enforcement and local officials of potential dangers to include near-real-time export of watch-list data to the FBI's Terrorist Screening Center.
- NCTC provides threat information to DHS regarding individuals who have been identified as overstaying their visas in the United States, and we work regularly with DHS and FBI to provide briefs to Federal, State, and local officials at Fusion Centers regarding counterterrorism matters.
- NCTC ensures the timely dissemination of finished intelligence and situational reporting via the NCTC Online CURRENT—the premier classified website and repository for counterterrorism reporting and analysis. The site is available on JWICS with more than 10,000 monthly users from 45 different organizations and on DHS's Homeland Secure Data Network to certain State and local officials in the Fusion Centers and at FBI-led Joint Terrorism Task Forces (JTTFs).

*Strategic Operational Planning.*—NCTC is charged with conducting strategic operational planning for counterterrorism activities, integrating all instruments of National power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities. In this role, NCTC looks beyond individual department and agency missions toward the development of a single, unified counterterrorism effort across the Federal Government. NCTC develops interagency counterterrorism plans to help translate high-level strategies and policy direction into coordinated department and agency activities to advance the President's objectives.

These plans address a variety of counterterrorism goals, including regional issues, weapons of mass destruction-terrorism, and countering violent extremism. The strategic operational planning process integrates all phases of the planning cycle—developing a plan, monitoring its implementation, and assessing its effectiveness and resource allocations—and creates communities of interest to coordinate and integrate implementation.

For example, NCTC is joining with the Department of Homeland Security and the Federal Bureau of Investigation to conduct workshops across the United States that enable cities to better develop and refine their response plans to evolving terrorist threats. These “Joint Counterterrorism Awareness Workshops” increase the ability of Federal, State, local, and private-sector partners to respond to a threat by discovering gaps in capabilities, planning, training, and resources; and identify existing programs or resources that can close those gaps. The workshops also provide a venue to share best practices at the State and local levels and serve as a basis for identifying issues and gaps that may subsequently be addressed Nation-wide.

#### KEY NCTC INITIATIVES

Facing a dynamic and complex terrorist environment, NCTC is changing and adapting to build on the past several years of experience to meet these threats and the challenges they present. With lessons learned from AQAP's December 2009 failed airline bombing and other plots, NCTC has implemented several key initiatives to advance our ability to identify and prevent terrorist attacks.

*Pursuit Group.*—NCTC created the Pursuit Group to develop tactical leads and pursue terrorism threats. The formation of the Pursuit Group has provided the counterterrorism community with a group of co-located analysts that have unparalleled data access and expertise, enabling the Pursuit Group to focus exclusively on information that could lead to the discovery of threats aimed against the homeland or U.S. interests abroad.

With teams comprised of personnel from across the intelligence community, with access to the broadest range of terrorism information available, Pursuit Group analysts are able to identify actionable leads that could otherwise remain disconnected or unknown. Pursuit Group analysts can ensure that terrorism cases are examined as thoroughly as possible by pursuing non-obvious and unresolved connections, identifying unknown, known, or suspected terrorists, and focusing on seemingly unimportant details that could yield relevant information. The Pursuit Group provides

investigative leads, collection requirements, and potential source candidates to operational elements like the FBI, CIA, or DHS for intelligence purposes or action.

*Watch-listing and TIDE Enhancements.*—NCTC has adopted important reforms in the watch-listing process and has improved NCTC's receipt, processing, and quality of information sharing in support of the Center's watch-listing and screening responsibilities. One of the key gaps we identified in the watch-listing process was the need to enhance existing TIDE records with additional information. NCTC is now taking a more aggressive and innovative approach to seek methodologies and data repositories to ingest biographic, biometric, and derogatory information. As the threat continues to evolve, our watch-listing experts are proactively working with NCTC's Pursuit Group and the counterterrorism community to expedite the sharing of information to build more complete terrorist identities. We have also enhanced our ability to store, compare, match, and export biometrics such as fingerprint, facial images, and iris scans.

The community watch-listing guidance was revised in 2010 to provide flexibility to push forward information that previously had not met the requirements. Nevertheless, nominations of U.S. persons to a watch list must still be supported by "reasonable suspicion" that the person is a "known or suspected terrorist," and a person cannot be watch listed based solely upon a First Amendment-protected activity, or based solely upon race, ethnicity, or religious affiliation.

*Information Sharing.*—NCTC is promoting information integration and sharing across the counterterrorism community with the development of the Counterterrorism Data Layer (CTDL). The CTDL provides users a single access point to millions of pieces of Government counterterrorism-related data gathered from multiple data sets. Prior to December 2009 analysts were required to manually search multiple networks and integrate information. Now, NCTC's CTDL is being developed to ingest relevant data and to allow NCTC analysts to identify, search, exploit, and correlate terrorism information in a single environment.

Thanks to the support of our key counterterrorism partners, including DHS and the FBI, NCTC is acquiring priority data sets for ingestion. For the first time, NCTC analysts can search across key homeland security and intelligence information and get back a single list of relevant results. Moreover, sophisticated analytical tools are in place to permit analysts to conduct analytic searches, conduct link analysis and data visualization, and triage information.

Finally, we are committed to handling data in a manner that retains the trust of the American people and remains true to the oaths we have taken to support and defend the Constitution. Specifically, we protect information relating to United States persons through procedures approved by the Attorney General under Executive Order 12333, and we adhere to the requirements of the Privacy Act. Compliance with these protections is reviewed at several levels—including NCTC's Civil Liberties and Privacy Officer, ODNI's Office of General Counsel, ODNI's Civil Liberties and Privacy Office, and the Intelligence Community Office of Inspector General.

*NCTC Domestic Representatives.*—NCTC has developed a domestic representative cadre, deploying officers to serve as counterterrorism liaison representatives in seven cities around the country. These officers are embedded with FBI joint terrorism task forces and with fusion centers where they bring the National counterterrorism intelligence picture to regional Federal, State, and local officials. The NCTC representatives engage with counterterrorism partners, at all levels, and provide analytic insights drawn from the full catalogue of counterterrorism intelligence collection. Based on the positive feedback we have received about this program, we are sending representatives to two additional cities and will be aligned with the DNI domestic representative program to provide Nation-wide coverage.

*Countering Violent Extremism.*—As our understanding of the threat evolves, so too must our approach to defeating it. Over the past 10 years, the Government has expanded its counterterrorism efforts to include a focus on preventing al-Qaeda and its adherents from recruiting and radicalizing to violence the next generation of terrorists. We recognize that al-Qaeda's recruitment is not constrained by geographical boundaries, which is why we are working closely with U.S. Government partners both overseas and at home. We also recognize that communities are best placed to identify and prevent recruitment efforts.

Therefore, working side by side with FBI, DHS, DOJ, State, and DoD, we are building whole-of-Government approaches focusing on expanding Government and community understanding of all forms of violent extremism, including al-Qaeda-inspired radicalization to violence. Domestically, in partnership with DHS and FBI, NCTC developed a "Community Awareness Briefing" to inform members of American communities about the threat of terrorist recruitment and to facilitate discussions with those communities about their role in to catalyzing efforts to counter the al-Qaeda narrative. NCTC is working with Federal, State, and local partners to

broadly disseminate the briefing to communities around the country. Internationally, NCTC works with our colleagues at the State Department to support CVE work in embassies across Europe, North Africa, and South Asia.

NCTC continually examines al-Qaeda-inspired violent radicalization in order to understand and track this dynamic threat. NCTC's Directorate of Intelligence published the *Radicalization Dynamics Primer*, which includes a new framework that conceptualizes the process of radicalization, mobilization, and engagement in violent action for al-Qaeda-inspired individuals. The Primer was coordinated throughout the intelligence community, and is intended as a reference guide for U.S. policymakers, law enforcement officers, and analysts—including civilian and military personnel—who assess or take action on radicalization to violence trends in their areas of responsibility. NCTC, in collaboration with FBI and DHS, also developed a training curriculum to enable law enforcement and Government agencies to more effectively identify, counter, and report on violent extremists in the homeland. Several hundred Federal, State, local government, and law enforcement representatives across the country have received the training and given it positive reviews.

*Support to the London Olympics.*—NCTC, in coordination with the U.S. intelligence community, is leading the effort to coordinate U.S. intelligence integration as we approach 2012 Olympic Games in London. The Olympics present a potential target for terrorists and other disruptive groups. We are working closely with our British counterparts to ensure that we are collecting, analyzing, and sharing all potential threat information relating to the Olympics and that we are in a position to respond quickly to prevent any possible plotting tied to the Games. In particular, NCTC, with our intelligence community partners, established a Threat Integration Center, designed to operate around the clock providing real-time situational awareness and threat analysis.

Chairman King, Ranking Member Thompson, and Members of the committee, thank you for the opportunity to testify before you this morning.

The talented men and women who work at NCTC perform a unique and vital service to the Nation, and we benefit from the integration of analysts and planners from across the intelligence community, the U.S. military, and other Federal, State, and local partners. As NCTC bolsters its efforts to meet the challenges ahead, our progress is dependent on our diverse and dedicated workforce. Maintaining this diversity through continued commitment from intelligence agencies and other organizations is a priority for the Center.

The men and women I am privileged to represent appreciate the intelligence committee's bipartisan interest and support as they work around the clock to identify and disrupt potential terrorist threats. And while perfection is no more possible in counterterrorism than it is in any other endeavor, NCTC, in partnership with DHS and the rest of the counterterrorism community, continues to work day and night to reduce the likelihood of a successful attack.

Thank you for your continued support of our mission, and I would be happy to answer any questions the Members of the committee may have.

Chairman KING. Thank you, Director Olsen. I understand you are accompanied today by one of your main advisers, Nate Olsen, who is sitting here in the front row. I want to welcome him, your son, to the hearing.

Mr. OLSEN. That is right. Thank you very much.

Chairman KING. Thank you.

Secretary Napolitano, I would like to discuss the whole issue of Hani Nour Eldin, who is the Egyptian member of the Islamic Group who was here in the country, and what this portends for the future, as we go forward, with representatives coming from the Middle East.

My understanding of the Immigration and Nationality Act is anyone who belongs to a designated foreign terrorist organization, before receiving a visa, must apply and receive a waiver from the Secretary of State and the Secretary of Homeland Security. I know we have seen a number of them—for instance, you and Secretary Clinton signed one for a member of the Iraqi National Congress, and this has been the procedure, I guess, since 1996, 1997. If you

are designated FTO—if you belong to it, you cannot come into the country without getting a waiver.

Now, my understanding is that Eldin, who is an elected official in Egypt, was a part of a delegation that came to Washington, went to the White House, went to the National Security Council, and also met with Members of Congress. He is a member—according to his own Facebook page—of the Islamic Group, which is a designated foreign terrorist organization. Yet he was given a visa, never applied for a waiver. No waiver was given. When he arrived at Kennedy airport, he did not go through any secondary inspection.

He was at the White House, he asked for the release of the Blind Sheikh, I understand; met with Members of Congress, who were never told he is a member of a designated foreign terrorist organization.

Now, the reason I ask this question, it appears as if the law was not complied with, in that he did not apply for a waiver. Congress was not notified, which was also required, that whenever a waiver is given, Congress has to be notified that one of these individuals is in the country.

My understanding, also—and I take only information that was provided by your Department in a letter to me—but the reason that said that no waiver was required is because there was no derogatory information found. Yet his own Facebook page says he belonged to a terrorist organization.

The concern I have is, this individual case is one thing. But as we see the results of the Arab Spring, whether it is Egypt, whether it is Libya, hopefully Syria, and other countries in the Middle East, we are going to have people coming to this country or attempting to come to this country who may have had involvement in the past, peripheral or real, with various terrorist organizations.

The administration, whether it is this administration or another administration, may feel that some of these people can be dealt with, can be worked with, but if that is to be done, to me, it would seem to me, it would have to be an open process—a transparent process where Congress and the people would know who was being let into this country, what were the factors that went in to giving this person a waiver, and also at what level that decision is made.

I mean, we went through the situation in the 1940s where people in the State Department said that Mao was an agrarian reformer; or the 1950s, that Castro was a Jeffersonian Democrat. So you can have people making bad decisions.

My question to you is: Who in the State Department, who in the Department of Homeland Security would initiate allowing someone from one of these organizations into the country? For instance—and even if they are not designated as an FTO, as a foreign terrorist organization, you could have the Muslim Brotherhood, without going into details, which may be considered one way in Egypt but another way in Syria, and members of it may have different types of relationships with the organization.

Who is going to be making those decisions? Who is going to give the waiver? Is Congress going to be informed so we will know who is being allowed into the country and who is not and why a waiver is being issued?

Again, I say in this case, with all respect, it does not appear that either letter or the spirit of the law was complied with, with Eldin, who was a self-proclaimed member of a designated foreign terrorist organization.

Secretary NAPOLITANO. Thank you, Mr. Chairman. I think a couple of things. One is, I think you are right in pointing out that, as we move forward, we are going to continue to have visitors to this country that the State Department and others feel are useful to bring to the country, to have discussions moving forward, who in the past—or who say they are members of a political party that in the past has been so designated.

In the particular case you refer to, this was a State Department-selected group. It originated there. He was vetted before he got a visa against all known terrorists and other databases for derogatory information. None was found.

As he entered the United States, we, too, vetted him against all of our holdings, including terrorists and information from a variety of sources. No derogatory was found.

Before he entered the White House, he was vetted a third time by the Secret Service. No derogatory information was found. So then we can have some confidence that this was not a security breach in that sense.

With respect to notification to Congress about this, that is something I will have to look into. I don't know what the status of that was.

Within our organization, when we get a visitor like that—and we have had some in the past—it is usually a combination of our counterterrorism group and CIS that reviews the information, and then oftentimes—not oftentimes, but occasionally, it will actually come up to the Secretary.

Chairman KING. But with all this vetting, the fact is, on his own Facebook page, he said was a member of the Islamic Group, which is a designated foreign terrorist organization. Now, how did that escape the entire vetting process?

Secretary NAPOLITANO. Again, Mr. Chairman, I think we have to add more nuance to that. We have to know, you know, what the group was. Is it now a political party that is running the government of a country that has strong ties with the United States? If that is so, what is the actual derog information? What was the content of the relationship, the substance of the relationship?

In the particular instance you raise, I think everyone who looked at this individual felt confident that he was not a security risk to the White House or to the United States.

Chairman KING. But I think you are proving my point. That was a policy decision. It may or may not have been right. I am not even quibbling with the policy decision. I am saying, under the law, if he belonged to a foreign terrorist organization, a formal process had to be gone through, reasons given why the waiver was going to be granted, and then Congress notified of it. That is the concern I have.

If he was able—even though he had it on his own Facebook page, that he belonged to a foreign terrorist organization, we could have hundreds of people in the situation over the next several years

coming in who may not all brag on their Facebook page that they are a member of a foreign terrorist organization.

So it raises serious questions to me, really, as to then how effective the vetting process is. Or if a policy decision was made, and it was made without Congress intending to be notified, because under—again, if he had applied for a waiver, and it had been granted, you would have had to notify Congress. So Congress was left out of it. He was allowed in without a waiver. I have a real concern.

Director Olsen, do you want to—

Secretary NAPOLITANO. Well, if I might, Mr. Chairman, if I might give you—separate it into substance and process. On the substance, there was no derogatory information. He was vetted multiple times by multiple departments. But on the process, that is a fair point to make.

Chairman KING. Okay. I would say that it is a significant point here, because I made it, but a significant point because, again, if a person belongs to an organization and he is allowed in without applying for the waiver, it is bad enough it happened in this instance, but we could be faced with this situation many times over the next several years, especially involving, for instance, Libya, Syria, hopefully sometime, Egypt is going to be a work in progress.

So I would really ask that that be looked into. I hope the decision is not being made at a policy level with the intention of keeping Congress excluded, which, again, on the face of it, appears to have happened here.

Also, in closing, in the letter I sent to the Department, I understand that Eldin at the White House asked if the Blind Sheikh could be released. He was told the answer is no. But when I asked, what is the position of the Department of Homeland Security regarding any potential transfer or release of Omar Abdel-Rahman, the Blind Sheikh who was the architect of the first World Trade Center attack, quite frankly, your Department didn't answer it. They said he is in the custody of the Justice Department.

Well, the fact is, if he is going to be released, Homeland Security has a real role to play in that. I mean, the Justice Department and the Department of Homeland Security—and, again, it appears as you are not answering—the Department is not answering the question about whether or not there is any intention at any time to release the Blind Sheikh.

Secretary NAPOLITANO. Well, let me just say this. I know of no such intention.

Chairman KING. Okay.

The gentleman from Mississippi.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Madam Secretary, in a hearing in one of our subcommittees last week, we were told that American citizens can be trained to fly planes and not be vetted against a no-fly list. We were told that foreigners are vetted through a robust process that would only start once they are cleared.

The question was whether or not a process could be put where anyone before they are admitted to a flight school would be vetted. Testimony from the Department at that time was it couldn't be

done. Have you looked at that since that testimony was presented to this committee?

Secretary NAPOLITANO. I have.

Mr. THOMPSON. What is your position on it?

Secretary NAPOLITANO. Well, the answer is, yes, there is a distinction between U.S. citizens and foreign persons who are seeking to get flight training. With respect to U.S. citizens who may be on one of our watch lists, there are a variety of ways that we can and do keep abreast of their activities. I don't want to go into those in an open setting.

But the law is somewhat unclear as to whether we can vet a U.S. citizen prior to their application for certification from the FAA. So the Department historically is taking the position that we cannot formally vet them—any U.S. citizen before that application.

Mr. THOMPSON. Well, then I will say that we introduced a bill last week to close that gap. Do you support such legislation?

Secretary NAPOLITANO. Absent an opportunity to see the exact language, I don't want to say support, but I would say the idea behind the bill is something we support, yes.

Mr. THOMPSON. But right now, you also admit that that is a problem?

Secretary NAPOLITANO. It can be a gap, but, again, let me just say, it is a gap that would be easily filled a number of ways. Those for whom we actually have watch list information, there is a variety of ways we receive information about possible flight school training. But it would be nice to tidy up the law a little bit.

Mr. THOMPSON. Thank you. Taking on the Chairman's questions about intent of Congress, Congress passed a law mandating 100 percent cargo screening for inbound containers. You indicated that it can't be done, but that some other things are being done to do that. I think the question for some of us is that this was an act Congress said the Department should do.

I would like to hear where we are on a percentage of screening of containers based on whatever system you are using at this point. Are we 20 percent, 30 percent? Where are we along the goal toward 100 percent?

Secretary NAPOLITANO. Well, we have looked at containers from different angles, as you know, and as we have discussed before—high-risk versus low-risk. We have actually done quite a bit to form and strengthen the international partnerships and the industry partnerships necessary to know and to secure containers and freight as it leaves foreign ports, to the extent we can. There are a lot of foreign ports, it is just physically not available to us to do that.

With respect to inbound, we have an algorithm and other algorithms we use to evaluate high-risk cargo. We do a random selection of a small percentage of other containers.

I would say, Representative Thompson, this is an area that I know that the Department and some in the Congress are at odds about, but there are a lot of ways to protect the ports of the United States and the interior of the United States from dangerous cargo. As we keep in mind the 100 percent law, which we understand is the law, sometimes those laws are very difficult standards to attain, and we have had to move in other directions in the near term

to make sure that we are doing everything we can with respect to cargo.

Mr. THOMPSON. So what percentage screening are you at right now?

Secretary NAPOLITANO. I will get you the exact numbers, but I would differentiate between high-risk and low-risk cargo, and we are very high percentage on the high-risk cargo. Low-risk, as I said, is very small.

Mr. THOMPSON. So you can't give us a number?

Secretary NAPOLITANO. No, I can. I can't give you it at this precise hearing. That number is available.

Mr. THOMPSON. But, Madam Secretary, you know, Congress said you shall do it. They didn't say look at it and come back to us. What I am saying to you is, if the Department differs, you instituted the waiver, but I think you should come back to us and say, you asked for 100 percent, we are at 20 percent. But I think it is not a good omen that we can't get the numbers.

Can you provide us with any task orders that have been issued by the Department, looking for new technology to get us to 100 percent, or anything like that?

Secretary NAPOLITANO. Representative Thompson, we are happy to brief you and your staff again on where exactly we are. All that has been done. The numbers are available. I just don't have them at my fingertips at this hearing.

Let me also say, however, that as we move forward—we have to recognize Congress also gave the Secretary the power to waive that requirement. I think implicit in that is if it is not feasible, practicable, affordable; whether it would have undue interference with all of the cargo that needs to transit into American ports for real-time inventories by the American manufacturers of our country. Those are all things taken into account. Whether that interference with lawful and legal trade, we get enough of a benefit that it makes it worth it. We believe that there are other ways currently available to get there.

Mr. THOMPSON. Well, I am aware of information that you have shared from time to time. What I would ask, that if you have the current rationale for not doing it, and whatever data supporting it, I think some on the committee would be interested in seeing it.

The last question—Mr. Chairman, I appreciate your indulgence. Also, can you tell us how much of this cargo that Congress said should be screened before it comes to this country is actually screened when it gets here?

Secretary NAPOLITANO. Yes, I can give you those numbers. I will be happy to provide those numbers to you.

Mr. THOMPSON. So your testimony is that some of this cargo is already here before we look at it?

Secretary NAPOLITANO. It may be. It depends on the source, but, again, there are multiple layers that go into examining and knowing what is in the containers that are on ships bound for the United States. Some of those layers begin before it gets to the point of exit. It has to do with trusted shippers. It has to do with other initiatives we have, particularly in some of the large ports of the world.



Others have to do with what in particular the Coast Guard does before cargo is allowed to enter a port of the United States. In between, there is the exchange of a lot of the manifest and other information necessary to evaluate whether cargo is high- or low-risk.

So there is a whole system set up—I don't want to leave the public or the committee with the idea that not only we are not doing 100 percent, we are not doing anything. We are doing quite a bit. But the 100 percent as the standard is not yet attainable.

Mr. THOMPSON. Yield back.

Chairman KING. I recognize the gentleman from California, the Chairman of the Subcommittee on Cybersecurity, Infrastructure Protection, Security Technologies, Mr. Lungren—5 minutes.

Mr. LUNGREN. I thank the Chairman. I thank both of our witnesses.

I might just say at the beginning that some discussion about application of lone wolf. While it would not have assisted in the terrible case in Colorado, we did have a debate on the floor of the House about whether we should have the lone-wolf provisions allowed for the Patriot Act, and we won that on the floor. It was consistent with what the administration was supporting. So I appreciate the fact that it is now recognized as a current and continuing threat to us, that is, the operation of a lone wolf.

Madam Secretary, I want to thank your Department for the excellent classified briefing we received on the subcommittee yesterday on Domestic Nuclear Detection Office. I think some of the questions asked with respect to the last issue were addressed there, and I appreciate that. I appreciate the work that is being done there. We are going to have a subcommittee open hearing on that and other issues with DNDO tomorrow.

I was very interested in your prepared testimony with respect to DHS implementing a curriculum for Federal, State, local, and correctional facility law enforcement officers with respect to community-oriented policing. In California, for instance, we have the post officer standards and training commission that establishes the curriculum for all law enforcement officers who are allowed to carry weapons, and community-oriented policing is a part of that. So I look forward to see exactly what your Department has.

I would be most interested in an elaboration on exactly what the indicators of violent extremist activity are that you mention or reference in your prepared testimony. The reason I ask that is this: In the aftermath of the Fort Hood situation, it was very difficult to get some to admit that we had missed a whole lot of red flags with respect to Major Hasan. When we had a joint hearing asking a representative of the administration with DOD about what those indicators or red flags would be and how they would have actually been implemented with respect to Nidal Hasan, it was difficult to get a response.

What I am trying to figure out is, if you are preparing a curriculum that is to assist local and State law enforcement officials as to those signs that hopefully will help us identify before violent behavior takes place, what are those signs?

Secretary NAPOLITANO. Well, a couple of things. One is the curriculum is based on the community policing idea, with the idea that police officers, deputy sheriffs, whatever, are normally in the best

position to witness something, tactics, techniques, other indicators. Without spelling in an unclassified setting what all those indicators are, let me just say that we have involved local law enforcement, including California, in the development of this curriculum.

Part of it includes taking 62 cases of home-grown terrorism or purported terrorism from a variety of ideologies and mapping them out as to what happened so we can precisely look at, well, what were some of the things that—early warning signs, early tripwires, things that should have alerted law enforcement. It can be as simple as communication with known terrorists that becomes available, all the way to unusual purchases of guns and unusual purchases of explosives, explosive materiel.

Mr. LUNGREN. How do you distinguish between the area of protected Constitutional speech versus that which is an indicator of potential violent acts? What I mean is, in Major Hasan's case, we have evidence of the fact that at a setting in which he was supposed to lecture on a medical issue; instead, he went into a rant about the justification for radical Islamists attacking those in the West. Yet that was not reported. That was not acted upon. I would consider that an indicator.

Is that such an indicator in the curriculum that you are presenting to law enforcement, including my State of California?

Secretary NAPOLITANO. Perhaps. I don't want to get into Hasan, the FBI, DOD issues there. I think Judge Webster has issued a report on that now.

But all of these things taken together—so when you actually look at the Department's efforts on CVE, countering violent extremism, they actually are a number of things. No. 1 is, we need to get a better understanding of the roots of violent extremism. What is it that is going on in society that leads to the creation of a violent extremist? Can we get at some of those root causes?

No. 2, how do we partner with nongovernmental agencies, NGOs, other groups that may come into contact with someone who is moving from your espousal of beliefs to actually becoming pre-operational and operational?

Then No. 3 is, how do we better train our local law enforcement to be aware of tactics and indicators? I think one of the best ways we can do that is to provide case studies and analysis either from events that happened within the United States or like Merah that happen in other countries.

Chairman KING. The time of the gentleman is—Director Olsen, you want to—

Mr. OLSEN. Yes, if I could just add a couple of points. DHS, under Secretary Napolitano's leadership, is taking the lead on this, along with FBI and Department of Justice and us at NCTC.

One way that we contribute to this effort is analytically. We have a group of analysts that look at the question of radicalization. We have generated a number of analytic products to help understand exactly what you are talking about, Congressman, in terms of the pathway from radicalization to mobilization to violence, helping to explain what those identifiers are so that we can then use that in training to sensitize local law enforcement and first responders to recognize those signs, and then to take action when somebody is on that path. We can stop that person before they do take action.

Mr. LUNGREN. I appreciate that. I am just very concerned about this. I mean, Tony Blair said just 2 days ago that the West is asleep on this issue—that even he underestimated the power of the narrative of the violent Islamists.

Chairman KING. The time of the gentleman is expired.

Mr. LUNGREN. It is a powerful statement, and I just hope that we have learned from our—

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

Ms. JACKSON LEE. I thank the Chairman and the Ranking Member for this hearing and acknowledge the witnesses and thank them for their presence this morning. Good morning.

First, let me acknowledge the passing and funeral of Inspector Phillip Prater, who was assigned to the Houston division of the Federal Protective Service. His on-going service indicated the stellar record of service, and I am grateful that Director Patterson was able to attend, Madam Secretary. I hope we will have a dialogue over the next couple of days.

Let me thank you for your letter of sympathy to the family. I would just like to put on the record, there is a need for a more responsive H.R., human resources. If you could look into that, I would appreciate it, in terms of working with the family.

Let me ask a question that—if the Homeland Security Department was operable in 1993—I think it was—1993, 1994—in the action of the Oklahoma bombing—

Secretary NAPOLITANO. Nineteen ninety-five.

Ms. JACKSON LEE [continuing]. Nineteen ninety-five. Thank you. Would that have been considered domestic terrorism and under the Homeland Security Department?

Secretary NAPOLITANO. Yes, I actually worked on that case. I would say, Representative, that, yes, that had all the hallmarks of domestic terrorism.

Ms. JACKSON LEE. Do we as a Department—your Department, our opportunity in review—concern ourselves with domestic terrorism, meaning actions that may be driven by American citizens?

Secretary NAPOLITANO. Yes, Representative. As I testified, I think Matt testified, we look at terrorism from abroad and from within. It can be Islamist. It can be motivated by other ideologies, but yes.

Ms. JACKSON LEE. So would a situation that would have wired and set booby traps and others in a residential dwelling, that has now left dwellers outside of their home for a period of time, and if it had been triggered, could have caused massive loss of life, would that warrant homeland security involvement? Does a local jurisdiction have to call you for that?

Secretary NAPOLITANO. Well, the Aurora tragedy—and a true tragedy—is under investigation. I don't want to get too much into the comment on that, because there is a lot we still don't know. But I would say that, with respect to the response—and the local police, by the way, if I might make this point—one of the things we have been doing is doing a lot of training around the country on how to respond to different types of terrorist potential attacks.

One of the scenarios we have been training across the country for is something along the lines of a Mumbai-style attack, where you

have multiple shooters, organized. We had actually coincidentally—

Ms. JACKSON LEE. Right. I have another—

Secretary NAPOLITANO [continuing]. Just done that training in Colorado.

Ms. JACKSON LEE. I have another question, so if you can—go ahead. Finish.

Secretary NAPOLITANO. Yes. The Aurora police were there, and their response last week is to be commended. But with respect to, is there a Federal process and so forth in an investigation of an incident of that type? Yes.

Ms. JACKSON LEE. Let me express my sympathy to those and applaud for those law enforcement first responders. Of course, this was a very difficult time. I would encourage that Homeland Security be present, because I do believe there are issues of domestic terrorism.

Let me move quickly to another issue on—five Members of Congress attacked a staff person in the State Department on the grounds of being associated with the Muslim Brotherhood—the mother, father, and brother. I do not want to call that staff person's name. I know that staff person as an outstanding American. But they sent a letter to the State Department inspector general.

My question is, broadly, their letter suggests that there are Muslim Brotherhood operatives in the United States Government. To me, that is a Homeland Security issue. My question to you, barring classified information, and if we have to have a classified response at a later time, are you engaged, or have you been notified, or are you investigating the idea of present staff being associated with the Muslim Brotherhood in the United States of America?

They cited the Tariq Ramadan decision, where there was civilization jihad. They cited de facto U.S. recognition of some entities. Where is Homeland Security in this? This is our jurisdiction, if that is a truthful accusation.

Secretary NAPOLITANO. We have looked into this. The FBI has looked into this. We have found no credible evidence that such activity is going on.

Ms. JACKSON LEE. Could you repeat that again, Madam Secretary? Maybe we have not heard you clearly.

Secretary NAPOLITANO. We have looked into it. The FBI looked into it. We have found no credible evidence that such infiltration is going on.

Ms. JACKSON LEE. The FBI, being the component that would have an intelligent component, would it be necessary for the CIA, which we look internationally with their work, but the FBI would have used their intelligence resources? Is that what you are suggesting in their investigation?

Secretary NAPOLITANO. I would assume so, yes. I don't know precisely who they use, but that is what would be my assumption.

Ms. JACKSON LEE. Both the U.S. Department of Homeland Security and the FBI have found no evidence of this?

Secretary NAPOLITANO. That is correct.

Ms. JACKSON LEE. I thank the Chairman.

Chairman KING. The time of the gentle lady is expired.

The gentleman from Texas, Mr. McCaul.

Mr. MCCAUL. Thank you, Mr. Chairman.

I want to thank the witnesses. First, Madam Secretary, let me compliment you on your recent attention to the Caribbean. We chaired an oversight hearing on the Caribbean being the third border. I know that I got reports back from Governor Fortuno and Representative Pierluisi that you did a great job going over there. I certainly appreciate that.

I also chaired a hearing just recently on the use of drones. Now, as you know, Congressman Cuellar and I have been strong advocates for the use of DHS drones down on the border. There is another issue with respect to drones being used throughout the United States in the interior.

I bring this up because the GAO 4 years ago said that the TSA, under DHS, had a role to play with respect to security assessments and a National policy. Then less than a year ago, we had a man who attempted to use this drone, but was thwarted by the FBI, in an attempt to blow up the Pentagon and the United States Capitol.

I have to tell you, I was surprised at the response from your Department was that you had no role with respect to these drones and that you were not going to send witnesses to testify at that hearing. So I just want to register my disappointment.

I personally think that DHS does have a role. In fact, every Member sitting on the subcommittee, both Republican and Democrat, agreed with that assessment. In fact, the witnesses—I mean, it is rare that you have a privacy expert and a law enforcement expert agreeing on the same issue, and that was that DHS has a role through the Office of Privacy and also through Science and Technology and other departments within DHS to deal with this issue.

Can you explain to me why this is not given any attention?

[The information follows:]



Secretary NAPOLITANO. Well, I think—and I can't speak to exactly how the role was expressed last week, but here is what is going on. Yes, you are right. Yes, you are right. We use the drones on the border extensively. With respect to the regulation of drone use in the interior of the United States, which is a relatively new

phenomenon—and I think this was the focus of the committee—the regulatory authority is with the FAA, in part because it is an air traffic control issue. But we are working and will be working with the FAA to make sure that Homeland Security equities are protected.

With respect to science and technology, that directorate, we do have a funded project—I think it is in California—looking at drones that could be utilized to give us situational awareness in a large public safety or disaster such as a forest fire and how they could give us better information—

Mr. McCAUL. Excuse me. My time is limited, but I appreciate that comment. I hope that you—you know, the Ranking Member is prepared to offer legislation with me. I would prefer to see this happen administratively by either Executive Order or within your Department, to coordinate with the Justice Department and the FAA. I do think FAA controls the safety of the airwaves, but doesn't really focus on security, per se. I think that is an appropriate role for the Department.

Director Olsen, Fort Hood occurred not too far from my district. I went to the memorial service. The Webster report just recently came out. Well, since the tragic incident, it has been downplayed. First, it was a workplace violence incident. Senior intelligence officials, including your predecessor, downplayed the e-mail exchanges between Mr. Hasan and Awlaki, which always concerned me.

Since then, we have found out that the San Diego Joint Terrorism Task Force pleaded with the Washington field office to respond to this, as they saw it—threat. The WFO responded that he is doing research; we can't investigate everybody looking at websites; and in one documentation, that this was a politically sensitive issue. I think that failure to contact the DOD resulted in the deaths of 13 soldiers, and next to 9/11, the biggest terrorist attack on American soil.

Real briefly, one of these e-mails particularly, literally outlines exactly what Major Hasan did. It is the one on May 27, 2009. At the end of it, he says, "So I would assume that suicide bombers whose aim is to kill enemy soldiers or their helpers, but also kill innocents in the process, is acceptable."

I mean, there is a huge red flag in this e-mail. You know, as a former DOJ prosecutor, working with JTTFs, I can't imagine—I can see San Diego's concern, and I can't imagine why WFO did not give that greater attention. Do you have any response?

Mr. OLSEN. I can say, Congressman, you know, obviously, the Webster report, an extensive study of exactly how—focused on the FBI, how the FBI responded. I know that the director of the FBI has indicated that a number of the recommendations from the Webster report are being implemented, in terms of changes to information sharing, technology, and policies.

I mean, I can say, at a personal level, also as a former prosecutor, at NCTC, the Fort Hood shooting, along with the 2009 Abdulmutallab attempted attack, are sort of seminal events for us, as far as trying to learn what we can from those lessons. I mean, those are hard-learned lessons. But we need to continue to be vigilant to do better at spotting those types of indicators and sharing that information appropriately.

Mr. McCAUL. Oh, I would sure hope so, when you get a major on a major base in the United States talking to a No. 2 terrorist in the world, and that is not transmitted to the general and the commanding officer in charge of Fort Hood? I think that is absolutely unacceptable.

In particular, after reading these e-mails, I feel misled that senior intelligence officials misled the Congress by downplaying the extent and the importance and significance of these e-mails. I see my time has expired.

Chairman KING. The time of the gentleman has expired.

The gentlelady from—Mr. Cuellar is not here—the gentlelady from California, Ms. Richardson, is recognized for 5 minutes.

Ms. RICHARDSON. [Off mike.]

Chairman KING. Ms. Richardson, it is not working. It is probably not being picked up. Maybe Ms. Clarke can let you—

Ms. RICHARDSON. Will you give me a little more time?

Chairman KING. You have got it. Start over. Oh, that is a new one.

Ms. CLARKE of New York. Try this.

Ms. RICHARDSON. Okay. All right.

Chairman KING. You can start the clock over.

Ms. RICHARDSON. Thank you, sir.

Madam Secretary, as I was explaining, my role here on the committee and also having where I live—Congressman Rohrabacher actually represents the port of both Los Angeles and Long Beach. However, throughout my whole district is all the traffic and the impacts of the port and that part that we both benefit and we also have challenges.

My question to you is as follows, and I want to build upon the questions of Ranking Member Thompson: When you submit the information that you promised for the record, would you also be willing to include in that—and it may require a briefing or a classified briefing to this committee—what do you view as the continuing vulnerabilities within our Nation's ports? What resources might you need to be able to address these gaps in the security of our ports? Because we would like to assist you with that.

No. 3, what is being done to look at specifically the small vessel threats that are now becoming of great concern to us, as well?

I should let you know that, for the record, I did submit a letter to the GAO, and I believe it was provided to you, as well, at the time back on May 7, 2012. So I just wanted to, one, give you an opportunity to respond to your willingness to provide us that information.

Secretary NAPOLITANO. We are always willing, Representative, to work with you on issues of the ports. They are obviously a critical infrastructure for the country. We work with a variety of partners on them. They are complicated entities, particularly large ports like Los Angeles, but, yes, we would be happy to work with you.

Ms. RICHARDSON. And supply the information, too?

Secretary NAPOLITANO. Yes. It may have to be—some of it will undoubtedly be classified, but yes.

Ms. RICHARDSON. Yes, madam. Thank you.

Also, being a part of the Emergency Communications and Preparedness Committee, we recently had an update regarding the re-

forms that have been done due to the grant program. I want to commend you and your staff for establishing transparency with those who utilize those programs within State and local government and getting their thoughts.

I would like to, though, ask you, what do you expect to do in terms of continuing to address how we can make sure that those funds are, in fact, risk-based, versus by traditional formula? Specifically, I am referencing the minimum requirement amount that I believe is in statute that allows, for example, well over \$2 million, I think, to various cities that certainly don't rise to the risk that we see in others.

Secretary NAPOLITANO. Well, I think as the Chairman noted in his opening remarks, we have moved more and more to a risk-based approach to a lot of things, I mean, from how TSA looks at the traveling public to how we deal with containers, to how we award grant monies. There is a little bit of a policy issue, I think, for the Congress to consider; which is to say, at a certain amount, you know, risk evaluation is not perfect. It is somewhat of an art, not a science, and spreading some of the monies around might make sense.

But on the other hand, where we have high-risk areas and known risk areas, we need to be sure to address those.

Ms. RICHARDSON. Okay. Would you be willing, though, to consider working with this committee to establish those policy changes that would give you the ability to ensure that more of those funds are, in fact, risk-based, especially given the tremendous reduction that your Department has, unfortunately, suffered?

Secretary NAPOLITANO. Yes, absolutely. In our fiscal year 2013 budget request, we proposed that the Congress take up all of our grants and look at merging them, reconfiguring them in such a way as to maximize our ability to use risk-based criteria. So we have that proposal before the Congress, and we will be happy to provide you with a copy.

Ms. RICHARDSON. Okay. My other question is, in your response regarding the ports, one of the things that you mentioned of the difficulties of implementing 100 percent cargo inspection is potentially the cost and the international relationships.

Could you describe to the committee what you are doing in conjunction with the trade ambassador to establish these agreements so that we could go forward and have a more stringent system, similar to what we have internationally with passengers?

Secretary NAPOLITANO. Well, I have not personally dealt with the trade ambassador, the trade representative on this. I know our staffs have had discussions. We also have had discussions simply port to port, not with respect to the trade representative, but with respect to the actual shippers, consigners, and forwarders, and the like. So there has been a broad variety of approaches to this issue.

Ms. RICHARDSON. Would you consider meeting with the trade ambassador? Because when we had the trade agreements that came before this Congress, four of them, I asked the trade ambassador specifically, had he worked with you to establish these agreements, so at least for those going forward, we could eliminate this problem? The answer was no.

Secretary NAPOLITANO. Always happy to work with the trade rep.



Ms. RICHARDSON. Okay, thank you.

Mr. Chairman, would you allow me to ask one question to Mr. Olsen?

Chairman KING. Yes, if we can just try to keep it within 30—because Director Olsen has to leave about 12:30, so, yes, go ahead and ask him.

Ms. RICHARDSON. Thank you, sir.

Mr. Olsen, I am sure that you are aware that in this committee, there are many discussions about terrorism intelligence. Could you share with this committee what you would view would be the percentage of intelligence that you receive that implies that the terrorism that this country is facing is based upon those being directed by their Islamic faith?

Mr. OLSEN. A percentage that is directed by—you know—

Ms. RICHARDSON [continuing]. That is motivated by—

Mr. OLSEN [continuing]. I think the way to answer that question is, in terms of our work, certainly a substantial majority of our work focuses on al-Qaeda and its affiliates. So certainly, a substantial majority of NCTC's focus, which is international terrorism, focuses on al-Qaeda and the al-Qaeda ideology.

Chairman KING. The time of the gentlelady is—

Ms. RICHARDSON. But do you—could I just ask a follow-up question, sir? You are very kind.

Chairman KING. Oh, I know that. It is part of my personality. [Laughter.]

Also, you do bring out the best in me.

Ms. RICHARDSON. Oh, you just might get a hug, sir.

Just a follow-up question. But would you view that that al-Qaeda direction is directed and motivated strictly by the Islamic faith? Or is it based upon the perspectives of the work that they do?

For the record, I will submit other questions specifically to this for the record, if you could—

Mr. OLSEN. It is certainly much broader than just faith, so it is a particular brand of ideology that is associated specifically with al-Qaeda and its ideology.

Ms. RICHARDSON. Okay.

Thank you, sir.

Chairman KING. Okay. The time of the gentle lady has expired.

The gentleman from Georgia, Dr. Broun, is recognized for 5 minutes.

Mr. BROUN. Thank you, Mr. Chairman.

Madam Secretary, right after the Fort Hood massacre, members of your Department came here and talked about an alleged attack after 13 soldiers were killed and many were injured. I stated at that time that political correctness was going to kill people. I think it did in that case. The more we have learned about that particular incident, the more there were gaps in communications between your Department and the FBI and other entities, as Mr. McCaul has brought up, and my friend from California, Mr. Lungren has brought up.

It is certainly something that just really concerns me. I think the blood of those dead soldiers falls on the head of members of this Executive branch because they did not do their work and because

political correctness prevented Major Hasan from carrying out the attack that was blatantly obvious to many people.

I hope we change all that, because I think political correctness is going to kill more people if we don't stop it. But had it existed at the time of the Fort Hood incident, how would this new curriculum that you have proposed or described in your written testimony have prevented the tragedy from happening at Fort Hood?

Secretary NAPOLITANO. Representative, first the Webster report goes into the FBI-DOD issues. To my knowledge, and I haven't read the full report, but DHS was not there. But I must take exception to the way the question was worded, because the men and women I work with, the men and women at the FBI, the men and women at NCTC—

Mr. BROUN. Madam, I am asking you about how your curriculum—

Secretary NAPOLITANO [continuing]. They spend 100 percent of their time trying to protect the American people—

Mr. BROUN. Madam Secretary, I apologize I just have a short time and I have got—

Secretary NAPOLITANO. Well, you asked a long question with a lot of insinuation in it, and I—I don't think it is fair to the men and women who work in this area all the time every day.

Mr. BROUN. Well, I asked a question about the new curriculum that you have described. Would it have prevented—if it had been in place at the time prior to the Fort Hood massacre, would it have prevented Major Hasan of carrying out that terrorist attack?

Secretary NAPOLITANO. It is difficult to give you a firm yes or no, but I can tell you the curriculum does go into the indicators of someone who is moving from extreme ideology to operational. We would be happy to provide you a briefing on it.

Mr. BROUN. I would like that. Mr. Lungren, I think, also asked for the similar kind of briefing. I would be very interested in hearing that.

Also, how would the curriculum that you have described in your testimony prevent home-grown terrorist attacks without singling individuals or groups due to their religious or political beliefs?

With that question, I want to remind you that your Department—some individuals in your Department have described anybody who is military—or a military veteran, a gun owner, a Christian conservative, pro-life individual—that is me—as a terrorist. How would you prevent me being singled out as a terrorist, but then find out people like Major Hasan not being a terrorist?

I don't think I am a terrorist, frankly.

Secretary NAPOLITANO. Well, I think, Representative, as you know, the—the report to which you refer was prepared under the prior administration and issued under ours very early on. We have since taken corrective measures to make sure these things are precisely identified.

It is something that requires all of us to continue to look at what are the root causes of terrorism, what are groups that can help us that are outside the Government? As I said before, the public at large can have a role under kind of a “see something-say something” aspect of things.

So this is a very difficult area. We have to be very cognizant of civil rights and civil liberties and privacy interests. We are very cognizant of those. But on the other hand, we are trying to learn lessons after every incident as to what could have been done better. We are not static.

Mr. BROUN. Thank you, madam. My time is about expired and I have got a previous engagement. But I just want to say in closing that we have got to get past this political correctness. We have got to start focusing on those who want to harm us. I think it is going to take intelligence gathering, boots on the ground to do so, within the Department, as well as within the CIA, FBI, as well as the military, to try to prevent these kind of attacks.

Mr. Chairman, I yield back.

Chairman KING. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Clarke, is recognized for 5 minutes.

Mr. Clarke.

Excuse me, Hansen. I don't think your microphone is working either, so maybe—

Secretary NAPOLITANO. I can hear you, but—

Chairman KING. I don't think it is being picked up, though, that is what I am saying.

Secretary NAPOLITANO. Oh, I am sorry.

Chairman KING. You might want to try the other mike.

[Laughter.]

Chairman KING. Actually, Hansen, you could use over here—the one that was just used by Ms. Richardson. I guess that was yours. Yes—Ms. Clarke's microphone. We will go from Clarke and Clarke.

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

Secretary Napolitano, thank you again for recognizing and protecting our aviation system as being a key priority in your administration. As you are well aware, metro Detroit is a known high-risk area. If the underwear bomber had been successful, a huge commercial aircraft could have blown up right over metropolitan Detroit.

My concern is this: How to best warn the public about an imminent danger like this so they can take cover immediately. I feel that one of the most reliable ways to do so would be to alert the public through the free local broadcasting media such as local TV and radio.

While many people in Detroit rely on local television, such as seniors and also just to mention some economic issues facing the region, a lot of people are struggling financially. I mean, just this week I have been working with Fannie Mae to help stop some evictions of homeowners that are currently in foreclosure.

Many households, they can't afford cable, but they have free local commercial TV broadcasting accessible to them. Many folks do have cell phones. The unfortunate issue is that when we had our power grid shutdown and we had a blackout in metro Detroit, the wireless networks got overloaded and we could not communicate with our cell phones.

That is why I think it is important at least to have access to radio broadcasting through cell phones. I will be soon asking the Subcommittee on Emergency Communications Preparedness and

Response to hold a hearing to examine these issues on how we can best alert the public by continuing free local TV broadcasting and enhance the public's access to radio broadcasting.

If you have any thoughts on how we can best alert the public so they can take cover in the event of an attack or other emergency by continuing to offer free local TV broadcasting and enhance free radio broadcasting, I welcome your comments.

Secretary NAPOLITANO. Yes, and we have done quite a bit of work in this area. The plain fact of the matter is you have to use multiple media to get your message out quickly. FEMA has actually done the most work here. But as you note, cell phones go out, but texting may work. Radio, TV, other ways that people receive information through. So there has been quite a developed project, and quite a lot of work done here.

Mr. CLARKE of Michigan. Well, thank you. I look forward to working with FEMA to make sure that our public has access free local broadcasting through TV and radio. I will address this before the FEMA subcommittee as well.

Thank you very much.

Mr. OLSEN. Chairman, if I could add one more point in response to the Congressman's question—

Mr. CLARKE of Michigan. Sure.

Mr. OLSEN [continuing]. About media. Secretary Napolitano referred to training that is being done—DHS, FEMA in the lead—in local communities and how to respond to a shooter or Mumbai-style attack.

Part of that training does involve not only the law enforcement response to a shooter-type incident, but also is there public messaging that must go on in the event of an attack, and how that would play out. The actual workshops run through an exercise, so that exercise helps build capability in those communities. That is something we are working together on.

Mr. CLARKE of Michigan. Okay, thank you Mr. Olsen.

Mr. Chairman, I yield back my time.

Chairman KING. The gentleman yields back.

The gentlelady from Michigan, the Chairwoman of the Border Maritime Security Committee, Mrs. Miller. Mrs. Miller is recognized for 5 minutes.

Mrs. MILLER. Thank you, Mr. Chairman. Hopefully, this microphone is working.

Secretary, you have been asked a number of excellent questions today about the cargo screening. I would just mention that the subcommittee that I am chairing, Border and Maritime, have had a number of hearings about this. I think you will find at least the testimony that we had from your agency was that the percentage of screening right now is in about the 5 percentile.

So it is in the one-digit numerals and it has also been explained to our subcommittee that the estimated cost of compliance of 100 percent would be \$15 billion to \$20 billion—rough guesstimate. So actually, the House recently passed a piece of legislation I sponsored, the Smart Port Act, which really talks about the risk-based assessment, et cetera. But that is not my question.

My question is—I want to talk a little bit—or ask you a question about visa overstays. Again, in the subcommittee, some of the

things that have been rather startling as we think about the amount of illegal aliens that are in the country. Everybody always thinks that somehow that all of them came across the desert.

You know, the truth is in the 40 percentile of all of the illegals that are in the country currently came literally through the front door, through visa overstays. We saw that with the recent Capitol suicide bomber who had been here on a visa overstay for over a decade. Certainly in the case of 9/11, at least four of the terrorists and murderers were here on visa overstays.

In regards to the secure communities now, which I am a huge supporter of, I am just wondering if you could talk a little bit about the criteria for your department for when you apprehend, or when you—when you pull over, for instance, a visa overstay, that may not be here—somebody that you think is a high-level risk, and so we don't deport them because of some of the criteria.

That could have happened even in the case of the 9/11 hijackers that might have been pulled over for routine traffic stop. Maybe had nothing else and then we decided they weren't a high-risk priority.

So I do have some concerns about that, and I wonder if you could address that?

Secretary NAPOLITANO. Well, as I think I have explained in many settings, we are in the immigration enforcement area setting priorities in part because we have resources. We don't have an endless pocketbook. So we have focused on criminals, on recent border crossers, on repeat violators, and others who may be a National security risk. That process is going very well.

With respect to visa overstays, beginning in May 2011, I directed that we go back and see if we could re-identify that population and vet it against law enforcement and intelligence community holdings, and DOD battlefield holdings. As we did that vetting, we actually learned that quite a few of them—almost 50 percent, actually had left the country, that just the documents weren't linked up.

But we have now completed that re-vetting and the priority cases have been referred to ICE for removal. We are current on vetting on visas now.

Mrs. MILLER. Yes, I appreciate that. Actually, there was a backlog of several hundred thousand which I think has been significantly—

Secretary NAPOLITANO. I think the backlog has been eliminated.

Mrs. MILLER. Good to hear that. Good to hear that.

One other question I would have. I mentioned about Secure Communities and, you know, as it has rolled out and now it is almost everywhere really around the country, which has been a tremendous assist, I think, for the first responders, particularly when you look at them as a force multiplier for your various agencies under your umbrella as well in eliminating or deporting, I should say, deporting many of the detainees through the Secure Communities by using your database, et cetera.

But yet, we still see that there are several areas, couple of them in the State of California, couple of cities in the State of California, and I think Alabama as a State, but that is going to be rectified

by October, now with the Supreme Court ruling about the immigration law. I think the people of Alabama look forward to that.

But in particular, of course, it has gotten a lot of attention—Cook County, which is essentially a sanctuary city. They have declined to participate by our Federal law with Secure Communities.

I am just wondering if you have had conversation with, for instance, the Department of Justice about that?

I don't think we should allow it to continue. Certainly a hammer that we would have initially is the State Criminal Alien Assistance Program, SCAP dollars which is tremendous. I mean, it is several million dollars a year.

So, on the one hand, they are saying, we are not going to comply with Secure Communities; on the other hand, they are saying, would you mind giving us all the Federal money so we can pay for whatever they want to pay for in their system currently. That would seem to me would be a place to start.

If you do intend to continue to give them the funding they are asking for, at the same time they are violating this, I guess I would look for respectfully how can we do that? Why would you do that?

Secretary NAPOLITANO. Well, SCAP is a Department of Justice program, and we are evaluating all options with Cook County. Their ordinance is not just they can't cooperate with Secure Communities, it even precludes them from sharing any information with us, so that we could put a detainer on an individual and make sure they are not released back in the community before we look at them for possible removal.

So it is a very, very broad ordinance. As I said before, we are evaluating all options.

Mrs. MILLER. I appreciate that. I hope that you do that. Again, I think that is a very bad message to be sending out to everybody else in the country to look at those kinds of things. I would hope that you and Attorney General Holder would work together to bring that to a resolve to the satisfaction of everybody who has a mutual constituency which is every American to make sure that if there are violators in the system, they need to be deported.

Secretary NAPOLITANO. Indeed.

Mrs. MILLER. Thank you.

Chairman KING. The time of the gentle lady is expired.

I now recognize the new Ranking Member for the moment, gentlelady from California, Ms. Hahn.

Ms. HAHN. Thank you, Chairman King. I moved up quickly. I just passed my 1-year anniversary in Congress last week and look at me now.

Thank you, Chairman.

You know I think there is a theme going on here in this hearing this morning and I know you are aware of that and that is port security and the issue of cargo scanning and screening. Certainly it is an issue that I think still concerns a lot of us. You know Los Angeles and Long Beach are America's port—44 percent of all the cargo that comes into this country comes through that port complex.

Congress did pass a law that required 100 percent scanning by this July 14. That date clearly has come and gone. You have indi-

cated pretty strongly that that is not probably going to happen even with the 2-year waiver.

Well, my first committee that I sat in here, we had the 9/11 report card. I remember specifically asking, you know, were we doing enough in port security and the panel pretty much unanimously said that was an area where we were still lacking. On that, with the Chairman's help, I was able to actually pass a bill a couple weeks ago—it is awaiting passage in the Senate—that will ask the Department of Homeland Security to take a comprehensive look again at our Nation's ports, the gaps that may exist in port security and then come back and tell us in a classified setting, you know, where are gaps, what can we do in the future to close those?

So I know you have spoken about this a lot, but again, could you discuss—elaborate on—give us a little comfort on where you see us going with particularly the scanning of our containers?

I know a big issue is the economy, jobs, commerce, you know, we don't want to slow that down and yet one major disaster at one of these ports could actually cripple our economy.

So where do you see us going, particularly if there is new technology that emerges that maybe makes this more possible without slowing down Congress?

Secretary NAPOLITANO. Well I think as Representative Lungren's subcommittee heard with respect to the detection of nuclear-type materiel, there are new technologies and things that are in play. I won't go into that in an unclassified setting.

Obviously, we pay a lot of attention to ports. Obviously, we think the 100 percent rule, which does give the Secretary the authority to waive, is not the only way to reach the goal. There are multiple ways.

We also are more than willing to work with you and with the committee on trying to give you a greater comfort level about the safety of America's ports.

But interestingly enough, Representative, one of the things you said is well, if there is one thing that happens, Armageddon is going to occur and we will see a total crash of the market. I think one of the hallmarks of really being prepared for any kind of incident is the ability to respond and to be resilient, and to get right back to work.

So you will see that a lot of our work has to do with precisely the resilience point.

Ms. HAHN. I agree with that and I hope that is part of maybe what you bring back to Congress is, you know, a better plan for all of our ports to recover in the event of a disaster.

Let me switch quickly to airports. I know at L.A. International Airport, we had a big issue with an unacceptable high wait time for people entering into this country which I think presented a potential security threat at our airports.

We were able to get 20 more CBP officers at LAX. I think several of us specifically requested that. But could you speak to long-term staffing shortage of our CBP agents at our airports and how we can address that in the future?

Secretary NAPOLITANO. Right. We are spending some significant time as we look at the fiscal year 2014 budget now within the confines of all the other restrictions about what we can do to increase

the number of hours that we have for inspectors, the number of personnel; looking at our staffing model—seeing if we can adjust that.

We have had a problem at LAX. We have had a problem at some of our other big international airports. All I can tell you, Representative, we are doing everything we can think of to do to rectify that situation.

Ms. HAHN. Thank you very much.

Chairman KING. The time of the gentle lady has expired.

If I could just add on to what the gentle lady said. I know that a number of airlines coming in and out of JFK made the same request to me—the fact that there does seem to be a shortage of customs people at the—

Secretary NAPOLITANO. Yes. Mr. Chairman, one of the things we have requested in connection with the fiscal year 2013 budget is the authority for us to receive participation and payments from port authorities, from airlines, to help subsidize the cost of additional inspectors.

So say for example, an airline in New York wants to bring in a 3:00 a.m. flight from China, they help subsidize the cost of having to have that shift of inspectors there. There are other ways it can work, but it is something I would hope the committee can help us with.

Chairman KING. Thank you, Secretary.

Gentleman from Michigan, Mr. Walberg is recognized for 5 minutes.

Mr. WALBERG. Thank you, Mr. Speaker, and thank you to our panel today.

Chairman KING. Don't let John Boehner hear that.

Mr. WALBERG. Well, I was hoping that your kind goodness would produce something for the future for me, as well. But thank you, Mr. Chairman.

Let me go back to leaks. There have been leaks in this administration. We don't know who. We don't know why, but there have been. Just to rehearse a non-exhaustive list, these leaks have included information about drone strikes against al-Qaeda in Pakistan, Somalia, Yemen.

We have leaks concerning reported cyber campaign against Iran's nuclear arms program. Leaks that included terrorist plans to destroy American airliners. Leaks and details of CIA and Special Operations Forces efforts to kill Osama bin Laden and others.

I guess what I want to ask, Madam Secretary and Director Olsen, were DHS or NCTSC consulted in advance of these disclosures?

Mr. OLSEN. We certainly weren't consulted. In other words, there was no—as far as I know, nothing within NCTC were we involved in any of the leaks that you have referred to.

I mean, I think the main point for us, Congressman, is that, you know, without getting into the specifics of the allegations, that this is something that we take very seriously within the National Counterterrorism Center.

I know that the director of national intelligence, Director Clapper, has made a number of comments publically about the importance of this issue and the reality that leaks have the potential to



interfere with on-going operations, and it is not an exaggeration to say to endanger lives of American intelligence officials and others.

So it is something that I know within the intelligence community, we take extraordinarily seriously.

Mr. WALBERG. I assume that would be your same position, Madam Secretary?

Secretary NAPOLITANO. Yes, and I have spoken with the Director Clapper and promised our full cooperation in whatever investigations occur and also with the FBI in the same vein.

Mr. WALBERG. What is your position on—have these disclosures impacted our National security?

Secretary NAPOLITANO. They are certainly not helpful. I will just leave it at that for now.

Mr. OLSEN. Yes, that is what I would say as well. Obviously, leaks, as I said, can be very damaging. In this instance, these leaks are now the subject of investigations and I wouldn't want to comment any further.

Mr. WALBERG. Well, let me move on to that.

You are both former senior Federal prosecutors. Attorney General Holder has refused bipartisan requests, and I would note bipartisan request, to appoint special counsel to investigate these disclosures relying instead on line prosecutors to do the job.

In your professional opinion, is it realistic to expect a U.S. attorney to question senior members of the administration regarding these disclosures?

Madam Secretary.

Secretary NAPOLITANO. Yes, as a former United States attorney, they are not line prosecutors in that sense, they are Presidentially-appointed and Senate-confirmed. They act independently in a number of matters. So I think that is an appropriate way to proceed.

Mr. OLSEN. I agree completely with that.

Mr. WALBERG. So, you don't see that it would be a challenge for a person in this position, a line or whatever you would call them, U.S. attorney, to question senior members of the Obama administration regarding these disclosures?

Secretary NAPOLITANO. No, I anticipate that there will be several investigations and they will involve members of the administration. As I said before, we have pledged our full support.

Mr. OLSEN. We are also cooperating with the investigation and I also would say, again, these questions probably are better posed to the Attorney General. Without knowing the—

Mr. WALBERG. I have asked questions of the Attorney General on a number of subjects and gotten no answer.

So, I would appreciate getting answers, but we can only work with what we have.

Mr. OLSEN. I don't know the specifics of the investigation, but do have confidence in the U.S. attorney's offices to carry these investigations out completely.

Mr. WALBERG. So when you served as a U.S. attorney, or the National Security Division, you would have authorized an assistant to take sworn testimony from the President's National security adviser?

Mr. OLSEN. I am not sure it is appropriate for me to comment on a hypothetical like that, Congressman.

Mr. WALBERG. I thank you. My time has expired.

Chairman KING. Gentleman's time has expired.

The gentleman from Arizona, Mr. Barber, is recognized for 5 minutes. Once again, welcome to the committee.

Mr. BARBER. Thank you, Mr. Chairman. Thank you for the welcome.

Madam Secretary, Mr. Olsen, thank you so much for your testimony. Particularly, I was appreciative of the Secretary's very thorough report on the evolving and emerging threats to our country's security. It is absolutely my honor to be here, not only to be on this committee, but to add another Arizona voice to an important issue that we all share; and that is: How do we increase the security of our citizens and of our border?

As you know, Madam Secretary, there have been anecdotal reports about material evidence of the presence of terrorists along our Southern Border. My question is: Is there any credible evidence that these reports are accurate and that terrorists are, in fact, crossing our Southern Border with the intent to do harm to the American people?

Secretary NAPOLITANO. Representative, first, welcome to the committee. It is good to see you here in Washington, DC.

With respect, there have been—and the Ababziar matter would be one I would refer to that is currently being adjudicated in the criminal courts from time to time. We are constantly working against different and evolving threats involving various terrorist groups and various ways they may seek to enter the country.

What I can tell you, however, is that the Southern Border, the U.S.-Mexico border, is heavily, heavily staffed at record amounts of manpower, materiel, infrastructure and the like, and we are constantly making sure we are doing all we can to make that border as safe as possible.

Mr. BARBER. Thank you, Madam Secretary.

Mr. Chairman, I have no further questions.

Chairman KING. The gentleman from Arizona yields back.

The gentleman from Minnesota, Mr. Cravaack, is recognized for 5 minutes.

Mr. CRAVAACK. Thank you. Can you hear me? Thank you, Mr. Chairman. I am not going to give you a hug. So there you go.

[Laughter.]

Chairman KING. I thank the gentleman.

[Laughter.]

Mr. CRAVAACK. You are welcome.

Thank you for being here today, Madam Napolitano. I have got a question for you. Last time we had a little exchange regarding FFDOs. I said the last line of defense was the FFDO. Would you care to comment any further on that position?

Secretary NAPOLITANO. Well, I think FFDOs play a valuable part in airline security, aircraft security, which involves multiple layers. I think in that exchange, we talked about the FFDO. We talked about the cockpit door. We talked, I think, about—

Mr. CRAVAACK. Which you classified as the last line of defense.

Secretary NAPOLITANO. Well, last line of physical defense in that regard. But I would say that trained personnel aboard aircraft, you

know how to respond to events, is always, always a very, very important factor.

Mr. CRAVAACK. Okay. In testimony today, you said, regarding risk-based analysis—what we talked about last time as well—you said it is not perfect. It is an art. It is not a science.

With that said, given the different layers of security that you just talked about, where a clean person can come through the normal security process. Just in this hearing room we heard not too long ago about the various holes that are around the aircraft, in the shadow of the aircraft, the people that can up and touch the aircraft and possibly place a device or a weapon on-board the aircraft.

With that understanding, that a person coming through clean through the airport, can hook up with a device on the aircraft and plant it from the tarmac, which we see as a lot of problems, I see the FFDO program as being absolutely vital, with a 1.5 million sorties being flown annually, at the cost to the American taxpayer for \$15 a flight.

So I think that is probably one of your chief defenses. As a pilot—I flew for 17 years—as a former Federal flight deck officer, I can assure you, madam, that the Federal flight deck officer is not only the last line of defense, but a chief deterrent for those that wish to use an aircraft as a human-guided missile.

The House also recently passed a homeland security appropriations bill that would increase the FFDO funding. Now, the proposals that were brought out by the administration basically cut the program in half—would in essence eliminate it.

If the funding level stands, will this administration work to clear the backlog—and I am saying the increased funding—increase the backlog of pilots that are waiting to join the program?

Secretary NAPOLITANO. Representative, first of all, the reason that the administration submitted the budget request it did is because, as you all know, we are working under severe budget constraints. The FFDO program, as compared to the air marshal program, is not a risk-based program. So that is why that decision was made.

Regardless, however, certainly if that appropriation goes through and that is added back into the budget, we will work to make sure the program is well-run and backlogs are relieved.

Mr. CRAVAACK. So is your intent then not to phase out the program if you get this funding?

Secretary NAPOLITANO. Well, I don't speculate. I don't play "what ifs." We will see what happens.

Mr. CRAVAACK. I ask you again—make sure I understand what you are telling me. If the program is brought up to the level of funding that the Congress approved, that it is your intent not to phase out the program?

Secretary NAPOLITANO. If there is funding for the program, we will carry out the program, yes, sir.

Mr. CRAVAACK. Thank you.

Switching gears, servicemembers at Fort Hood that we were just talking about today have been denied purple heart medals and related compensations on the basis of the judgment that these shootings were workplace violence and not terrorism.

In your opinion, were the Fort Hood shootings by Nidal Hasan—I will not give him the rank—who described himself as a soldier of Allah on his business card, who was in active correspondence and direction from al-Qaeda, and who cried “Allah Akbar” at the beginning of the attack, a terrorist act?

Secretary NAPOLITANO. I am not going to get into the decisions of the Department of Defense. They have their own criteria. But I would say, Representative, that an act can be both workplace violence and a terrorist act at the same time. This has all the hallmarks of both.

Mr. CRAVAACK. Do you think these servicemembers deserve the medal—purple heart?

Secretary NAPOLITANO. Again, I don’t know the decision making of the Department of Defense, but I have described how we would look at that act.

Mr. CRAVAACK. So you classify it as a terrorist act?

Secretary NAPOLITANO. As both.

Mr. CRAVAACK. One being a terrorist act. Okay.

In regards to recently—

Chairman KING. The time of the gentleman has expired.

Mr. CRAVAACK. My time has expired. I will yield back. Thank you.

Chairman KING. The gentleman yields back.

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

Ms. SANCHEZ. Thank you, Mr. Chairman.

Thank you, Madam Secretary and Director, for both being here today before us.

Madam Secretary, I wanted to ask you a question and actually ask you to help us and work through a problem that I am sure you are aware of and somehow the buck keeps getting passed around to different people. Madam Secretary, this has to do with a border crossing between Mexicali, Mexico, and Calexico, which is on the border of California and Mexico. A very big crossing. My mother grew up in Mexicali, so I am very well aware of that area. It has the best Chinese food in the world, by the way.

There is a new border crossing or an expanded border crossing—land crossing going between the two. One of the things about Mexicali, Mexico and Calexico is that in the summer it can get easily to 110 degrees. People are waiting to cross the border there for up to 3 hours, with no shade, standing in line, and that is a pedestrian crossing.

So there is an effort to make a new land crossing. Almost all the Mexican side of that crossing has been built. Meanwhile, we have failed to move from our end to meet it and get this land bridge open.

Part of the problem is that it is a GSA facility. I understand this. But how do we do what we need to do, which is to get this built, so that we can meet the Mexican side, so that commerce can move at a faster pace than 3 hours in line, and that people crossing back and forth, many of them for work and for family purposes and for purchasing purposes, also, so that we can move forward and get this done?

How do we do that? Will you work with us? Will you help me? Will you get us a meeting with the GSA administrator? Can we all sit down? I mean, this is a very big and frustrating problem for the people who live in that area.

Secretary NAPOLITANO. I concur, and I think, you know, the physical ports along the Southwest Border, many of them are inadequate for the amount of people and cargo that needs to go back and forth.

As you identify, it is GSA. Probably the No. 1 thing you can do is provide the funding to GSA for the projects. If they don't have the funding, they can't build the projects.

But we will be happy to work with you.

Ms. SANCHEZ. Great.

I would like, Mr. Chairman, to submit a letter from the Board of Supervisors of Imperial Valley, where Calexico sits there on the border, asking for some resolution, hopefully a positive resolution to this. It is incredibly embarrassing to see a brand-new built facility from Mexico, having done their part, and nothing happening on our side.

Chairman KING. Without objection, the letter will be made part of the record.

[The information follows:]

LETTER SUBMITTED FOR THE RECORD BY HON. LORETTA SANCHEZ

JULY 3, 2012.

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

DEAR SECRETARY NAPOLITANO: The Board of Supervisors of Imperial County, California desperately requests your assistance and direct involvement in helping us solve a health and safety emergency that continues to exist as a direct result of Department of Homeland Security (DHS) inaction along the U.S.-Mexico border between Calexico, CA and Mexicali, Mexico.

Calexico is a small city of 38,000 that is separated only by a fence from the city of Mexicali, the capital of the State of Baja California with a population in excess of 1 million persons. Since the establishment of these communities 100 years ago, Calexico and Mexicali have been linked economically, culturally, educationally, and both have significant familial ties.

Calexico and Mexicali are linked by two major ports of entry that are administered by DHS through the Customs and Border Protection Administration. Although the communities have been promised that the major Port of Entry (POE) at downtown Calexico would soon undergo a major remodel that would bring this 40-plus-year-old outmoded facility up to modern standards to better facilitate the movement of people and commerce, the necessary Federal appropriations have been stalled, apparently indefinitely. In the mean time border waits for persons wishing to cross into Calexico to work; shop; go to school; or visit family, regularly exceed 2 hours. We are already in the summer season where we can expect in excess of 130 days where the average temperatures will exceed 100 degrees and often reach as high as 115 degrees. The lines are particularly dangerous for pedestrians who must endure these 2-hour waits while standing unprotected from the excessive heat.

We understand the difficulty the Federal Government is facing in trying to find funding for the \$300 million reconstruction of the entire POE and we are actively seeking solutions including local participation in a public/private, leaseback arrangement to help find a local solution. In the mean time, we face an imminent public health emergency that requires your immediate attention.

We urge your direct involvement in implementing a solution to expedite the passage of northbound pedestrians before the intense heat of this coming summer season causes more health and safety issues for the pedestrian crossers, including elderly persons and young school children. Regional CBP officials have looked into temporary solutions to provide more northbound pedestrian turnstiles to help facilitate the northbound inspection of pedestrians that we believe can be quickly imple-

mented to help solve this impending health emergency. Their plan would involve relocating the southbound passage for pedestrians and moving some office space within the pedestrian port to nearly double the number of inspection gates at downtown Calexico. The Board of Supervisors request that you immediately provide funds to Customs and Border Protection (CBP) to implement these changes or any similar reconfigurations or operational changes that will shorten the exposure of these vulnerable populations from the extreme weather conditions that will soon be upon us.

While the Board has not yet declared the existence of a State of Emergency as a result of these increasingly long waits to cross into the United States, we intend to have our health and environmental officials continuously monitor the situation and, when warranted, we are prepared to make such a declaration.

We would welcome a prompt response to this request so that we may quickly engage in a dialogue that will lead to prompt action to rectify the untenable conditions that have resulted from many years of Federal inattention to the needs of the border-crossing communities along the Southwest Border in general and in Calexico in particular.

Sincerely,

JOHN RENISON,  
*District 1.*

JACK TERRAZAS,  
*District 2.*

MICHAEL W. KELLEY,  
*District 3.*

GARY WYATT,  
*District 4.*

RAYMOND CASTILLO,  
*District 5.*

Ms. SANCHEZ. Thank you, Madam Secretary.

Chairman KING. The gentleman from Pennsylvania, Mr. Meehan, Chairman of the Terrorism Subcommittee, is recognized for 5 minutes.

Mr. MEEHAN. Thank you, Mr. Chairman.

Let me thank both of the panelists for your distinguished service to our country. I appreciate that when you come here you get the tough questions. But I also appreciate the tremendous service that you perform each and every day on behalf of our Nation. But I am going to ask as well some questions that I know have been a great importance to me.

Let me start with you first, Mr. Olsen. I want to ask you, you know, because you are at the NCTC every day, you see the global information. Do you believe that Boko Haram should be designated a foreign terrorist organization?

Mr. OLSEN. We certainly have seen, Congressman, the rise of Boko Haram as a significant threat in Nigeria over the last couple years, and in particular, a dramatic rise in the amount of violence that that group has caused in Nigeria, particularly over the last year.

If you recall, last August, the attack on the U.N. headquarters—

Mr. MEEHAN. I am aware. We know. The record reflects. I just want to know your opinion. Do you believe it should be a foreign terrorist organization?

Mr. OLSEN. That is a question, the question of whether to designate that group—

Mr. MEEHAN. Yes.

Mr. OLSEN [continuing]. That is within the province of the Department of State to make that—

Mr. MEEHAN. I am aware that it is the Department of State, but what do you believe? Because I am having trouble getting an answer from the Department of State.

Mr. OLSEN. Our role is to provide the intelligence on that group to the—ultimate policy decision about whether to designate. From the pure perspective of the definition of terrorism and whether that group engages in terrorism the answer is it does. It engages in acts of terrorism in Nigeria and has.

Mr. MEEHAN. Well, let me take a second—let me just ask, Madam Secretary, what is your opinion on that?

Secretary NAPOLITANO. Well, I think I would concur with the director and all that he has said. That is a policy decision ultimately for the State Department.

Mr. MEEHAN. Well, let me go through because I am not getting the ability for the State Department to make a decision. The facts, we are attorneys and we talk about the criteria, the elements. Are they a foreign organization? Question No. 1—that is clear. Do they engage in terrorist activity? Without a question. I think we can stipulate both of those.

Really, the third question is, is the organization's terrorist activity a threat to the security of the United States or National security of the United States, either the foreign relations or their economic interests?

Now, Mr. Olsen, you have testified here today that Boko Haram remains focused on local and regional attack plotting, including Western interests in Nigeria. You further testified that Boko Haram is primarily focused on plotting against attacks in Nigeria, but in April a spokesman for the group publicly threatened to find a way to attack a U.S.-based news outlet if its coverage of Islam did not change.

According to my interpretation of your testimony and each of those elements, it meets all the criteria of designation for a foreign terrorist organization. Would you agree with that?

Mr. OLSEN. I would agree that the acts of that group meet those criteria in terms of its activities, and the intelligence supports that. Ultimately—and as you may know, sir, that a number of the members of that group have been designated as terrorists. Ultimately, the decision of whether to designate the group is a policy call—

Mr. MEEHAN. But why, Madam Secretary, why would we not do that? Because I think you appreciate, as I do, the ability to have enhanced activities for investigation on our part. Let me suggest that there is testimony, as well.

I think most significantly the letter from the Department of Justice requesting that this be done, one of your, you know, colleague agencies, from Deputy Attorney General Monaco, specifically requesting.

I have met with the CIA, and I would represent to you their genuine concern and hope that this would be accomplished.

General Ham himself of the African Command has talked himself about the concern that AQIM and others are collaborating with the—you know, al-Qaeda's collaborating with Boko Haram.

So given all of those facts, why would the State Department not designate them as a foreign terrorist organization if you have an opinion?

Secretary NAPOLITANO. Representative, I think that is a question to address to the State Department.

Mr. MEEHAN. Okay, well, I appreciate that. I think the facts speak for themselves on that.

I am fearful and, here, let me just go for the record. My concern is we took the same stance with TTP. We took the same stance with AQAP after—we did not designate them until after they attempted to carry out acts of terrorism within the United States. So I am very concerned about this issue.

Madam Secretary, let me just ask one quick, sort of overarching question: Those visa overstays here in the United States, are we doing enough to try to deal with the issue of visa overstays, or can we do more? Or are we concerned about that?

Secretary NAPOLITANO. We have gone back and revetted the backlog. We are current with visas coming in. Doesn't mean that there aren't overstays in the country that are problematic, and we should always be concerned about that. We are open to ideas or suggestions on other things we could do. But I think from a Departmental standpoint, in the last 13 months—12, 13 months, quite a bit has been done from a security standpoint to look at those visa overstays.

Mr. MEEHAN. Well, thank you.

Thank you, again. My time is expired. But I am tremendously grateful for your service. Thank you.

Chairman KING. The time of the gentleman is expired.

Madam Secretary, I have just been informed that you have to leave by 12:30, 12:35. We will do our best to expedite it, but we do have four Members left.

The gentleman from Arizona, Mr. Quayle, is recognized for 5 minutes.

Mr. QUAYLE. Thank you, Mr. Chairman.

Madam Secretary, last week we talked a lot in the Judiciary Committee about your June 15 memo. One of the things I wanted to talk about is not part of that. I have been hearing a lot of—I have talked with a number of sheriffs down in southeastern Arizona, and they have been talking about CBP reports about—where they have a new policy where they just turn illegal entrants back south if they don't pose a threat either criminally or violently.

With the onset of the Morton memos, your June 15 memo—and then I recently got a copy of a CBP memo that says, “CBP guidance for exercising discretionary authority and prosecutorial discretion in the enforcement of immigration laws.” what it states is that they, again, are prioritizing people who have ties to terrorist organizations or those that could present a threat or smuggling.

Then they also say that you can exercise discretion when it is confirmed that the alien does not—well, actually, generally, when it is confirmed that the alien does not fall within the categories. Then they list a number of different examples or key factors where they actually take into account of whether they just turn them back south rather than processing them, one of them being the likelihood that the alien will be granted temporary permanent status or other relief from removal, or the alien's ties to their home country and conditions in that country.



One of the things that they are allowed to do is just have the voluntary return at the time that they are actually encountered along the border.

How are the CBP agents actually going to be able to determine all of these different factors if they are just encountering them when they are making that illegal entry in between the ports of entry?

Secretary NAPOLITANO. What they do—and I think, Representative, we can provide you with a briefing off-line. But what they do is they bring the immigrant, the illegal alien, to a central center.

I think we need to distinguish between when they make a referral to ICE for removal versus apply the consequences that we apply along the border with respect to detention and movement back to the country of origin. That is different than I think you are thinking of like a turnaway or something of that sort. We don't do turnaways at the Southern Border.

Mr. QUAYLE. It actually does say that they have—"in the enforcement context exercising discretion applies to a broad range of discretionary enforcement decisions, including but not limited to the following between the ports of entry: voluntary return." So that is—

Secretary NAPOLITANO. That is right.

Mr. QUAYLE. Yes. Voluntary—

Secretary NAPOLITANO. Voluntary return is not turnaway. Voluntary return means you stay in Border Patrol process for purposes of being handled versus going into the immigration court context.

Mr. QUAYLE. But this actually says with the language—and language does matter within these memos. It says, "Although the initial exercise of discretionary review should be made at the second line supervisor level"—it doesn't say "must be made."

So that gives actually the discretion to the CBP agent at the time of the apprehension not to actually process the individual and take them into custody, but actually have the voluntary return to where they came from.

So that is the disturbing thing that I have seen from this memo, along with your June 15 and along with the Morton memos is that they have this ability where they have discretion that wasn't actually given within the statutory authority.

Secretary NAPOLITANO. No, I think that is inaccurate. We will be happy to provide you with a specific Border Patrol briefing on that point.

Mr. QUAYLE. So it is inaccurate, but it says that, "Although the initial exercise of discretionary review should be made." I mean, you are an attorney. You know language matters. That is some of the other things that you have, you know, within your June 15—it also uses "should" not "must." These are the things that are troubling when we are trying to draft legislation here to not allow and actually have enforcement of laws.

We have your June 15 memo. You believe you have prosecutorial discretion. HHS believes that they have the ability to waive the work requirement for welfare, even though it specifically states that that section can't be waived.

We are in a situation—we discussed this last week—where we need to be able to write laws and make the Executive branch actually enforce them. Even when we put these “you can’t waive it,” or, “you must do it,” it seems the Executive branch continues to say, “Oh, well, we have the discretion,” even though the statute doesn’t state that you do.

So if you could just answer, you know—CBP, where did they get this discretion to have the ability to allow the voluntary removal of illegal entrants when it doesn’t state that within any statutory authority?

Secretary NAPOLITANO. It is hard for me to follow your question, Representative, but I cannot identify a prosecutor or a former prosecutor who would sit at a table before you and tell you they don’t have discretion. It is why U.S. attorneys’ offices typically don’t do check-cashing cases, even though there is a law there.

You have to enforce the law in a strong and sensible manner.

As you know, we have actually removed more people from this country in the last 3½ years than any prior administration. We have removed more felons. We have removed more aggravated felons. So the enforcement record is quite strong.

Mr. QUAYLE. All right, thank you, Madam Secretary.

Chairman KING. The time of the gentleman has expired.

Now I will ask unanimous consent, the gentleman from Arkansas, Mr. Crawford, be allowed to sit on the dais and participate in the hearing.

Without objection.

Just have to say, Mr. Crawford, the witnesses may have to leave before we get to you, but you are certainly welcome to join us.

The gentleman from Missouri, Mr. Long, is recognized for 5 minutes. He will be followed by Mr. Duncan and Mr. Rogers, and then Mr. Crawford if we are still here.

Mr. LONG. Thank you, Mr. Chairman.

Thank you all for being here for your testimony today.

Madam Secretary, I just stepped out of the room a few minutes ago to talk to a couple of college students from my area that go to Drury University and one of them happens to be from Joplin, Missouri. I just want to thank you for all of your efforts after our horrendous event, the tornado that took 161 of my constituents’ lives down there a year ago in May.

You all were exemplary and unwavering and steadfast with your efforts down there, and I want to thank you for that.

I do have a question—a couple of questions on today’s issue.

Representative Lungren a while ago was asking you about the Fort Hood shooting, Madam Secretary. In his questioning about the Fort Hood shooting and point out that Major Hasan was e-mailing probably the second-leading terrorist. His question to you, if I understood the question was: How was this missed? How did all of this be missed that people couldn’t look into it, when you have got a major e-mailing jihadist ideas and things to the second-leading terrorist in the country?

I hope I was wrong in understanding your answer, but to me your answer was, what is going on in society—we need to be concerned with what is going on in society that leads to the violent extremism.

Secretary NAPOLITANO. No, Representative, first of all, I continue to watch the progress in Joplin and your constituents are amazing.

With respect to that, what I was saying is that, within the whole universe of violent extremism, we need to understand better what causes it. We need to work with non-governmental organizations, NGOs. We need to have a very strong community base policing curricula that looks at early warnings, tactics, behaviors, techniques, that could be employed.

So, I hoped you didn't interpret my answer as suggesting that this is a sociology issue. There were clearly lessons to be learned about the communication between FBI and the Department of Defense with respect to that Fort Hood shooting, that Fort Hood tragedy. I think all of us, even if we were not directly involved are going to read—are reading the Webster report with great attention.

Mr. LONG. Has this been thoroughly gone through to see where the dots were not connected or why—if San Diego was saying, “Hey, we have got a huge problem here, this guy is talking about jihadist ideas and he is talking to the second-leading terrorist, has anyone gone back to the people in the middle that made the decision not to pursue it?”, and said, oh no we can't get into that, because it is a civil rights, civil liberty?

I am concerned about the civil rights and civil liberty about the 13 people that were killed.

Secretary NAPOLITANO. Representative, again DHS was not in that Fort Hood shooting situation, per se, but we all have copies now of the Webster report. We are all going to read it and are reading it with great attention.

Mr. LONG. Okay, one other—

Secretary NAPOLITANO. NCTC wants to answer.

Mr. OLSEN. If I could add to that? The Fort Hood tragedy continues to be a touch point for us at NCTC as an event that we need to learn from on how to share that type of information and to make sure that as NCTC represents the hub of much of that information, whether it is reporting from the FBI or from CIA, from DHS, from DOD. We need to continue to make sure that, that information that is of threat nature and those types of communications find their way into the hands of the individuals who can take action.

So, again, the Webster report is one of the after-action reports, but there have been others. Those are all part of the overall effort of the National intelligence community to respond—

Mr. LONG. All right, I have got limited time. Let me get back into my second question for the Secretary.

On the Egyptian Hani al Deen, or however you pronounce the name, the visit to the White House last month. Apparently, you testified that he had been through three vetting processes and no information was found indicating anything was wrong. But the Chairman mentioned that on his own Facebook page, he had that he belonged to a known terrorist organization.

My question is this, when he has been vetted and re-vetted and vetted a third time, I believe you said with the Secret Service at the White House, do those people that did that vetting, are we going to hold them accountable?

Is anybody going to go back and say: Look, who did this vetting? This guy had on his Facebook page that he is in a known terrorist

organization. Do we do that? Do we go back to those people and say, how did you miss this little item?

Secretary NAPOLITANO. Representative, as I said to the Chairman, he was vetted multiple times. What happens, and what we will see out of the Arab Spring, among other developments, is that organizations that have been named as terrorist organizations in the past may or not be—all of the members may or not be—may or may not be terrorists themselves. That is what needs to be looked at, because these organizations and parties have evolved considerably over the last several years.

We have seen this historically—Representative, we have seen this historically, as well. So, if the question is: Did someone get into the United States—did somebody get into the White House who was not vetted? The answer is no.

Should we look at the process, as the Chairman pointed out to me? We can absolutely look at that.

Mr. LONG. I am not interested in the process. I am interested in the individuals that looked at the vetting. If my friend Mr. Duncan did the vetting, I would like for someone to go to Mr. Duncan and say, I don't care if it was an evolving terrorist organization, if it is one that used to be on and now it is not on the list. I would like to hear that from Mr. Duncan.

I would like to hear that from the guy that did the vetting, to tell me, "Well, the reason I didn't flag that he had on his Facebook page that he was a member of a known terrorist organization is because after the Arab Spring, we have kind of taken that group off." I think that is going to prevent my friend Rick here who sat next to Mr. Duncan in this vetting process, if Mr. Duncan is held to accountability—

Secretary NAPOLITANO. I think—

Mr. LONG [continuing]. Then when something like this comes up, Rick might be a little more careful, and protect our citizens a little more. Does that not make sense?

Secretary NAPOLITANO. Representative, that particular case has been looked at, and there were no mistakes made in the vetting. I will just leave it at that.

Mr. LONG. Three separate vettings, and no mistakes—

Secretary NAPOLITANO. None that we can—

Mr. LONG [continuing]. On a guy that had on his Facebook page, that he belonged to a terrorist organization that was at the White House a couple weeks ago.

Secretary NAPOLITANO. Well, again, Representative, I think I have discussed this long enough this morning. I will be happy to provide you more detail off-line.

Mr. LONG. You know, and I appreciate—I wouldn't want to see a flowchart on all your responsibilities, because you have got an extremely, extremely complicated and tough job. I do appreciate what you do. But sometimes it is the little things that matter. If we could go back and look at these three—I just can't get through my head that three groups of people vetted this fellow and on his Facebook—

Secretary NAPOLITANO. Well and it began with—and the State Department, because this was a State Department-sponsored trip to bring individuals who are now going to be potentially part of the

leadership of a country with whom we have dealings to Washington, DC. It was vetted at every appropriate process—every appropriate side—

Mr. LONG. I would like to hear that again from the people who did the vetting say, “Hey, that is why we did it.”

So again, thanks for your testimony. Thanks for being here. I know you have got a very complicated job.

Chairman KING. Time of the gentleman is expired.

I would just add again, though, that the law does not allow him into the country unless there is a visa waiver. It may be a noble purpose if the organization may have evolved, but right now it is on the foreign terrorist organization list. He is a member of it. He should not have been allowed in without a waiver, which would have had your name and Secretary Clinton’s name on it giving the reasons why.

Gentleman from South Carolina, Mr. Duncan, is recognized for 5 minutes.

By the way, Mr. Duncan is not on the terrorist watch list, despite references by Mr. Long.

Mr. DUNCAN. Well let me just say, I appreciate the gentleman from Missouri continuing down that path, because I think it is very important. You know I would like to once hear somebody from this administration admit they made a mistake, and own up to it, and see some disciplinary action, if necessary.

Madam Secretary, you are the Secretary of Homeland Security. Somebody as a member of a foreign terrorist organization coming into this country is absolutely your responsibility. Absolutely. The buck stops right there. Homeland Security is something that I know you take a grave responsibility for, and we take very seriously on this committee and in Congress. So, let me just say that is not the path I wanted to go down, and I am going to stop right there.

In the final report of the Webster Commission on the FBI and the events at Fort Hood that was recently released, at the time of the Fort Hood attack, the FBI did not have access to all the relevant DOD databases. Even though there MODs for that sharing of information, they didn’t have access to that to search for relevant information on Hasan.

The FBI agents were not checking all of the FBI databases because there were so many of them, and the agents had not received formal training on how to use them. Some agents didn’t even know that certain databases existed.

Even when putting in a query for information on Major Hasan, or his e-mail exchanges with Awlaki, the databases did not produce all the relevant information necessary for clarity on that case. Now I know that FBI is a separate organization, but.

In 2009, you all broke ground on a \$3.4 billion facility housing 15,000 employees, the largest building project in the District of Columbia region, 68 years since the Pentagon was built. At that time, you said we are going to have a One DHS atmosphere. DHS has a large amount of databases. Each of these databases do not appear to be linked in one central database with a Google-like interface, allowing the simultaneous searching of all the relevant databases within DHS’s wide system.

In January 2010, the FBI deployed the data-integration visualization system, DIVS, allowing authorized users to search more than 50 FBI and non-FBI databases simultaneously. The Webster report points out very clearly that “the Washington field office and TFO”—I am not sure which field office that was—“did not search the DWS, EDMS, IDW, or the DALAS, although he was a member of a blank”—that has been redacted—“counter-terrorism squad, he says he did not know that DWS and EDMS even existed.”

It goes on to say that—let me find this—“at the time of the Fort Hood shootings, however, with few exceptions, users accessed each database using a discreet interface, discreet password, and discreet search engine.” From what I understand, there are so many different databases. You have got a different password for every one of them. You are not supposed to write those passwords down. It is a frustrating system for everyone involved at every level—not just in your agency, but every agency within the Federal Government.

It goes on to say that the historical evolution of the multiple FBI and other U.S. intelligence community databases as discreet platforms had impeded the FBI and the USIC’s ability to access, search, organize, manage electronically stored information in an efficient manner.

So, under this One DHS mindset that you talk about, does DHS have any plans to expedite a process similar to DIVS for normalizing, consolidating, and integrating the information?

What I mean by that is, you know, we have got folks coming into this country on visas and we don’t know when they leave the country, because there is no information sharing between the State Department or other agencies. This is a serious problem of information sharing that goes back to the 9/11 Commission report that talks about the stovepipe aspects of information between agencies.

The territorial disputes, the turf wars of agencies responsible for protecting this country has got to end. As Secretary of the Department of Homeland Security, it is your responsibility. I will wait for an answer.

Secretary NAPOLITANO. Well, Representative, first of all, as you correctly note, those are comments made by the Webster report as to FBI.

Let me comment as to DHS and extend an invitation to you. Because we actually have done a massive amount of work over the last 3½ years, particularly since the Christmas day bomber attempt in 2009, to unify databases in such a fashion. Because data comes in from all over the place, so you need the data, but you also need some analytics with it or else the data is just—it is just there. There is so much of it. Matt Olsen can talk to that, I suspect.

But if you were to go out, for example, to our National Targeting Center, you would see how we are now able to process and analyze 1.8 to 2 million passengers per day as they seek to fly into this country or around this country.

So you know, data can always be improved. It is never perfect. I am not saying it is. But what I am saying is I don’t think there is a recognition by the committee yet of how much work has actually been done with the committee’s support.

Mr. DUNCAN. Do I have to get into another system and look there? Are there no cross-references and sharing of the—

Chairman KING. The time of the gentleman has expired.

The reason I am saying that is that Director Olsen said he had to leave by 12:30, 12:35. We will be finished in 10 minutes, if you could both stay. Okay.

The gentleman from Alabama, Mr. Rogers, the Chairman of the Transportation Security Subcommittee is recognized.

Mr. ROGERS. I thank the Chairman.

Secretary Napolitano, it is good to see you here today and appreciate your service and appreciate your recent visit to Alabama, the Center for Domestic Preparedness. We really do know it is difficult for you to make those kind of visits, so I appreciate it.

You are aware that last Wednesday this committee—subcommittee I chair, the TSA Subcommittee, had Mr. Wilson, the head of TSA's General Aviation Department, along with Mr. Lord of the GAO, testify before us about a study the GAO had just completed on foreign flight school training or training in our flight schools of illegal individuals in this country.

The report was pretty upsetting. It showed that over a period of years, this has been a very—I won't go into the number because I can't—but not an unusual occurrence. It made several recommendations. The gentleman from the TSA acknowledged all those recommendations were accurate and that his department had already started working on repairing several of them.

What I am asking you about is the very next day, on Thursday, you testified before the Judiciary Committee and Mr. Lungren brought this up. I have seen the videotape and you disagreed with that. Can you tell me why you disagree with the GAO report and Mr. Wilson's testimony?

Secretary NAPOLITANO. I think the disagreement with the TSA witness was on another point, Representative. But with respect to the GAO report, the flight school that it was focused on and those were as of 2010 and before. What I was taking note of was that we had already fixed that problem moving ahead.

What we had not done and which is what the GAO recommended is institutionalize it in a way with memorandums of understanding. Those are in process right now.

Mr. ROGERS. But you are talking about with regard to that one school, not across the flight school system.

Secretary NAPOLITANO. No, with respect to the flight school system—

Mr. ROGERS. Well, the GAO, after your testimony, we reached out to them and they came back and said that is flatly not provable. That is what disturbs me. We are 10 years—

Secretary NAPOLITANO. It is not provable because what we have done is a practice. It was not committed to writing. It now is. It will be. It is in the process of being drafted.

Mr. ROGERS. Well, that was not their observation. I would love to get that reconciled because it is disturbing. You know, we are 10 years after 9/11 and we have evidence that on a regular basis, people who are in this country illegally can get flight school training.

The other thing—

Secretary NAPOLITANO. Well, if I might, respectfully, if you have such evidence, please share it with us. Because if we have any problems, we want to fix them.

Mr. ROGERS. I agree and we will share it with you. Because I would like these things reconciled. I take this stuff very seriously, as you know.

Also, earlier in this hearing—I was in Armed Services and couldn't be here—but I understand Mr. Thompson raised this issue with you about U.S. citizens and those who are here legally being able to get flight school training without being bumped against the no-fly list. He has introduced a bill to change that.

I agree with the effort to remedy that, but I want to take a little bit more time to study, you know, what we need to do. So I have asked the CRS to look at this, and they say you already have the power; that the Secretary can designate an individual or category of individuals that must be vetted under current statute. But I understood you told Mr. Thompson that you probably do need some additional statutory authority.

Secretary NAPOLITANO. I think what I told Representative Thompson is it would be nice to tidy it up, because there is a lack of clarity there. But with respect to this, when somebody that is actually on the no-fly list and is a U.S. person, we have a variety of ways of knowing what they are doing before they apply for certification, but they are not formally vetted or pinged against the system until they are applying to the FAA.

Mr. ROGERS. But see, that is the problem. That is what we want to get remedied, because you are right, once they apply for their license, they are bounced against that list. But as we found from the 9/11 terrorists, they just want to learn how to take off and fly. They weren't interested in landing or getting a license.

So we want to get it fixed so that if somebody is applying for training, whether they are in this country or not, legally, they should, at a minimum, have to be bounced against the no-fly list.

We want to work with you to that end, so I would urge you to get us any proposed language that you would like to see happen. I am going to be working with Mr. Thompson and the rest of this committee to get it done for you.

Secretary NAPOLITANO. Indeed.

Mr. ROGERS. Thank you, Mr. Chairman.

Chairman KING. The gentleman yields back.

The gentleman from Arkansas is recognized for 5 minutes, and that will end the hearing.

Mr. CRAWFORD. Thank you, Mr. Chairman. I appreciate your flexibility in allowing me to come and participate in the hearing.

Secretary Napolitano, I am a former Army EOD tech, so I am very concerned about the threat to our National security with respect to IEDs, remote-controlled particularly. I am a co-founder of the House EOD Caucus, and that is one of our main concerns is that we address that on an on-going basis.

Despite repeated requests, State and local police bomb squads remain without the electronic counter-measures, also called "jammers," that are used to protect from these R.C. IEDs. The FBI techs with jammers may be hours away from an incident site. At the same time, we spend tens of millions of dollars to give hun-



dreds of jammers to Afghanistan and Pakistan, where according to a GAO report, half of those jammers will simply collect dust in storage.

What is your plan to help State and local police bomb squads here in the United States?

Secretary NAPOLITANO. I will tell you, Representative, that is a new one. I mean, we meet with State and locals all the time and I meet with them also when I travel around the country. I have never heard the issue about jammers raised. I will be happy to look into it.

Mr. CRAWFORD. Okay. I hear that issue a lot. Because of being the chairman of the EOD Caucus here in the House, they have raised that to me and that is why I am here today is to make sure that you are aware of it, and what a critical tool that is in helping to prosecute the war on terror with respect to IEDs. So your attention would be greatly appreciated on that.

Secretary NAPOLITANO. Thank you for raising it.

Mr. CRAWFORD. I yield back.

Chairman KING. The gentleman yields back.

I want to thank Secretary Napolitano and Director Olsen for your time, for your testimony, for the answers you gave. Again, we look forward to working with you.

I want to just say for the record, Members of the committee may have some additional questions for the witnesses and we would ask you to respond to those in writing. The hearing record will be held open for 10 days.

Without objection, unless either of you object, the committee stands adjourned.

[Whereupon, at 12:45 p.m., the committee was adjourned.]



## APPENDIX

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### QUESTIONS FROM CHAIRMAN PETER T. KING FOR HON. JANET NAPOLITANO

*Question 1.* How do you assess the threat from domestic improvised explosive device attacks from terrorists and narco-traffickers? Why has DHS not issued a regulation securing a main IED component, ammonium nitrate?

Answer. A review of overseas attacks since 2009 aligns with our assessment that IED attacks by a transnational terrorist group continue to pose a threat to homeland security. Al-Qaeda's stated goals remain consistent and focused on targets that maximize economic damage and loss of life. Al-Qaeda-affiliated groups, including al-Qaeda in the Arabian Peninsula (AQAP), Tehrik e-Taliban Pakistan (TPP), and al-Shabaab have all publicly stated that the United States is a legitimate target for terrorist attack and each group has successfully employed IEDs overseas.

AQAP, the affiliate that represents the greatest near-term threat to the homeland, was the first al-Qaeda affiliate to attempt an attack in the United States with their effort to detonate an IED on-board an aircraft on Christmas day 2009. AQAP continued to pursue artfully concealed IEDs by advancing in Yemen, the October 2010 printer plot.

In addition to planning operations against the West, AQAP also has sought to radicalize and inspire others to conduct attacks. AQAP's English-language on-line magazine *Inspire*, a sophisticated propaganda publication geared to a Western audience, provides information on manufacturing explosives, constructing an IED, and building a remote-controlled IED trigger to encourage Homegrown Violent Extremists (HVEs) to stage independent attacks.

Drug trafficking organizations (DTOs) have not conducted an IED attack directly against U.S. officials, citizens, or interests in Mexico or in U.S. Southwest Border States. DTOs have employed IEDs to target commercial and government security interests in Mexico and to intimidate rivals and law enforcement.

DTOs first employed Vehicle Borne Improvised Explosive Devices (VBIEDs) in 2010, but have not demonstrated a desire to execute the type of large-scale explosive attacks that have been a driving factor in plotting by terrorist organizations. Analysis of recovered IEDs in Mexico does not provide indicators of direct sharing of technology, devices, or training between DTOs and terrorist organizations.

The Department continues to work on developing comprehensive regulations on the sale and transfer of ammonium nitrate, as required by section 563 of Division E "Department of Homeland Security Appropriations Act, 2008" of the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161 (adding subtitle J "Secure Handling of Ammonium Nitrate" to title VIII of the Homeland Security Act of 2002). This has included extensive consultation with Federal and State security partners with a vested interest in securing the sale or transfer of ammonium nitrate, as well as with private-sector stakeholders.

The Notice of Proposed Rulemaking for the Ammonium Nitrate Security Program was published in the Federal Register on August 3, 2011, and the public was given 120 days to provide comment(s) concerning the proposed rule. See Ammonium Nitrate Security Program, 76 Fed. Reg. at 46908. Additionally, the Department held 12 public meetings during the 120-day comment period to inform the public on the proposed rule, listen to their concerns, and gather comments provided during those forums.

The Department continues to move forward with the rulemaking process, and expects to develop a final rule in a time frame that ensures that DHS can consider and respond appropriately to the concerns raised during the public comment period while enabling DHS to comply with applicable Federal rulemaking requirements and procedures. The final rule must comply with the Secure Handling of Ammonium Nitrate provisions of the Homeland Security Act, ensure continued access by the public to ammonium nitrate for legitimate purposes, and improve the security of ammonium nitrate with minimal economic impacts. The Department must also

plan, develop, and field information technology systems necessary to support the Ammonium Nitrate Security Program, which will impact the time frame for implementation of a final rule.

In addition to the authority granted to DHS by the Secure Handling of Ammonium Nitrate provisions of section 563 of the Consolidated Appropriations Act of 2008, the Department also has authority under section 550 of the Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295 (2006), to issue the Chemical Facility Anti-Terrorism Standards (CFATS) regulations governing the security of high-risk chemical facilities. CFATS addresses hundreds of chemicals including ammonium nitrate.

In developing the Ammonium Nitrate Security Program, DHS intends to draw on information gained under the CFATS program about ammonium nitrate, and will work to ensure that CFATS and the Ammonium Nitrate Security Program complement each other.

*Question 2.* What has DHS done to secure sensitive critical infrastructure information submitted to DHS by industry?

How does DHS alert critical infrastructure operators about leaks of such information?

Answer. The Department of Homeland Security (DHS) uses several mechanisms to protect sensitive critical infrastructure information, including the Protective Critical Infrastructure Information (PCII), Sensitive Security Information (SSI), and Chemical-terrorism Vulnerability Information (CVI) programs, and other For Official Use Only regimes.

DHS established the PCII Program to implement the provisions of Critical Infrastructure Information (CII) Act of 2002, subtitle B of Title II of the Homeland Security Act (Pub. L. No. 107-296, 116 Stat. 2135, sections 211-215), and regulates the use and disclosure of information submitted to the Department of Homeland Security (DHS) about vulnerabilities and threats to critical infrastructure. Operating on authority given by the CII Act, the PCII Program protects critical infrastructure information voluntarily submitted to the Federal Government by critical infrastructure owners and operators. CVI, a category of sensitive, unclassified information established under Section 550(c) of the DHS Appropriations Act of 2007 (Pub. L. No. 109-295) and the Chemical Facility Anti-Terrorism Standards (CFATS) regulation, protects certain information developed or submitted as part of the CFATS process.

To date, no leaks or misuse of PCII have been identified. In the event that a leak of PCII is identified, the PCII Program Office, located within the National Protection and Program Directorate's (NPPD) Office of Infrastructure Protection (IP), would notify the owner or operator that submitted the critical infrastructure information that a leak has occurred and that an assessment of the potential impact of the release is underway. While the initial notification may be verbal, the PCII Program Manager would also send the submitter a written notification.

DHS safeguards sensitive information by retaining it in systems of records associated with each submitter, which allow information relating to the compromise of data to be shared with the submitter or with those that might be harmed from the loss of data. How this information is shared is determined based on the context and the need for responding to the loss of the information.

*Question 3.* How do DHS expenditures fit in with a National bio-defense strategy? Does DHS plan to build the Nation Bio and Agro-defense Facility?

Answer. In 2009, the National Bio and Agro-defense Facility (NBAF) was expected to be fully offset by the proceeds from the sale of Plum Island. However, due to the current fiscal climate, the sale of Plum Island is not likely to provide adequate funds in the foreseeable future. In addition, estimated construction costs for NBAF have increased by more than 30 percent as a result of construction delays and safety engineering requirements. Furthermore, the Department faces significant funding constraints from the Budget Control Act of 2011 (Pub. L. No. 112-25). At the same time, Congressional appropriations have not kept pace with the costs to build the facility expeditiously and the aging facility on Plum Island is well past its life expectancy, resulting in increased maintenance costs and risk to operate.

Given current fiscal challenges, and in light of evolving threats to U.S. agriculture, in fiscal year 2012, DHS asked the National Academy of Science (NAS) to convene a committee of experts to conduct a comprehensive assessment of the requirements for a large foreign animal and emerging disease research and diagnostic laboratory facility in the United States. The Mission Need Assessment was recently completed by NAS and provided to the Department of Homeland Security for review.

The Department looks forward to working with Congress on the future of NBAF while maintaining critical research at Plum Island.

*Question 4.* The Council on American Islamic Relations (CAIR), the Islamic Society of North America (ISNA), and the North American Islamic Trust (NAIT) are unindicted co-conspirators in a terror fundraising case. What are DHS' relationships with CAIR, ISNA, and NAIT, or their members?

Answer. The Department works with many diverse community groups and organizations to build crucial channels of communication, both educating DHS about the concerns of communities and giving those communities current, accurate information about DHS policies and procedures. The Department has worked with CAIR, ISNA, and NAIT in community engagement and outreach efforts conducted by a number of DHS offices and components around the country.

*Question 5.* Please update us on DHS' countering violent extremism programs.

Answer. The Department has responsibility for implementing a range of CVE initiatives outlined in the administration's National CVE *Strategic Implementation Plan (SIP) for Empowering Local Partners to Prevent Violent Extremism in the United States*. This role includes leveraging the Department's analytic, research, and information capabilities, engaging State and local authorities and communities to bolster pre-existing local partnerships, and supporting State, local, Tribal, and territorial law enforcement and communities through training, community policing practices, and grants. DHS works closely to coordinate and collaborate on these efforts with the National Counter Terrorism Center (NCTC), the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and other interagency and community partners.

The Department is working with its Federal, State, local, Tribal, and territorial partners to fully integrate CVE awareness into the daily activities of law enforcement and local communities Nation-wide. Specifically, DHS has made substantial progress in CVE in three key areas:

1. Better understanding the phenomenon of violent extremism through extensive analysis and research on the behaviors and indicators of violent extremism;
2. Enhancing operational partnerships with local communities, State and Local law enforcement, and international partners; and
3. Supporting community policing efforts through curriculum development, training, and grant prioritization.

*Better Understanding the Phenomenon of Violent Extremism*

DHS has conducted extensive analysis and research to better understand the threat of violent extremism. This includes over 75 case studies and assessments produced by the DHS Office for Intelligence and Analysis (I&A) since 2009 on home-grown violent extremist activities and potential material support activities in the United States on behalf of violent extremist groups or causes, including an in-depth study that looks at the common behaviors associated with 62 cases of al-Qaeda-inspired violent extremists. DHS has also produced numerous unclassified homeland security reference aids analyzing domestic violent extremist groups.

*Enhancing Operational Partnerships and Best Practices with Local Communities, State, and Local Law Enforcement, and International Partners*

DHS has made significant advancements in operational CVE exchanges with international partners. We have international CVE partnerships with Australia, Belgium, Canada, Denmark, Germany, the Netherlands, Spain, and the United Kingdom, as well as partnerships with international law enforcement organizations such as Europol. For the past year, DHS, Europol, and E.U. partners have exchanged information on U.S.- and E.U.-based fusion center best practices, CVE training standards, and research and case studies, including a joint case study on the 2011 Norway attacks. These exchanges help us support State and local law enforcement by equipping them with up-to-date analysis on the behaviors and indicators of violent extremism, so they can prevent potential future violent extremist incidents from occurring in their communities. In addition, DHS has coordinated with the Department of State to train field-based U.S. Government officials, both domestically and internationally, on how to engage and partner with local communities to build community resilience against terrorist recruitment and radicalization to violence.

The Department has also significantly expanded outreach to communities that may be targeted for recruitment by violent extremists and promote a greater awareness of Federal resources, programs, and security measures available to communities. For example, the DHS Office of Civil Rights and Civil Liberties (CRCL) has held over 72 roundtable events Nation-wide since 2011, which have helped to address grievances, increase awareness of CVE resources, and build partnerships between State and local law enforcement, local government, and community stakeholders.

*Supporting Community Policing Efforts Through Curriculum Development, Training, and Grant Prioritization*

Over the past year, DHS has worked closely with the State and Provincial Police Academy Directors, the International Association of Chiefs of Police, the Major City Chiefs Association, the Major City Sheriff's Association, NCTC, DOJ, and the FBI to develop CVE training for Federal, State, local, and correctional facility law enforcement. DHS has hosted seven workshops to receive feedback from front-line officers on the training materials, including workshops in Columbus, OH, San Diego, CA, Washington, DC, and Minneapolis, MN and the recent "Train-the-Trainer" CVE Workshop in San Diego, CA during the last week of September 2012. Two workshops were also conducted for correctional facility officers in Sykesville, MD and in Orange County, CA.

DHS launched a new CVE web portal through the Homeland Security Information Network (HSIN) for CVE law enforcement training practitioners Nation-wide on September 28, 2012. This web portal serves as an efficient and easy resource to access CVE training materials, which can be incorporated into existing training programs and contains over 160 CVE training resources.

DHS expanded fiscal year 2012 grant guidance to include funding for training and local CVE efforts, including participating in CVE training workshops, developing CVE training curriculum, participating in the new CVE web portal, and incorporating CVE training resources into existing training programs.

*Question 6.* In *Inspire* magazine, al-Qaeda member Anwar al-Awlaki admitted that he was radicalized in 1991 and traveled to Afghanistan for jihad, and that he rebuffed FBI requests to become a source. Now that we know Awlaki was a radical and an "Arab-Afghan" at the time of his interactions with the 9/11 hijackers, should the Government re-examine the roles of Awlaki and his associates in 9/11?

*Answer.* DHS defers to FBI and other investigative partners for determinations as to precisely when Anwar al-Awlaki first became formally associated with al-Qaeda, and whether or not al-Awlaki had any foreknowledge or pre-operational role in the September 11, 2001 attacks. DHS I&A continues, however, to assess the credibility and value of any new information involving the role that now-deceased al-Awlaki's public statements play—particularly through *Inspire* magazine—in radicalizing subjects to commit acts of violence against the United States.

QUESTIONS FROM HON. ROBERT L. TURNER FOR JANET NAPOLITANO

*Question 1.* Given that Islamic terror groups are decentralized organizations and non-traditional enemies, what do we know about the underlying principles of Islamic terror groups and how are we using that information to prevent further attacks?

*Answer.* Within the context of U.S.-based violent extremism, we know that foreign terrorist groups affiliated with al-Qaeda, and individual violent extremists, are actively seeking to recruit or inspire Westerners to carry out attacks against Western and U.S. targets via social media, personal interaction, and publication of magazines.

The Department operates with the understanding that we face significant risk of terrorism from violent extremists who have either been recruited by al-Qaeda or its affiliates or inspired by their ideology. This threat is real, as evidenced by the recent thwarted attacks of domestic violent extremists inspired by al-Qaeda's ideology, to include the arrest of Naser Jason Abdo at Fort Hood in July 2011 and the arrest of Amine el-Khalifi in February 2012 in Washington, DC.

Recognizing that communities across the country may face such threats, DHS has designed a community-based Countering Violent Extremism (CVE) approach that applies to all forms of violent extremism, regardless of ideology. We have conducted significant analysis and research on multiple types of threats in order to equip law enforcement with the tools needed to detect and mitigate all forms of violent extremism. This analysis and research is being shared with Federal, State, local, Tribal, and territorial authorities, fusion centers, local communities, and international law enforcement partners to empower, support, and equip them with the knowledge to better detect and identify potential behaviors associated with violent extremism to prevent violent crime in their communities. All of this information is also being integrated into all of the Department's CVE training for Federal, State, local, Tribal, territorial and correctional facility law enforcement; it is also available on the DHS CVE Training Resources web portal for law enforcement training practitioners.

*Question 2.* Clearly, terrorists are radicalized early in their lives. What specifically is being done to prevent radicalization among Muslim youth?

*Answer.* Research and analysis suggests that there are multiple pathways to violent extremism and that while there may be common behaviors that are exhibited

prior to an attack, no one factor can explain why youth radicalize to violence. It is also important to note that the vast majority of Muslim-Americans living in the United States do not subscribe to violent extremist ideologies and are actively working with local authorities, the FBI, DOJ, and DHS to protect their local communities from violence.

As mentioned in the White House's *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United State (SIP)*, partnerships with community members are vital to our security, as evidenced by the fact that of the 86 foiled terrorist plots against the United States, between 1999–2009, almost half of the plots were thwarted with help and participation from communities.<sup>1</sup> The SIP recognizes the importance of forming strong partnerships with communities and lists the actions the U.S. Government will take in support of a community-based approach to CVE. The DHS Office for Civil Rights and Civil Liberties (CRCL) conducts regular roundtable meetings across the United States and dozens of community meetings at the request of community leaders. CRCL has also conducted youth engagement with in cities such as Minneapolis, San Diego, Portland (ME), and Columbus (OH) to build trust and to discuss issues such as preventing violent extremism.

In 2012, DHS's Science and Technology Directorate (S&T) sponsored a study conducted by the National Consortium for the Study of Terrorism and Responses to Terrorism (START), a DHS Center of Excellence at the University of Maryland. The study identified a range of risk and protective factors that may have impacted the involvement of some Minneapolis-St. Paul Somali-American youth in violent extremism and, based on these factors, provided recommendations on how preventative efforts could be developed at the individual, family, community, and Government levels. DHS's CVE efforts focus on ensuring that these and other findings from research and analysis are made widely available through training and workshops to law enforcement training practitioners via the DHS CVE Training Resources web portal.

*Question 3.* Within the Muslim community there is an internal struggle, one leading toward destruction and violence, the other side seeking to join the global community and embrace the freedoms of a democratic society. Are we conveying all viable alternatives to radical Islam, to mainstream Muslims, before moderate are radicalized?

*Answer.* Research and analysis suggests that there are multiple pathways to violent extremism and that while there may be common behaviors that are exhibited prior to an attack, no one factor can explain why individuals radicalize to violence. It is also important to note that the vast majority of Muslim-Americans living in the United States do not subscribe to violent extremist ideologies and are actively working with local authorities, the FBI, DOJ, and DHS to protect their local communities from violence. Recognizing this, DHS has designed a CVE approach that applies to all forms of violent extremism, regardless of ideology. DHS has been highly involved in implementing the 2011 White House Strategic Implementation Plan (SIP) for Empowering Local Partners to Prevent Violent Extremism in the United States. The goals of the SIP include: (1) Enhancing engagement with and support to local communities; (2) building Government and law enforcement expertise; and (3) countering violent extremist propaganda while promoting our ideals.

[Note.—The response to Questions for the Record which were submitted to the Director of the National Counterterrorism Center, the Honorable Matthew G. Olsen, necessitated a classified response. These were provided to the committee and retained in committee files.]



<sup>1</sup>“Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009,” Institute for Homeland Security Solutions, October 2010.