

**18 YEARS LATER: THE STATE OF
HOMELAND SECURITY AFTER 9/11**

FIELD HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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18 YEARS LATER: THE STATE OF HOMELAND SECURITY AFTER 9/11

MONDAY, SEPTEMBER 9, 2019

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
New York, NY.

The Committee met, pursuant to notice, at 10:02 a.m., at the National September 11 Memorial and Museum, New York, New York, Hon. Ron Johnson, Chairman of Committee, presiding.

Present: Senators Johnson, Peters, Romney, Scott, Hawley, Carper and Hassan.

Chairman JOHNSON. Good morning.

OPENING STATEMENT OF ALICE M. GREENWALD,¹ PRESIDENT AND CEO OF 9/11 MEMORIAL AND MUSEUM

Ms. GREENWALD. Thank you Chairman Johnson, Ranking Member Peters, and Committee Members.

My name is Alice Greenwald, and I am the President and Chief Executive Officer (CEO) of the 9/11 Memorial Museum.

On behalf of everyone associated with the Memorial Museum, I want to extend a warm welcome and express our sincere gratitude for your steadfast commitment to securing the safety of our Nation.

We are deeply honored to have Secretaries Chertoff, Napolitano, and Johnson here this morning, and I want to thank each of you for your dedicated service to the Nation.

The decision to hold this public field hearing here within a space defined by the remaining foundational structure of the World Trade Center (WTC) at what was 18 years ago this week the epicenter of Ground Zero, makes today's program especially meaningful.

I know many of you toured the museum last night, some for the first time. The events we chronicle here, the lives we remember and the aspirations we embrace for world free from the scourge of terrorism are inextricably linked to the work of this Committee and to the topics that you will discuss today.

Here at the 9/11 Memorial and Museum we testify to the largest loss of life resulting from a foreign attack on American soil and the greatest single loss of rescue personnel in a single event in American history.

Our exhibitions and programs recount the collective experience of profound shock, unprecedented vulnerability and overwhelming grief caused by the attacks.

¹The prepared statement of Ms. Greenwald appears in the Appendix on page 39.

Yet visitors take away more than a cautionary tail to remain vigilant to continue threats. By sharing the manifold expressions of courage, compassion and service in response to 9/11, this Museum also affirms the best of who we can be as human beings.

From its inception the Nine Eleven Memorial and Museum vowed to honor and preserve the memory of all who were killed.

And 2 days from now this memorial will host as we do every year, a solemn ceremony to mark the anniversary of the 9/11 attacks.

But in recent years, our understanding of what it means to remember has had to evolve with the tragic recognition that, for many 9/11 is not past history at all.

For the survivors, responders, recovery and relief workers, volunteers and community members exposed to hazards and toxins in the aftermath of the attacks, 9/11 is an all too present reality.

The massive 16 acre recovery effort at this site lasted 9 months, concluding on May 30, 2002, with the ceremonial removal of the last column now standing directly behind you here in Foundation Hall.

During that time, as well as on the day of the attacks, hundreds of thousands, it is estimated 400,000, responders, and survivors, workers and residents were exposed to hazards and toxic dust released into the air at and around the World Trade Center following the collapse of the twin towers on 9/11.

In the 18 years since, thousands have died.

And tens of thousands more suffer from injuries and illnesses sustained at all three attack sites including the Pentagon and the crash site near Shanksville, Pennsylvania.

The scale of the 9/11 health crisis is almost inconceivable. Over 97 thousand people living in all 50 States and in 434 of 435 congressional districts, are currently enrolled in the Centers for Disease Control and Prevention (CDC's) World Trade Center health program.

This tragic situation exemplifies the longitudinal impact of terrorism, and its ongoing human toll.

In just 2 years, we will mark the 20 anniversary of the 9/11 attacks.

For the witness generation, it is unbelievable that two decades will have passed, our memories of that day are still that vivid.

But there is a new generation growing up in a world defined in so many ways by a pivotal event they did not experience personally, some are in college, some are starting their careers.

If as someone recently remarked, the 21st Century started here.

We must ensure that the next generation and generations to come understand the significance of the events and legacies of 9/11 so that they have the tools and the perspective to negotiate the challenges ahead.

National security, the topic of today's hearing, is among the greatest of those challenges.

And it is a core programmatic focus for the 9/11 Memorial and Museum. As evidenced by this morning's hearing the museum has emerged as a vital convening space in which to explore issues of global security, counter terrorism, crisis leadership and public service.

We provide especially tailored training programs for professionals in law enforcement, intelligence, and the military and we regularly offer public programs on security, defense, and foreign policy.

The museum also hosts an annual summit on security, bringing together leading voices on security matters, from across the public and private sectors.

Our next summit will take place on November 12th and 13th, and will kick off with keynotes from former Director of National Intelligence (DNI) director Dan Coats and our chairman, Mike Bloomberg.

This year's summit will also offer an opportunity for attendees to preview our next special exhibition documenting the more than 10-year hunt for Osama bin Laden.

If you are interested in attending the summit, or would like to visit this exhibition at another time, please let me know.

Standing here, sitting here in Foundation Hall at the heart of Ground Zero, we are witness not only to the remnants of what was destroyed, but to the promise of a better future.

This is now the foundation at Ground Zero, a place to build up from, and create a safer world for our children, and our grandchildren.

Thank you for being here today, and for your dedication and service to this singularly critical goal.

Chairman JOHNSON. Thank you, Alice.

OPENING STATEMENT OF SENATOR JOHNSON¹

Will the Secretaries please be seated.

This hearing on Homeland Security and Governmental Affairs (HSGAC) will come to order. I would like to start with a brief moment of silence to honor the memory of all those who lost their lives on that terrible day, and the first responders who continue to lose their lives to diseases that they contracted in untold acts of heroism.

[Pause].

Thank you. I would first like to thank Alice Greenwald and everyone involved in the creation of this special place. I would like to thank the National 9/11 Memorial Museum for hosting this field hearing on hallowed ground, and for providing a sobering and moving and educational tour for Committee Members and staff last night.

I would also like to thank everyone for attending what I hope to be a thoughtful and informative event. In particular, I would like to thank three of the former secretaries of the Department of Homeland Security (DHS), Secretaries Chertoff, Napolitano and Johnson, for their attendance, testimony and especially their service to this Nation. We truly appreciate it.

The title of this hearing "18 Years Later, The State of Homeland Security After 9/11," describes our goal: to look back and assess what has transpired since that awful day. What actions were taken? What has and what has not been effective? And maybe most important, what has changed?

¹The prepared statement of Senator Johnson appears in the Appendix on page 35.

In 2011, the Tenth Anniversary Report Card produced by the Bipartisan Policy Center, focused on the extent to which the 9/11 Commission's 41 recommendations have been implemented. The report concluded with the reminder that "we have done much, but there is much more to do."

Much work remains because we are living in a world of rapid and dramatic change. It is essential to acknowledge that as the world evolves, enemies adapt, new threats and problems emerge.

For example, if the Islamic State of Iraq and Syria (ISIS) existed in 2011, it certainly was not on most people's radar. We were worried about large scale flight attacks by al-Qaeda, not a terror group using video and social media to inspire lone-wolf terrorists. I doubt that the creators of the Internet and social media platforms ever contemplated how their innovations could be used for such evil.

In his book, "*Slouching Toward Gomorrah*," Robert Bork illustrated how the Internet provided an opportunity for previously isolated deviants to connect to others. Social media has sped up the process that Daniel Patrick Moynihan accurately described as "defining deviancy down." As a result, we have experienced the depressing proliferation of homegrown violent extremists (HVE), mass shootings and domestic terror attacks.

Another dramatic shift that has occurred involves the composition of illegal immigration. In 2011, only 3,938 unaccompanied alien children (UAC) from Central America were apprehended entering our Southwest Border illegally, and the phenomenon of families exploiting our laws was so minor, we were not even keeping track of them. And 11 months into this fiscal year (FY), more than 69,000 unaccompanied children from Central America, and 432,000 family members have been apprehended, with most claiming asylum and being allowed to stay.

I use these examples to highlight the evolving complexity of the problems we face, and our inability to effectively address them. Unfortunately, there are not many solutions as easy and effective as hardening the cockpit doors. As Chairman of this Committee, I have attempted to guide us through the problem-solving process, gather information, properly define problems, identify root causes, establish achievable goals, and then only after completing that work, begin to design workable solutions. Too often in the political realm, solutions are directed towards unachievable goals and they simply do not reflect reality.

The Tenth Anniversary Report Card details significant implementation of the 9/11 Commission's 41 recommendations. But those were solutions in response to 9/11.

In 2015, this Committee's then-ranking member, Senator Tom Coburn, issued a report reviewing the Department of Homeland Security. He detailed \$544 million spent by DHS from 2003 to 2014, and criticized the Department for "not successfully executing any of its five main missions."

Let me quickly, as an aside, mention what those five missions are.

Prevent terrorism and enhance security. Secure and manage our borders. Enforce and administer our immigration laws. Safeguard and secure cyberspace. Strengthen the national preparedness and resilience.

And I also have to say in that report, as harsh as it was, it was not a reflection on the current secretary, Secretary Johnson or past secretaries.

In fact, he calls on that report, the management skills and Unity-of-Effort initiative.

But it is still pretty harsh assessments, and after 18 years it is necessary to ask some hard questions based on experience. For example, is DHS too big? Does it have too many missions? Can we expect one department to be responsible for national disasters; preventing domestic terror attacks; cyber security; protecting critical infrastructure; enforcing immigration laws; securing our borders; investigation counterfeit currency and protecting government officials? Not only does the list go on, but in addition to its operational responsibilities, DHS also reports to 92 congressional committees and subcommittees of jurisdiction, plus another 27 caucus, commissions and groups.

The complex set of problems that our Nation faces will not be solved with heated rhetoric in the midst of political squabbling. It will require individuals working together in good faith, as Members of this Committee have done so often in the past. That is why I am grateful that a bipartisan group of senators has the opportunity to be here today to learn from a bipartisan group of former secretaries. I hope that through this work we can fairly evaluate past successes and failures and use these assessments to guide future actions and policies designed to secure our homeland.

Again, I thank the Secretaries and look forward to your testimony, and then Senator Peters.

OPENING STATEMENT OF SENATOR PETERS¹

Senator PETERS. Thank you, Chairman Johnson for convening this important hearing, and thank you to Alice Greenwald and the entire National 9/11 Memorial and Museum staff for hosting us here today. I am also grateful to our former Homeland Security Secretaries for joining us to share your thoughts as well as your expertise.

This hallowed space is quiet and peaceful today. We are surrounded by the remnants of the Towers that were destroyed, and the treasured memories of 2,977 lives taken 18 years ago at the World Trade Center and at the Pentagon and in Shanksville, Pennsylvania.

My colleagues and I had the opportunity to tour the museum and the Memorial yesterday, and the experience—this extraordinary tribute to the lives that were lost in the most devastating attack on American soil, the tribute to the families who lost their loved ones, and the first responders who so bravely ran into danger to save the lives of others.

Behind us is the last column, the final piece of steel that was removed from Ground Zero after the 9-month long recovery effort had ended. Today, it stands as a monument honoring the 441 first responders, police, firefighters and rescue workers who gave their lives in the line of duty.

¹The prepared statement of Senator Peters appears in the Appendix on page 37.

This week, we remember and honor the lives lost on September 11, 2001, we must also reflect on the lessons that we have learned in the years since as we work to prevent a tragedy like this from ever happening again.

In the days following September 11, our Nation felt, for the first time, that we were vulnerable to the dangers of a very volatile world. In those frightful days, no one knew what the future would hold—only that we would rise from the rubble united and resolve to be stronger than ever.

It was out of that uncertainty and determination to protect this Nation from future attacks, that the Department of Homeland Security was founded.

The new department, which rapidly grew to be one of our Nation's largest Federal agencies, was comprised of nearly two dozen large and diverse agencies, many of which had operated for decades as independent actors. In the face of tragedy these organizations, each with their own very unique cultures and histories, coalesced around a very single and focused mission and under one banner.

The Department of Homeland Security was created with one primary mission in mind, combating the scourge of terrorism and ensuring that we could say with confidence "Never Again."

However, in the years that have since passed, as the world around us has changed, so too have the challenges facing this great Nation, and this vital department.

Today, DHS confronts a new generation of persistent and evolving threats, more complex and diffuse than we could have possibly imagined just a few years ago.

With each passing day, our world becomes more interconnected, cementing the important role that cybersecurity plays in our everyday lives.

A rise in violence driven by racism, religious discrimination and other hateful ideologies has altered our perception of domestic terrorism and the threats that they pose.

And one of the gravest threats to our national security does not fly a flag or adhere to an ideology. Yet climate change poses an existential threat not just to the United States but to our entire planet.

The Department of Homeland Security is our first line of defense against these and many other challenges, and some of which have evolved or risen since this Department was created.

As the threats to our homeland change, so must the efforts to protect our national security.

With nearly two decades of lessons learned, the time has come for a clear-eyed assessment of what has worked and what needs to be improved.

As we reflect on what the Department has accomplished to date, we must consider whether the size and the complexity of DHS can keep pace with the constantly evolving threats of a rapidly changing world.

In order to build a more sustainable department and defend ourselves from global threats we must look to the future. It is not enough to understand the threats of the moment, we must also ensure that DHS is prepared to anticipate and identify those threats arising in the future.

This is a very difficult conversation, but one that we must have to keep our country safe and ensure that we never again face a catastrophic event like September 11th.

Chairman JOHNSON. Thank you, Senator Peters.

As the Secretaries may be aware, it is our tradition to swear in witnesses. So, if you will all stand and raise your right hand. Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God.

Mr. CHERTOFF. Yes.

Ms. NAPOLITANO. Yes.

Mr. JOHNSON. Yes.

Chairman JOHNSON. Please be seated.

Our first Secretary is former Secretary Michael Chertoff, who is the founder and the executive chairman of the Chertoff Group and senior counsel to the law firm of Covington & Burling.

Mr. Chertoff was the second Secretary of the Department of Homeland Security serving under President George W. Bush. He led the Department from 2005 to 2009. Earlier in his career he was a Federal judge on the Third Circuit Court of Appeals and was head of the U.S. Department of Criminal Justice, U.S. Department of Justice Criminal Division. Secretary Chertoff.

TESTIMONY OF HON. MICHAEL CHERTOFF, FORMER SECRETARY (2005–2009), U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. CHERTOFF. Thank you, Mr. Chairman.

Thank you Senator Peters and Members of the Committee.

I deeply appreciate and am honored by the opportunity to appear before the Committee and particularly in this setting, which is so meaningful.

I also know that in the audience we have a number of senior security officials from the State of New York, of the Fire Department of New York, and the Port Authority, which of course is the organization that houses this facility.

I also would like to request respectfully that my written testimony be made part of the record.¹

Chairman JOHNSON. No objection.

Mr. CHERTOFF. I have very vivid personal memories of September 11th.

Very briefly, I was head of the Criminal Division and within minutes after the second plane hit the Tower, in the World Trade Center I was at the operation center in the Federal Bureau of Investigation (FBI), with then FBI Director Bob Mueller, trying to figure out first who had done it and perhaps more importantly how do we stop it from happening again.

And I have vivid memories of hearing about the plane that went down in Shanksville, and also having heard the order transmitted to shoot the plane down if necessary, something I never would have imagined that I would live to hear.

Within a matters of days after September 11, I was here on the site with the Attorney General (AG) and the FBI Director, touring

¹The prepared statement of Mr. Chertoff appears in the Appendix on page 43.

the rubble, and you could still experience the smell and the visual sights of destruction, which were almost unimaginable.

So, for me this is an opportunity again to remember what is, for the whole country and maybe for the whole world a seminal event of our lifetimes.

It is obviously very appropriate to use the impending anniversary as a way to honor those who died, and those who volunteered to run into harm's way to try to protect victims of this attack—firefighters, police.

And then in the weeks and months and years afterwards, those who left the comfort of their homes to volunteer and join the armed forces, to continue to protect us against the enemy that was based overseas.

But I am also mindful of what was said previously about the fact that we are coming up on 20 years, a generation of time that has passed since September 11th.

And I think about the fact that there are now young folks in college for whom this is a history lesson, and not a vivid memory.

And so, of course, the question naturally arises, when the next generation comes on the scene, what will they be facing and what will they remember, and will they, "God forbid", have another similar event to reflect upon.

And I think that is very much to mind the value of the importance of this hearing.

What is the next generation going to face and how do we adapt ourselves to what that might be?

So, I have basically three brief observations about this. One is, I regard the 9/11 event and some of the events that we saw thereafter as what I call Terrorism 1.0. That was Osama bin Laden's vision of high impact events with large mass casualties and very dramatic visual seeds of destruction and death.

And I have to say that DHS and the whole U.S. Government has been quite successful in making sure that an attack of that scale has not been successful since September 11th.

We came close a couple of times. Some of you will remember the August 2006 airline plot which we frustrated, which would have blown up 12 airliners leaving Heathrow Airport, coming to North America.

But it is important that our success not lead us to complacency, because the enemies of this country still look to the possibility of a mass attack, whether it is explosions, chemical attacks, or biological attacks.

And as we saw in the months after 9/11, if you give terrorists organizations a safe haven, they will begin to experiment with chemical weapons, biological weapons and other kinds of weapons of catastrophe.

And it is important that we deny them those safe havens.

And I would say, in connection with that as we look at ongoing discussions with respect to the future of Afghanistan, let's be sure that we do not sacrifice our ability to strangle any plots, to shut down the labs and the training centers before they get started again.

I will also say that we have seen a morphing of terrorism, what I call 2.0 and 3.0. 2.0 being smaller scale attacks like we saw in

Mumbai or in the Bataclan nightclub in France, which are coordinated and trained, but do not have the scale of a 9/11.

And then perhaps even more alarming is what I call 3.0, inspired attacks, where people are basically incited over the Internet, to go out and pick up car keys, guns, or make bombs using the materials in their mother's kitchen in order to kill people randomly, just in order to keep a marker that the terrorists are going to continue to attack.

And here I have to say that we have not only Jihad terrorists, which are still networked internationally with each other, but we are seeing other ideological terrorists also arising, what we sometimes call domestic terrorism, whether it is white supremacists or other kinds of ideological groups.

And even those are not purely domestic. They are reaching across borders, using the Internet to incite each other, to boast about the number of people that they have killed and to continue to carry out these attacks.

And so we need to start to think about strategies to deal with this kind of terrorism, which to my mind involves much more involvement of local authorities, and local social services; but also the creation of what I call off ramps, ways you might intervene with people who are beginning to get into that mind-set, and divert them before they wind up having to be in the criminal justice system or worse, wind up carrying out an attack.

And finally, we need to focus on cyber warfare.

We see ransom-ware attacks on our cities, that are shutting down services. We have seen in other parts of the world, like Ukraine, attacks on critical infrastructure that have shut the lights off. We need to raise our game with respect to this. And it has to be a public private partnership.

Along these lines we also are beginning to see the recurrence of what used to be called active measures, which is the use by foreign adversaries like Russia, on social media and other tools to attempt to influence and disrupt our democracy and our social unity.

And finally I would like to say just briefly before I conclude, that I do think that DHS has largely succeeded in the missions that were set out for itself, as witnessed by the fact that we have not had another 9/11, but the organization must continue to adapt to these new challenges and new threats.

I think that most of the recommendations of the 9/11 Commission were adopted, but I do have to say that Congress still needs to streamline oversight, which I think is the one major suggestion which has not really been implemented.

So, thank you very much. And I look forward to answering questions.

Chairman JOHNSON. Thank you, Secretary Chertoff.

Our next secretary is former Secretary Janet Napolitano, who is the President of the University of California, who got some great rankings recently in the Wall Street Journal poll. Ms. Napolitano served as the Secretary of Homeland Security from 2009 to 2013, under President Barack Obama. Prior to serving as Secretary, she was the Governor of Arizona from 2003 to 2009, the Attorney General of Arizona from 1998 to 2003, and U.S. Attorney for the District of Arizona 1993 to 1997. Secretary Napolitano.

TESTIMONY OF HON. JANET NAPOLITANO,¹ FORMER SECRETARY (2009–2013), U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. NAPOLITANO. Thank you Chairman Johnson and Ranking Member Peters and the Members of the Committee.

I want to thank you for conducting this important field hearing and for inviting me to participate.

I am grateful for the work that you do on behalf of the American people, and I am honored to be with you this morning here at the National September 11th Memorial and Museum.

Eighteen years after the attacks, September 11th remains a somber day on which we mourn and reflect on the nearly 3,000 lives lost in the attack on our Nation. As we honor the memory of those whose lives were taken on that fateful morning, so, too, we express our gratitude to the first responders, law enforcement and volunteers, who pulled people from the wreckage of the Pentagon, from the World Trade Center and who themselves many later succumbed to illness or died as a result of their recovery efforts.

I also would like to thank the men and women of the Department of Homeland Security for the work that they do to keep us safe day-in and day-out. They are true patriots and am grateful for their service to our Nation.

And finally I would like to acknowledge former Secretaries Chertoff and Johnson, who are here today, and who so ably led the Department during their respective tenures.

From the beginning of my tenure as Secretary at DHS, we focused our mission on terrorism, aviation security, cybersecurity, and border management and security, as well the security of the global supply chain, the trafficking of goods and humans and the resilience of the Nation to natural disasters.

To meet these challenges, we relied on intelligence to develop and implement effective programs and operations while working to make travel, trade, and commerce more seamless for the public. We created Transportation Security Administration (TSA) Pre-Check, and significantly expanded Global Entry, Customs Trade Partnership Against Terrorism, and customs preclearance. We also transformed border security, immigration enforcement, and disaster preparation, response, and recovery.

But as we all know, and as the former speakers have alluded, threats against our homeland are not static, they evolve and we in the Department must adapt with them.

So, today I would like to speak with you about three areas that I believe the country must focus on. Cyber security, mass-casualty shootings, and the effects of global warming or climate change. And I will address one issue that I believe is not a threat to the homeland, the U.S. border with Mexico.

With the Cybersecurity and Infrastructure Security Agency (CISA), DHS has stepped up to its cyber capabilities, but we have much more to do in this area. Our Nation's critical infrastructure, its utility grid, election systems and our public and private networks all are vulnerable. Our adversaries and international criminal organizations have become more determined and more brazen

¹The prepared statement of Ms. Napolitano appears in the Appendix on page 50.

in their efforts to attack us, and to steal from us. We need a whole of government and a whole of public and private sector response to this threat, and it needs to happen now. We can out-think, out-renovate and out-research those who seek to do us harm, by among other things, investing in our Nation's research enterprise, and leveraging such things as the tremendous capabilities and intellectual resources at the Department of Energy (DOE) National Laboratories.

The less technical threat of mass casualty shootings is no less consequential as those posed in the cyber arena. Many in our country have sadly grown all too accustomed to stories of yet another mass shooting. DHS's Office of Intelligence and Analysis (OIA) was created to evaluate the nexus between threat and vulnerability. It needs to be aggressive in doing so with respect to gun violence and mass casualty shootings.

I believe in the 2nd Amendment, but it did not contemplate citizens with combat-ready assault rifles. I believe that people should be able to use weapons for recreation, hunting and protection, but if you cannot hit your target with 10 shots, you should not be shooting a gun. It is time for Congress to ban high capacity magazines and assault weapons, and it is time to enact universal background checks.

It is also time for Congress and the Department of Homeland Security to recognize that climate change is a generational threat to the homeland that must be addressed in a meaningful way. The uptick in extreme weather events on land, and on our shores clearly impacts the missions of the Federal Emergency Management Agency (FEMA) and the U.S. Coast Guard (USCG). From rescue and reconnaissance to disaster preparation response and recovery, our changing climate requires DHS to approach those missions differently.

Climate evolution also implicates our border and our immigration system, thereby directly affecting U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE). Extreme weather is destroying crop yields in Central and South America, devastating economies, and drying up jobs and gainful employment opportunities. With lost jobs and lost wages the aperture toward radicalization widens as does the draw of northward migration. There are many factors that lead to migration to the United States, but the downstream effects of climate change are certainly among them. If we as a Nation fail to address climate change in a holistic and global way, as a threat to the homeland, we will be ignoring one of the Nation's and the world's greatest security risks.

Finally, I would like to address a topic that I do not believe is a threat to the Homeland, the U.S. border with Mexico. I have worked on issues related to that border for nearly 30 years as a prosecutor, a Governor, and as Secretary of DHS. I have walked it, ridden it on horseback, flown it in fixed and rotor-wing aircraft, explored its tunnels, and visited almost every Land Port of Entry (POE). There have been times during my three decades of public service when I did argue that the border was a threat, but now it is not such a time.

The border is a zone where millions of dollars of lawful commerce, trade, and travel traverse each day. It produces jobs for citizens living along it and throughout the United States. On its own, it is an economic engine.

Proper border management requires a blend of physical infrastructure, manpower and technology. What we do not need and what does not make sense is a wall from one end of the border to the other. As Governor of Arizona I once proclaimed, “show me a 10-foot wall and I will show you an 11-foot ladder.” That was more than a decade ago, and it is still true today.

The debate about a costly and needless border wall should come to an end. It distracts from the overall mission of DHS, it is a red herring. I urge this Committee to consider putting an end to the discussions of the border wall, and to return your worthy attention to more immediate challenges of securing our homeland.

I am grateful for the opportunity to appear before you today and like Secretary Chertoff and Secretary Johnson, I look forward to your questions.

Chairman JOHNSON. Thank you, Secretary Napolitano.

Our third Secretary is the former Secretary Jeh Johnson, who is a partner with the New York City based law firm Paul Weiss Rifkind Wharton & Garrison. Mr. Johnson served as the Secretary of the Department of Homeland Security from 2013 through 2017 under President Barack Obama. Prior to serving as Secretary he was the General Counsel (GC) for the Department of Defense (DOD) from 2009 to 2012, and the Department of the Air Force from 1998 to the 2001, and an Assistant United States attorney for the Southern District of New York from 1989 to 1991. Secretary Johnson.

**TESTIMONY OF HON. JEH JOHNSON,¹ FORMER SECRETARY
(2013–2017), U.S. DEPARTMENT OF HOMELAND SECURITY**

Mr. JOHNSON. Chairman Johnson, Ranking Member Peters and Members of this Committee, good morning. Welcome to New York City, my home town.

Accompanied by my predecessors Mike Chertoff and Janet Napolitano, I welcome the opportunity to testify at this field hearing in lower Manhattan, in conjunction with the 18th anniversary of the 9/11 terrorists attacks. Senators Johnson and Carper will recall that on the 14th anniversary of 9/11, they accompanied me to the annual observance in Shanksville, Pennsylvania.

And like millions of others, 9/11 is painful and significant to me. I am a New Yorker. I was in New York City on 9/11. And I personally witnessed the collapse of the two towers. 9/11 also happens to be my birthday. Out of that day 18 years ago came my personal commitment to national security. In the years that followed, as the Chairman noted, I served as General Counsel of the Department of Defense, and as your Secretary of Homeland Security for 3 years.

Three years ago on the 15th anniversary of 9/11, I presided at the ceremony to welcome the Federal Government back to One World Trade Center. My DHS office in New York City sat on the

¹The prepared statement of Mr. Johnson appears in the Appendix on page 54.

50th floor of that building. As a point of personal privilege, I would like to acknowledge someone here who was probably one of the five best friends that I have in the world, Roger Parrino, a retired New York City Police Detective (NYPD). And I have known him for 30 years, we worked drug cases together when I was a prosecutor and he was a cop. He was one of those who ran into harm's way 18 years ago, on 9/11, and for his actions was awarded the Medal of Valor by the Mayor of the City of New York.

And any assessment of the today's Homeland Security must include an assessment of today's Department of Homeland Security.

I confess that I view today's DHS with despair and dismay. The Department appears to be under constant siege, and constant crisis, suffering from management upheaval and leadership vacancies, and crippled and attacked and constantly sued for the abrupt launch of ill-conceived controversial immigration policies. More so than ever before, DHS is now villainized and politically radioactive. There are public calls for a boycott of private businesses that contract with DHS, while certain elected officials call for the outright elimination of certain components of the DHS, if not DHS in its entirety.

In the current environment, it is easy to forget that DHS is responsible for the vital missions of protecting the American people and their homeland from the land, sea, air and in cyberspace. The Coast Guard performs vital maritime, safety, national security, law enforcement and counterdrug functions. The U.S. Secret Service (USSS) protects the President and others. TSA provides aviation security to over two million people per day. FEMA is the Nation's disaster response agency. The National Cybersecurity and Communications Integration Center's (NCCIC) is the U.S. government's primary information exchange hub for the nation's cybersecurity. These are matters in which politics should play little if any role and around which there should be bipartisan consensus and support. Yet the Department and its leadership appear to be overwhelmed by the politically contentious and emotional immigration mission and the crisis that have existed on the Southern Border—to the exclusion, I fear, of all of these other important Homeland Security missions.

For the nation's cabinet-level department charged with protecting the American Homeland, and its people, it should not have to be this way. I know that every Member of this Committee agrees with that. Mr. Chairman, I am very appreciative that you and the Members of this Committee have held this hearing, here in this hallowed place, in this bipartisan spirit.

And I look forward to your questions.

Chairman JOHNSON. Thank you, Secretary Johnson.

Normally, I defer my questioning but in my opening statement I asked a basic question, and we had what I consider a pretty lively discussion last night in regard to it. So, I will just throw it open to all three secretaries, because you kind of alluded to it as well.

When you have a crisis, whether it is three hurricanes, and wild fires, when you have as I described the flow of children, but primarily people, family members reaching hundreds of thousands in a year, how can an individual—and you all served as secretaries—how can you handle it when you are overwhelmed in one area, and

you have this Department that has so many other different missions?

So, I will open the questions, and start with the Secretary Chertoff and just go right down the line. Is DHS too big, does it have too many missions? Should we reevaluate how it is structured?

Mr. CHERTOFF. Sir, let me say this—Mr. Chairman—I appreciate the question. I will begin by saying first of all, fortunately the Secretary does not have to do everything himself or herself. And I have to say that one of the strengths of the Department has been the professionalism of the career people who work in all of the agencies, and that was something which I was able to rely upon during a very tumultuous 4-year period.

I would say that you could tweak elements in the Department, but honestly I think, particularly as it matured by my two successors here, and subsequently I think that the ability to have unity-of-effort where you bring the resources and the skills related to prevention of terrorism, to reducing vulnerabilities, and to response and resilience, I think that that is much more of a positive than a negative.

In other words, there were debates at various points in time about whether you should treat cyber as a separate agency. I will say that from my experience, not only from government but from the private sector, often the attacks that we view as cyber attacks come along with the physical attack, as well.

And the ability to protect your infrastructure requires that you have a holistic view, what we call convergence, rather than a fragmented view.

So I would argue that the key here is to continue to build and mature the unity-of-effort, and to again maintain a tradition, which I think we have had through a number of administrations, of having the nonpolitical professional operators carrying out the important mission of protecting the country and building resilience.

Chairman JOHNSON. Secretary Napolitano.

Ms. NAPOLITANO. Yes. I agree with Secretary Chertoff.

I would note that when the Department of Defense was created in the wake of World War II, most analysts say that it took over 40 years for the Department of Defense to really become integrated. And the Department of Homeland Security is much younger than that, and it has many more missions. So, but it is maturing, it is coming together.

And the efforts spent tweaking, moving one box here and one box there, I think would not be worth the effort. I would suggest respectfully that one area that could really help the Department would be to streamline congressional oversight. And I know that is delicate, and it requires committees to give up some jurisdiction, but the Committee on Homeland Security has a tradition of being—operating in a fairly bipartisan way, and being a very good overseer of the Department and it needs to push some of those other committees out of the way.

Chairman JOHNSON. Thank you.

As you know from our discussion last night you are preaching to the choir here. This may actually pass a bill to begin that process, establish a commission, I am completely sympathetic with that.

And again your voicing it will help to get that accomplished. Secretary Johnson.

Mr. JOHNSON. So, I have the most recent experience here. My answer is in one sentence, it is too large and one sentence and it is not large enough. Prior to DHS, I came from being the General Counsel for the entire Department of Defense, which is larger than DHS by multiples. The Department of the Air Force (DAF) or the Department of Navy (DoN) in and of themselves are larger than DHS. And it is the third largest cabinet level department. But it is too big in the following sense: Its missions are very diffuse, very decentralized: the cultures across DHS are vastly different, the culture of FEMA versus the Secret Service, versus the Coast Guard.

And the command and control structure of DHS lacks the maturity of the DOD. So one Christmas I set out to send an e-mail to every person in DHS who was a direct report to me. And I just kept going and going, thinking of people who report directly to me, so by noon I had to stop. There were so many people that I felt like I had to write to. And by contrast, if you look at the Department of Defense, there is for an example somebody in a senate confirmed Under Secretary who has the oversight function over all of DOD's intelligence missions. And so, except for the component leaders and there are 7 or 8 of them, there are no middle level management really between those people and the Secretary.

I am very pleased that Congress just before or after I left office codified the joint task force structure that I created so that we would have more of a DOD type model, when it comes to border security.

The other thing that I would say is, in one respect, I think that we actually need to go further. I would like to see our government, and this is probably politically unobtainable, consolidate more of Federal law enforcement issues, under one cabinet level person.

If I could wave a wand, I would take every Federal law enforcement agency, put it under one cabinet level official, not necessarily the Attorney General, who is the chief prosecutor, and deconflict all of their missions, much like they do in ministries of the interior in other nations, but—it is probably politically impossible to do that.

So, in that sense I do not think that we have gone far enough consolidating our law enforcement mission.

I know that there is discussion of possibly moving the Secret Service, the Treasury, back to the Treasury Department (USDT). I would not do that. Secret Service essentially is a law enforcement agency, and when you are talking about large security operations like the General Assembly, it makes a lot of sense to have the Secret Service as part of one cabinet level department, with Homeland Security Investigations (HSI), with FEMA, with the Coast Guard, and one pair of eyes and ears looking at all of the threats and all of the different ways someone can enter the country.

Chairman JOHNSON. I really appreciate those responses. I think that it is important testimony. It can and should carry a lot of weight. So, thank you. Senator Peters.

Senator PETERS. Thank you, Mr. Chairman.

While the Department was established in 2002 in response to an attack planned and directed by a foreign terrorist organization,

since then we know that the country and the threat landscape as has evolved dramatically.

In recent years, domestic terrorists have killed more people in our country than international terrorists. And most of the FBI's domestic terrorism investigations involve white supremacist violence.

Secretary Napolitano, during your tenure you were there probably at a turning point when we saw the threat landscape change, and the current wave of white supremacist violence. I would be curious as to your assessment as to how you address that, what more you think that we need to do, and whether impediments?

And certainly would like to hear from the other Secretaries as well as to how we deal with this significant threat we are facing now.

Ms. NAPOLITANO. So, one of the manifestations of this threat, is the radicalization of lone actors through the Internet and social media. We do not really have a good understanding of what causes somebody to read something online, et cetera, all the way up to going out and purchasing a combat ready weapon and taking it out on their fellow citizens.

So, to me, we need to do much more in the sense of understanding the motivation behind these violent actors. We need to involve more local law enforcement and social service providers, in trying to find, as Secretary Chertoff said, off-ramps for these individuals. And we clearly need to prioritize these kind of domestic terrorist events in the sense of the threats facing the country.

Senator PETERS. Secretary Chertoff.

Mr. CHERTOFF. I agree with that.

I think that first of all we need to recognize that in many ways, what I call terrorism 3.0, which are the inspired Jihad terrorists, that we have seen in various things, for example, in California, are very similar to the white supremacist terrorist who are inspired to carrying out shootings in synagogues.

There seems to be a capability of networks of people who are very ideological to find like-minded people who are beginning to move in that direction, and to incite them to carry out acts of violence.

And as Secretary Napolitano said, we need to understand that we also need to recognize that this is a global challenge, it is not just a domestic challenge. When you look at some of the shootings that we have seen recently, we have seen references to Norwegian white supremacists or the Christ Church shooter where they essentially look for an endorsement along that line from the network around the world. So, this to me is not just an American issue, but it is an issue that we have to deal with involving our partners overseas as well.

Senator PETERS. Secretary Johnson.

Mr. JOHNSON. My first, second, and third answers are gun safety, gun safety, and gun safety. Beyond that: Continued good law enforcement, and initiatives to counter violent extremism at the Federal and local level, grants from the national level to the State and local law enforcement, which includes active shooter training exercises, support for active shooter training exercises, which I think are very important, and public vigilance, public awareness, various "if you see something say something" campaigns. DHS has

partnered with a number of cities, a number of professional sports teams, public awareness, public vigilance, and it does make a difference.

Chairman JOHNSON. Secretary Johnson, you mentioned “gun safety, gun safety, gun safety.” There are a number of actions that we could take, but one that may be before the Congress this week is to expand background checks. Would you support that, do you think it is necessary? And I would like to hear from the other two, as well.

Mr. JOHNSON. I support anything consistent with the Second Amendment, that has bipartisan support, that makes it more difficult for a deranged-violent-person to get his hands on a gun, specifically an assault weapon.

Senator PETERS. Secretary Napolitano.

Ms. NAPOLITANO. I think that the universal background checks is a good step toward greater security for the country, but it is a first step.

Mr. CHERTOFF. I agree. We ought to have universal background checks. And I think that, I guess in a similar vein, so-called “red flag laws” when someone winds up behaving in a way that suggests that they may be a menace, that we actually remove their access to any firearms that they have. There are some other things that we could do, as well, as Secretary Napolitano said, I am not sure why they need to be selling magazines with 100 rounds. If you can’t hit the bird with the first 10, you probably should not be hunting.

Senator PETERS. Secretary Johnson and I just over a week ago sent a letter to DHS with our Homeland Security Committee colleagues regarding allegations that this administration has quietly dismantled or cut back on multiple programs that were created after the September 11th attacks—to detect and prevent terrorism, specifically programs operated by the Department’s countering weapons of mass destruction (CWMD) office.

My question is: I would like to have each of you give a brief opinion on your assessment of the Nation’s current readiness to prevent a chemical, biological, radiological, or nuclear attack. We will start you with Secretary Johnson.

Mr. JOHNSON. I have been privy to intelligence or non-public information obviously for the last two and a half years on this. And my sense is that it is a threat that we have and we should continue to monitor. Among a range of threats. But it is obviously not the only threat. I dealt on a daily basis with the threats of some of the things that Mike referred to in terms, of a smaller scale, terrorist inspired attacks. This type of threat that you described Senator is something that we need to continue to be vigilant about.

Ms. NAPOLITANO. Senator, I agree. We need to maintain vigilance. We need to understand that active intelligence sharing, real time intelligence sharing with our allies around the world increases our security in this area, to the extent that we are dealing with weapons of mass destruction that are manufactured abroad but are attempted to be smuggled into the United States. So, the intelligence sharing internationally and globally should not be overlooked as an effective tactic or technique to help secure the country.

Senator PETERS. Thank you.

Mr. CHERTOFF. I agree with what both Secretaries have said. As I said in my opening statement, when I was secretary we did worry quite a bit about chemical, biological, and radiological attacks. And one of the reasons that we did is because—when we entered we found labs where al-Qaeda was experimenting trying to develop these kinds of weapons.

The good news is that by reducing the footprint of ISIS, we have reduced the territory in which they could carry out that kind of work. But, I think that complacency is a real risk here. Again, as we talked about the future arrangement in Afghanistan, I would not want that to become a safe haven that would seek experimentation with these kinds of weapons. I also would like to mention Hezbollah, which to my mind still remains the most proficient terrorist organization in the world, which has access to a regime that certainly has moved in the direction of weapons of mass destruction (WMD). And again we need to be very careful in sharing intelligence with our allies to make sure that Hezbollah does not become an attack vector with some of these weapons.

Chairman JOHNSON. Senator Romney.

OPENING STATEMENT OF SENATOR ROMNEY

Senator ROMNEY. Thank you, Mr. Chairman and thank you to those who have helped organize this event in a place where we can remember, and mourn and honor those who stepped heroically to save others.

And we can mourn the many, many—not just those who were killed on 9/11, but those of the years after that have been so devastated by the effects of their heroism. I appreciate the testimony of each of the Secretaries and your willingness to be here with us today. You acknowledged in our discussions last night that in some respects we play the role of a board or a policy group.

And as a Committee we have the opportunity to help guide the leadership at the Department of Homeland Security. The area of cyber and cyber threats has been mentioned by each one of you as being a major area of concern, and I would like just to dwell for a moment on that.

Secretary Napolitano, you indicated that perhaps more funding to Department of Energy laboratories to help develop new technologies there would be helpful. You also referenced public private partnerships. And there is no question that the private sector is racing to try to find technologies that they can sell, and make money on to protect various entities from cyber attack.

Secretary Johnson, you indicated in your written testimony that deterring actors from attacking us, cyber actors is also something we should pursue. And perhaps we will begin with you then Secretary Johnson, and have each of you respond to what we might do to up our capabilities in deterring cyber attacks.

And specifically, I am thinking with regard to your testimony. How can we deter those entities that attack us—China, Russia, North Korea, Iran—they continue to launch hundreds, thousands of attacks on technical databases, government databases, corporations and so forth. Is there some way we can do a better job of deterring

that? And then for all of you, how do we up our game in cyber beyond where we are today?

Mr. JOHNSON. I think it is a basic equation. In my experience, all nation-states, all organized nation-states—whether they are democracies or monarchies or communist regimes—are deterred if their behavior is cost prohibitive; if the nation-state recognizes that it is just not worth the cost in terms of the reaction of the target.

And we all know that within, between and among governments there is a certain amount of surveillance activity that goes on. But, we are, as I am sure you recognize, at a new level of the theft of intellectual property, weaponizing things for political purposes that are stolen.

And I believe that you cannot create a complete line of defense against these kinds of attacks, and therefore we have to put it to the bad actor and simply make the behavior cost prohibitive. I think that a lot of good things have been done in this administration in terms of sanctions directed at the Russian government, and by the Congress.

But if you believe the intelligence assessments, a lot more is necessary, both directed against Russia and the other countries that you mentioned. Now in terms of what more we can do on the defensive side, on my watch we really enhanced the capability of the end kick, which is within DHS, it is the information hub for cyber security.

But I was disappointed when I was leaving office that not more private sector actors had partnered with DHS for information sharing purposes. So, I recommend to Congress that you check in on that occasionally and see what you can do, more encourage that type of information sharing.

Senator ROMNEY. Thank you.

Ms. NAPOLITANO. I think that the National Crime Information Center (NCIC) is a valuable resource at the Department for bringing together the public and private aspects of cybersecurity. Cyber is an enormously complicated topic, it is international in scope, the technology changes faster than we can change laws or policy. It requires agility and nimbleness that is really not the hallmark of government.

That is one of the reasons why it is so important to bring the private sector in to how we deal with cybersecurity as a country. We need a whole of government, a whole of nation approach to this area. We need to recognize that it is among the top three risks that we face as a Nation.

When you read the 9/11 Commission report, one of the key critiques it makes is that there was reverse engineering, how the 9/11 attack occurred. And the report points out all these red flags that had arisen. And they said that a key critique is that our government leaders suffered from a failure of imagination. In the cyber arena, we have all these red flags now. We should not entertain such a failure of imagination. And perhaps it is time for the country to have a 9/11 Commission for cyber, before we have, for example, massive ransom-ware attacks simultaneously conducted around the country, or, where we suffer once again a direct attack on our democracy as we saw in the 2016 election.

Mr. CHERTOFF. So, let me just add this. I mean the challenge here is that much the infrastructure is in private hands. And even when it is in government hands, it is often distributed in local government. Sometimes even the basics, they do not get done. And that is a challenge because you are really trying to “herd the cats” in particular direction.

I would say that there are three things though that I might pay some additional attention to. One is I do think that the Department has made a good step forward in standing up Cyber and Infrastructure Agency from what used to be the National Protection and Programs Directorate (NPPD) and becoming more operationally involved in working with the private sector on upping their game. One of the things that would help would be to give private sector actors more access to classified information.

Right now, it is very hard to pass the suitability test, which is a requirement that you have a need-to-know classified information. It is not to do with whether you are a reliable person, it is just whether you have a need-to-know.

If you are a contractor, that is an easy thing to satisfy. But if you are running critical infrastructure it gets difficult. And I think that changing the mind-set on that and opening up the aperture for information would be very helpful.

Second, I do agree that we need sometimes particularly with nation-states, to be able to impose a cost, but we have to be candid. The structure in terms of how we escalate is still very undefined. And what we don’t want to do is accidentally trigger a war because we overreact to something.

So I think that there needs to be some serious thought and perhaps some hearings on the question of what is the appropriate scale of escalation in response to certain attacks. And finally, I think that we need to look at our, what I would call industrial policy as it relates to very sensitive technology.

And Mike McConnell—the former DNI—and I did a piece on this a few weeks ago. We do not have a policy to encourage U.S. or allied businesses to invest in critical technologies that we need to control in order to make sure that the Chinese do not own us and eat our lunch.

And you are seeing this come out with 5G right now, where Huawei, with Chinese government subsidies, is pushing out to have the equipment that forms the backbone of 5G around the world. And we go to our allies and we say do not do this.

And I have done this myself. And a lot of times what comes back is: Well, the problem is that you cannot beat something with nothing. What do you have that is better and cheaper?

And part of the problem is that we have not facilitated a market in that kind of technology. We do it in a defense business with the defense industrial base, and I would argue that we need to now have a policy like that with what I would call the tech national security base, and that I think would be well worth looking at.

Chairman JOHNSON. Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Mr. Chairman and Senator Peters, thank you so much to you and your staff for really coming up with this idea

and for us to have been here last night and having an incredibly moving and inspiring tour.

I just want to thank everybody who works here as part of this team, and the volunteers who probably serve here to. It is important that we never forget what happened here all those years ago; and that we not just look back, but we use our memories of those, that tragic day, but that we also look forward and look forward in ways that we have been talking here today.

We fortunately have three of our Homeland Security chairs, past chairs that are here. I have had the privilege of, as a Member of this Committee to work with all of you, the Secretaries Chertoff, Johnson and Napolitano who I consider friends, and just wonderful public servants in many roles.

Tom Ridge is not here, the colleagues, the freshman Congressman, together in 1982, elected and served had a chance to work in this venue as well. We have had also, Secretary John Kelly, John Kelly retired as a 4 star Marine general who served briefly, too briefly, I think, in succeeded by Kirstjen Nielsen and now with Kevin McAleenan.

They are all good people, I think exceptional people. And your leadership has been a blessing not just for the Department, but for our country.

I want to ask just a quick question about leadership and leadership churn. When Jeh Johnson was the Secretary of the Department and became the Secretary of the Department, Tom Coburn and I met with him. They put the leadership structure of the Department of Homeland Security and from, the Deputy Secretaries, Assistant Secretaries positions and on down the line, and there were enormous holes that looked a little like I call it swiss cheese.

And that we worked hard to do something about that. I would just ask Secretary Johnson would you reflect on that again in the context of what is going on today within the Department of Homeland Security, the leadership.

Mr. JOHNSON. So, that is kind of an unpleasant memory. There were a lot of vacancies when I stepped into the Department in December 2013, and you and I and Tom Coburn spent a lot of time talking about that and impressed upon me during my confirmation that we really needed to fill the vacancies.

So that was probably my top priority, as soon as I took office. There were a number of Senate confirmed vacancies, at the time, and I think that we benefited from filling those vacancies in rapid fire by I think 9 months, just about every job had been filled with a Senate confirmed person. And there was virtue in having a Senate confirmed Presidential appointee in a lot of these component leadership positions.

One, it is more job security. And when you go through that process, you recognize you are accountable to the President, but also to a degree you are accountable to the Congress. And when you are in a Senate confirmed position—our actings are all terrific people, as you know—but when you in a Senate confirmed position and you have been confirmed by the Senate, you are in a position to provide the President with honest and candid advice, sometimes he does not want to hear. And, I certainly got the benefit of that from

our DHS leaders, once they were in the job, and we had some terrific people as you know—

Craig Fugate is one of the first that comes to mind, who worked for Janet also. And Craig Fugate needed almost no oversight from me. He was a national asset. He was first rate, and really did a lot to restore FEMA to the position that it now holds and occupies.

So, I believe then that, and I believe now, that filling the vacancies in this very important agency has to be the number one priority of the President and the Congress.

Senator CARPER. Thank you so much. If you consider the threats to our homeland, you talked a little bit about terrorism, a huge threat, and we talked about cyber also, a huge threat.

We talked about illegal immigration. And I agree with Secretary Napolitano, the movement of folks coming across the border from Honduras, Guatemala, and El Salvador, that is the root cause.

The Chairman of the Committee talks about it. We address too often what are the symptoms and the problems and we need to address the root cause folks to come here. But whether the issue is cyber, illegal immigration, terrorism, or climate change, we cannot do these by ourself as a Nation, it has to be a team.

And I always like to say that there is no I in the word team.

Would you talk about the importance of relationships and cooperation with our friends and allies, Secretary Chertoff, Janet, and Jeh please.

Mr. CHERTOFF. When I was in office, we had great relationships with our allies overseas, even when there was a little bit of political tension and there sometimes was around the war in Iraq, when the Bush administration was not so popular with the person on the street in Europe.

On an operational level, I had very close relations with my counterparts, we worked together. We exchanged information.

I mentioned the August 2006 airline plot.

Working with my counterpart John Reid, and we had a very small number of people in the United States who read into this, we were able to coordinate and stop what would have been a devastating plot and do it in a way that was minimally disruptive.

Likewise, even now, I travel around a lot and I meet senior officials from foreign governments and they are hungry for American leadership and for American values. So, I think that it is very important, particularly that the Congress emphasize our commitments to our allies and friends around the world.

Senator CARPER. Secretary Napolitano.

Ms. NAPOLITANO. Yes, Senator, I think the name Homeland Security in a way is a misnomer because if you wait until a threat actually reaches our homeland, you may be too late. And it requires the Department to have good alliances around the world, for real time intelligence and operations.

Port security, passenger screening, cargo screening, all of that, that happens abroad. And so, the Department really needs to be able to look outward as well as inward to improve our overall level of safety and security.

And it would be benefited if the country was seen as actively engaged and welcoming of these alliances, as well.

Senator CARPER. Secretary Johnson, briefly, please.

Mr. JOHNSON. I agree.

Senator CARPER. Thank you very much.

Chairman JOHNSON. I appreciate that. Senator Scott.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. Chairman Johnson, Senator Peters, thank you and your team for putting this together. I want to thank Alice and everyone here at the 9/11 Museum and Memorial for hosting us here.

I want to thank each of the prior Secretaries for being here. Today, we reflect on a solemn time in our nation's history. I was in the City on September 11 and saw the terror and devastation inflicted on our Nation. And unfortunately, it still impacts a lot of people, the survivors, the first responders, and many of the families of the victims.

I want to thank each of you for your hard work. You should be proud of the Department of Homeland Security for everything that they do to keep us safe. I was just in the Bahamas with the Coast Guard, and they are right now saving lives from Hurricane Dorian's devastating aftermath. And I was just at the border, of Mexico and California, and you should be very proud of our border patrol for what they are doing to protect our country from drugs, weapons and terrorism.

One question that I have for each of you, is—if you go back, a lot of the discussion after 9/11 was about how the Federal agencies did not coordinate their information very well. And I just finished 8 years as Governor, and I watched the same thing continue to happen.

We had the—Pulse terrorist attack, we had the Parkland shooting, we had five people killed at the airport in Ft. Lauderdale, and we had three people killed at a yoga studio, right before I finished my time as Governor. And in every case, the Federal Government had prior knowledge, they got tips and they failed to follow up.

And to this day, no one has ever been able to explain to me why, and if anybody has been held accountable. So, are we in a better position than we were after 9/11, or do we still have the same issues that Federal agencies specifically in the case in those cases, the FBI are still not coordinating the information with other Federal agencies and local governments? If each of you could give me your ideas.

Mr. JOHNSON. I will start. From my perspective, it is much better than it used to be. I think that our intelligence community (IC), our law enforcement community does a much better job of connecting the dots than it used to, though I am sure that there is more we can do to get better at this.

In my experience I have been impressed with the level of information sharing. I think a lot depends upon the personalities at the top of each agency. If the personalities at the top have a good collegial relationship, that trickles else down to the people who are sharing the information.

Particularly in the intelligence community, I will say that originally I was not a fan of the creation of DNI, I thought it was an extra and unnecessary layer of bureaucracy in our intelligence community. But, I saw how Jim Clapper really made it work, and

when I would get an intelligence product every morning, it would come from multiple intelligence agencies, it would be coordinated opinions, there may be dissents.

And I thought that that process worked well, although there were a lot of different agencies in the alphabet soup that were giving us these products. And I adopted the practice that if there was a dissent in an intelligence report, I would bring the analyst up to see me, the one who wrote it, the one who dissented, and we would talk it over; and very often we would realize that there was not a whole lot of difference. But my overall impression is that we are doing a much better job than we certainly did on 9/11, but it depends a lot on the personalities at the top.

Ms. NAPOLITANO. Yes, Senator, I do think that intelligence sharing is better, it is always a goal, but it is never perfect. I agree with Secretary Johnson that it depends in part on leadership from the top. From a Homeland Security's perspective, I think that one of the focuses should be effective intelligence sharing into the State and local law enforcement environment. And there that surely, that is a work in progress.

Mr. CHERTOFF. I would agree with that. I think that one of the challenges that we are facing is, as we are dealing with these inspired terrorists, who are operating at the local level, it is often being to be the local authorities that get the first word. And just as we have a National Counterterrorism Center (NCTC) that is first coordinated by the Federal agencies, I think that the fusion centers, with DHS—have a broader mission again to look at the issue of domestic terrorists and not only the Jihad terrorists.

Senator SCOTT. What would you each like the private sector to do that it is not doing today, to deal with Homeland Security?

Mr. CHERTOFF. Let me begin: I would like to see more investment and more coordination on cybersecurity—most of the assets, that can be attacked are in private hands. Some companies have done a very good job of stepping up, but a lot of them just hope that someone will take care of the problem for them.

Ms. NAPOLITANO. I agree.

Mr. JOHNSON. I agree.

Senator SCOTT. Thank you.

Chairman JOHNSON. Thank you. Senator Hassan.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chairman. I want to thank you and Ranking Member Peters for your continued attention to the issue of Homeland Security, and terrorism and for convening this hearing today. I would also like to thank all of today's witnesses for their life-long dedication an attention to public safety, and for your efforts to protect our citizens and keep the United States homeland safe, secure and free.

Those statements also going to everybody who is here from local and State law enforcement. Homeland Security is a team effort, and a team mission and I am very grateful for all of your efforts. And a special thank you to the 9/11 National Memorial and Museum, Ms. Greenwald, to your staff, for hosting us on this hallowed ground. It is such a moving tribute to all of those who perished nearly 18 years ago today.

I like many people on the panel, have a lot of memories about 9/11, but I think the most significant one for me was the feeling that I had when I picked up my then 8 year old daughter from school. And I realizing how much her world had changed. As I sit here I am once again overwhelmed by our country's profound loss that day and the sacrifices made by the first responders, military, and civilians and by their loved ones.

In some ways 9/11 changed our country forever, but our response reinforced who we are: We are strong, we are kind, we are resilient and in times as places such as this one, we are reverent. And we will fight for and protect our freedom. I wanted to turn to all three of our Secretaries, because I have been dealing at home in New Hampshire with members of different houses of worship, who are now increasingly concerned for their safety. No one of any faith should have to fear for their life when they visit their house of worship for reflection and prayer.

And sadly, as we have talked about over the past few years, Americans have witnessed an increase in the number of threats to and violent attacks on houses of worship both at home and abroad. These threats are not confined to major metropolitan areas.

Over the past months, I have visited with members of houses of worship in New Hampshire and heard about the disturbing threats that they and their communities have received. One rabbi noted that they now only open the doors to the temple shortly before services begin, and lock the doors shortly after the start of services. In addition to being concerned about that limitation, on the openness that always should mark a house of worship, this Rabbi said that as she leads her congregation, during the those minutes when the doors are open, she wonders is this the night we die.

A few of these houses of worship received a small amount of funding from the Department of Homeland Security's nonprofit security grant program in order to help secure them against these threats. These funds help, but not all who applied for the grants were able to get them and there is much more to be done to keep houses of worship in New Hampshire and across the country safe, secure and free.

So, Secretary Chertoff, the nonprofit security grant program was created during your time as the DHS Secretary. Secretaries Napolitano and Johnson, the program continued to expand under your watch, but so have the threats. Can each of you share with me your thoughts about how the Congress, the Department and the entire Federal Government can work to keep soft targets like houses of worship safe from threats?

And Secretary Chertoff, why do we not start with you.

Mr. CHERTOFF. Well, this has always been a very challenging issue and obviously houses of worship are very sensitive. We have seen it in schools, and we have seen it in commercial establishments.

And it is impossible to lock down everything and have a free society. I do think that the grants help and I do think that frankly I have observed during certain holidays and various houses of worship the police are sometimes hired to do some overtime and do some protecting.

Some of it is training, and advising people about what to do if there is an active shooter, for example. And then the third piece of this has to be again better intelligence sharing.

But I would be kidding you if I were to say that there is an absolute way to stop this. This is a question of risk mitigation. I do not think that you can get risk elimination. But we ought to do the best we can and not let the perfect—be the enemy of the good.

Senator HASSAN. Thank you.

Ms. NAPOLITANO. There is real insight into what Secretary Chertoff said, we cannot lock down an open society. But what we can do is to help mitigate risk. The grant program helps, active shooter training helps, additional local law enforcement resources during particular holiday periods may help. And it really requires using a menu of approaches. There is not one single approach.

Senator HASSAN. Secretary Johnson.

Mr. JOHNSON. The grant program that you mentioned, what I was struck by when I would look the at grants over year is, the program was well-known in certain communities but not others.

Senator HASSAN. Right.

Mr. JOHNSON. And certain communities had figured out, year after year, how to apply and how to get the grants. But it was not well-known enough across the full spectrum of organizations that it was intended to help.

And so, I hope that we have moved in a direction where there is larger awareness over the last couple years, and that is something I suspect Congress can help with in your respective States and districts.

And, they are all competing obviously for the same fixed pot of money. So perhaps Congress should consider raising the level of funding for these types of things—because I agree with your assessment of the threat.

Senator HASSAN. Thank you. The other thing that I wanted to touch on is something that others have mentioned too, on the issue of cyber threats. But I wanted to focus a little bit on what is happening locally. Recent ransom-ware attacks designed to cripple government operations have targeted nearly every level of government including a county, Strafford County in New Hampshire, and we have seen attacks on cities across the country.

So, is there more we can do for the Federal Government to assist State and local governments with deterring, preventing, and recovering from cyber attacks?

Mr. CHERTOFF. Well, I will begin by saying: I think one thing that could be done would be to have localities do some basic things to secure their infrastructure, including things like, for example, having backups for data. It will not exactly eliminate the problem, but it will reduce the issue.

Ms. NAPOLITANO. Yes, helping mitigate the risk is important. And also, I think we ought to be exploring what the Federal Government can do and is doing by way of attribution, to help find the source of these attacks, so that an appropriate response can be constructed.

Senator HASSAN. Thank you.

Mr. JOHNSON. I think the single best thing that anyone can do in that situation is raise the level of awareness about security

among the people that use the system. You would be surprised the number of people who do not know how to respond to a suspicion e-mail, and a lot of these attacks begin with an act of spear phishing.

Somebody opened an e-mail or an attachment that they should not have been opened. So, simply raising the level of awareness among people that we entrust with the system goes along way.

Senator HASSAN. Thank you. I am pleased to report that our county officials did recognize a phishing e-mail when they got it, and they had a pen and pencil backup system in place as they shut things down. But it is going to be something that we need to focus on.

Thank you all again for your service and testimony here today. Chairman JOHNSON. Senator Hawley.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you, Mr. Chairman.

Secretary Johnson could I just ask you one more time to tell us about your guest, your special guest that is with you.

Mr. JOHNSON. His name is Roger Parrino, sitting right there. He does not like to be the center of attention. He is a Marine, and I met him when we worked drug cases together 30 years ago. And on September 11 2001, he was a New York City police detective working in Midtown, and saw what was happening, ran into harm's way and frankly was almost one of the people that we had a moment of silence for; and was the recipient of the Medal of Valor from the Mayor. And he went on at my recommendation to be appointed by Governor Cuomo, to be Commissioner of Homeland Security for New York State.

Senator HAWLEY. Thank you for that.

And Detective Commissioner, I thought that it would be appropriate that we may take a moment to honor you.

I notice as I look around here, I see men and women wearing the uniform of the United States, I see some of New York's Finest here. I got to talk to some of the families of the survivors.

This building, this place is such a monument to the courage of folks like you who put on this uniform and who protect us every day, and who run toward danger. And here you are a living monument to that. So, I don't want to miss this opportunity to say "thank you" for what you did, and to give everybody here a chance to say to you, and to all of you here in this building who are wearing a uniform, who are protecting us and serving us, "thank you" for protecting us.

Thank you for representing the best of New York and the best of America. So thank you very much.

[Applause.]

I do want to raise an issue now that has not been raised yet, but is extremely important to I believe the security of the American homeland and certainly to the security of my State. I represent the State of Missouri.

I spent part of my time in August when I was home in Missouri traveling around some of the most economically distressed communities, counties in my State—the 114 counties in Missouri, and I

chose to visit those, who do not normally get visits from the press and the media, and so forth.

And something that every single person, every single one in every single community that I visited told me about was the epidemic of drug abuse that is crippling and killing entire communities. Literally killing. Families, schools, it is unbelievable.

And in my State it is overwhelmingly meth, and it is coming according to the Federal Government, it is coming overwhelmingly across the Southern Border.

And just according to the 2018 DEA National Drug Assessment report, most of the meth available around the country, certainly in the State of Missouri, is produced in Mexico and is smuggled across the Southwest Border.

Missouri has seen a 52 percent increase in meth addiction treatment admissions in the last 7 years, according to the Substance Abuse and Mental Health Services Administration. It is hard for me to describe to you unless you were to visit, and to see what this epidemic of drug abuse is doing to the towns and families and schools in my State, what a crisis this is.

And so I want to ask about what we give voice first of all to that crisis, and ask what it is that we can do to address this very real crisis that is being driven by what is going on at the border.

Secretary Napolitano, let me start with you. I think that I must have misunderstood you. I read your testimony, I heard you say in your opening remarks that you did not think that the border represents any threat to the homeland. I must have misunderstood, because surely you could not have meant that the people in my State who are losing their lives, losing their children, losing their family members, the law enforcement who are completely overwhelmed by this epidemic that is coming across the border.

I mean, surely that constitutes a threat to the security of the people of this country.

Do you not agree with that?

Ms. NAPOLITANO. Look, I think that the border as I said it is a zone to be managed. It is certainly an area where law enforcement needs to be engaged in terms of drug smuggling and gun smuggling and the like.

It requires a whole of government effort. It requires partnership with Mexico in terms of how the ports themselves are managed, and that is where when smuggling occurs, the bulk of it occurs through the ports of entry.

It requires using the best available technology for inspection of vehicles and for manifesting of cargo and the like. But, what I mean to suggest is that the border itself is not the number one threat to the safety and security of the American people, despite the overwhelming public attention being drawn to the border as the function of DHS.

Senator HAWLEY. You think that it is a threat. You said in your testimony both this morning, and the written testimony, that you did not think that it was a threat at all. It is the number one threat or no threat. But "it is not a threat to homeland security."

I cannot understand that. And what concerns me about it is, it seems to be increasingly the position of some members of your party who say it is also not a threat at all. And I do not understand

how that can be the case, given the threat that my State and the people in my communities are facing.

If we do not do something to stem the flow of illegal drugs across that border, I do not know what these folks are going to do. I just do not understand when people say, it is just not a threat.

Ms. NAPOLITANO. I think that we have to look at areas of agreement.

Senator HAWLEY. But is it a threat? Can we agree on that?

Ms. NAPOLITANO. We can all agree that we deserve a safe and secure border, that the border needs to be enforced. And you will not get any question about that from me. The way that I wrote my testimony, however, was to say that the border is a zone, it is a zone to be managed in terms of threat.

But it is not the number one threat to the safety and security of the American people. When you talk about drugs, right, and I understand the opioid epidemic and the meth epidemic, I was a local State prosecutor and I was a Federal prosecutor.

I understand this phenomenon very well. I reach out and sympathize and empathize with the people of Missouri and other States across this country, who have experienced the devastation caused by this epidemic.

I think what we need to be looking for is, how do we prevent the importation of drugs, how do we deal with addiction as a disease, as a country.

And that is really where the threat is. Not in terms of overall border management, not in terms of a wall between the United States and Mexico.

Senator HAWLEY. Thank you, Mr. Chairman. I see that my time has expired.

Chairman JOHNSON. Thank you, Senator Hawley.

We really do not have time for another round of questions and this thing could go on literally for hours. I would like to afford all three of you an opportunity to, if there is something that we did not talk about.

And as we discussed last night, and I think it is pretty apparent here today, the fact that you are willing to offer your time, your counsel, your advice—first all, this Committee appreciates it and we would appreciate it in the future.

That is a solid offer. I mean, I would love to have you work with us to move this country forward. But, we will start in reverse order with Secretary Johnson, if you have a few closing comments, please make some.

Mr. JOHNSON. As a former public servant, I guess that I would plead with all of you who are today in the U.S. Congress in positions of power, what I have observed happening over the last couple of years is that we do not seem to have—except at levels that the public does not appreciate—we do not seem to have enough opportunities to reach across the aisle and achieve something that requires political risk and is politically hard.

It was not that long ago that we came very close to comprehensive immigration reform. The Senate passed it by 68 votes. There was a lot of Democrats and a lot of Republicans, on the recognition that immigration reform included both a path to citizenship, Deferred Action for Childhood Arrivals (DACA) take care of the Devel-

opment, Relief and Education for Alien Minors (DREAMers), and border security, and smart border security.

And people on both sides of the aisle were willing to coalesce around both those principles and a lot in between. What I observe happening now is very few people are willing to do that any more, and everyone is standing in their corners screaming at each other, as the positions on both sides become more and more absurd, to the disservice of the American people that you were elected to serve.

And that is reflective of a lot of other issues in my judgment. And so my plea as a private citizen is to tone down the rhetoric. I think that this committee in particular is an excellent place to do that, because I do know that you try to operate in a bipartisan way.

Please tone down the rhetoric in Washington and take care of the people's business. Thank you.

Chairman JOHNSON. Thank you, Secretary Johnson.

Secretary Napolitano.

Ms. NAPOLITANO. I think that the greatest service that this Committee can give is to help revise a strategic oversight of the entire Homeland Security enterprise.

What are the greatest risks facing the country; how are they best mitigated? What resources are necessary to make sure that we are as safe as we can be albeit, we will never be risk free, and we live in an open society.

But I think if this Committee can occupy that overall kind of board of directors role, it would serve the Department well.

Chairman JOHNSON. Secretary Chertoff.

Mr. CHERTOFF. Mr. Chairman, I would be delighted to accept your invitation to continue to work with Committee on these issues. It means a lot to have this hearing here because I vividly remember in the days, hours and days and weeks after 9/11 how the country came together.

And we recognized that this was not an attack on people of one party or one religion or one national origin, but on all Americans. And I remember being with Congress, a few days afterwards, in the House chamber, both the Senate and the House present, Republicans and Democrats all unified in terms of their attitude to this.

One of the privileges that I had as Secretary, was to go to Camp Victory in Iraq, and swear in new American citizens wearing the U.S. Army uniform. They came from all over the world, some of them actually were from the region—from all religions, and they were legal, they had green cards and they qualified for citizenship and they stood in uniforms, not far from where there was live fire taking the oath of American citizenship.

And to me that is what America is about. It is what binds us together as not a national origin or religion or ethnicity, but belief in a common set of values. And so I think that it is important when we think about Homeland Security to recognize it begins with unity-of-effort, not just within the Department but within the country.

And that ought to be a requirement number one, for everybody to reemphasize and to underscore that we are a nation bound by common values in a common constitution, and that is what makes

us great. That is what motivated the people that we celebrated in this hall. And that is something that we need to continue to cherish and uphold. Thank you.

Chairman JOHNSON. Thank you.

Senator Peters, do you have a few closing remarks?

Senator PETERS. Thank you, Mr. Chairman for holding this hearing, and your staff, who have done an outstanding job putting this all together.

I also want to thank Alice Greenwald, again, as well as your tremendous staff as well as volunteers for this amazing place, that allows us to pay honor to those who lost their lives here, and also to continue to educate us as to what happened here, and why we must never forget, and make sure that this never happens again.

I understand that your job is going to become more difficult as the next generation comes along who looks at this as history, and not something as vivid as, in the minds of, as it is with all of us here today. But if we do not educate the next generation, then that leads to the potential of it happening again. And it must never happen again.

So, you are involved in a very important mission, with you and your staff. Thank you for having us here, and to the Secretaries for your testimony today.

I think that all three of you in your wrap-up said it extremely well, and something that I take to heart as I work on this Committee to understand that the Department of Homeland Security has one of the toughest jobs you can possibly have in the Federal Government.

Because you have to do two things. First off you have to keep us all safe. And to me that is the number one job of the Federal Government is to keep Americans safe from harm. And that has to be first and foremost on the mission. But you also have to balance it with the things that you all three mentioned: the values that have built this country. That we are a free society. What makes the United States so special is that we are an open and free society. And we have to endeavor to keep America safe, while also protecting Constitutional rights to protect civil rights.

That is a balancing job that is incredibly difficult to accomplish and one that we are going to have to constantly work at to make sure that we can achieve that right balance. The other thing that we must do for the Department of Homeland Security while you are keeping it safe is you have to make sure that the economy is robust and moving forward.

I know on the borders in Michigan, some of the busiest borders in North America, the folks there have to keep us safe while making sure that commerce is getting there on time and our just-in-time deliveries for the auto companies are there right when they go on the assembly line.

Any kind of delay ripples throughout the whole supply chain, so they are watching that very closely. But at the same time, you have to keep us safe. So this is a very tough job.

And I thank you for your service to the country. I thank you for your willingness to continue to work with us. Because as we deal with a rapidly changing world, and rapidly changing threats, it is always important to step back and remember where we came from,

understand the lessons that we learned in the past, so that we can apply those lessons to the future.

So thank you for your service, thank you for being here.

Chairman JOHNSON. Thank you, Senator Peters.

Again, I would like to start by again thanking the Secretaries. It is an overwhelming job. It is a responsibility that each one of you assumed and every Secretary assumes, it is hard to contemplate. You will just get blamed for some failures, and you do not get a whole lot of credit for success.

So, I truly appreciate your past service and again your willingness to consult this Committee in the future.

Again, I want to thank Alice Greenwald and everybody that has worked on this amazing and remarkable place.

If you are an American watching this hearing, come here. You need to be reminded. It is true that we can never forget. And the thought that went into this place—as we walked down into this chamber, the way that those first responders did, what really struck me were those pictures of the people that day in New York all fixated on the exact same thing as we were told that two billion other people around the world watched, in real time, the tragedy of that day.

But, as others have remarked, we have the first responders, we have the members of the military—to me we had great dinner last night, and we all went around the table. I think it was Senator Peters and Senator Romney's idea, let us all go and describe what you were doing 9/11, those of us who are alive, we all remember it.

I was in our office looking at the television, and making probably the exact same comment that probably two billion people made or thought, this changes everything. But then in the days that followed that, the pictures that emerged of the fire fighters, the Port Authority, the cops, in New York City, "The Responders," walking up the steps, rushing into danger to save their fellow Americans.

As we watched the finest among us, the men and women in the military also respond and volunteer and go halfway round the world to not only defend our freedom, but literally trying to develop freedom and liberty and democracies, for people that we had no idea who they were.

That is something pretty unique about America. We are not perfect. But I happen to think that we are a phenomenal force of good in the world.

In the midst of tragedy, not just 9/11, every mass shooting, every hurricane, every national disaster always seems to bring out the examples of the goodness of the American people. To me that is what this hearing is about.

And this is what our responsibility is to not only preserve this good nation for future generations, to make sure that it thrives, that is our responsibility. That is what we dedicate this Committee to do.

So, again I just want to thank everybody for attending. I want to thank everybody for their service. And we will just conclude by saying, God Bless America.

Now I have to read this statement.

The hearing will remain open for 15 days until September 24 at 5 p.m., for the submission of statements and questions for the record.

This hearing is adjourned.

[Whereupon, at 12:03 p.m., the Committee was adjourned.]

A P P E N D I X

Opening Statement of Chairman Ron Johnson
“18 Years Later: The State of Homeland Security After 9/11”
Monday, September 9, 2019
National September 11 Memorial & Museum, New York, NY

As prepared for delivery:

This hearing of the Senate Committee on Homeland Security and Governmental Affairs will come to order.

I would like to start with a brief moment of silence to honor the memory of all those who lost their lives on that terrible day, and the first responders who continue to lose their lives to diseases they contracted in untold acts of heroism.

Let me first thank Alice Greenwald and the National September 11 Memorial & Museum for hosting this field hearing, and for providing a sobering and educational tour for committee members and staff last night.

I would also like to thank everyone for attending what I hope will be a thoughtful and informative event. In particular, I would like to thank three of the former secretaries of the Department of Homeland Security, Secretaries Chertoff, Napolitano and Johnson, for their attendance, testimony, and especially their service to our country. We truly appreciate it.

The title of this hearing, “18 Years Later: The State of Homeland Security After 9/11,” describes our goal: to look back and assess what has transpired since that awful day. What actions were taken? What has, and has not been, effective? And maybe most important, what has changed?

In 2011, The Tenth Anniversary Report Card produced by the Bipartisan Policy Center focused on the extent to which the 9/11 Commission’s 41 recommendations had been implemented. The report concluded with a reminder that “we have done much, but there is much more to do.”

Much work remains because we are living in a world of rapid and dramatic change. It is essential to acknowledge that the world evolves, enemies adapt, new threats and problems emerge.

For example, if ISIS existed in 2011, it certainly was not on most people’s radar screen. We were worried about large scale planned attacks by al-Qaeda, not a terror group using video and social media to inspire lone wolf terrorists. I doubt the creators of the internet and social media platforms ever contemplated how their innovations could be used for such evil.

In his book “Slouching Towards Gomorrah,” Robert Bork illustrated how the internet provided an opportunity for previously isolated deviants to connect with others. Social media has sped up the process that Daniel Patrick Moynihan accurately described as “defining deviancy down.” As a result, we have experienced the depressing proliferation of home-grown violent extremists, mass shootings, and domestic terror attacks.

Another dramatic shift that has occurred involves the composition of illegal immigration. In 2011, only 3,938 unaccompanied children from Central America were apprehended entering our southwest border illegally, and the phenomenon of families exploiting our laws was so minor we weren't even keeping track of them. Eleven months into this fiscal year, more than 69,000 unaccompanied children and 432,000 family members have been apprehended, with most claiming asylum and being allowed to stay.

I use these examples to highlight the evolving complexity of the problems we face, and our inability to effectively address them. Unfortunately, there are not many solutions as easy and effective as hardening the cockpit doors. As chairman of this committee, I have attempted to guide us through the problem-solving process: gather information, properly define problems, identify root causes, establish achievable goals, and then — only after completing that work — begin to design workable solutions. Too often in the political realm, solutions are directed toward unachievable goals and they simply do not reflect reality.

The Tenth Anniversary Report Card detailed significant implementation of the 9/11 Commission's 41 recommendations. But those were solutions designed in response to 9/11.

In 2015, this committee's then-ranking member, Senator Tom Coburn, issued a report reviewing the Department of Homeland Security. He detailed \$544 million spent by DHS from 2003 to 2014, and criticized the department for "not successfully executing any of its five main missions."

That's a pretty harsh assessment, and after 18 years, it is necessary to ask some hard questions based on experience. For example: Is DHS too big? Does it have too many missions? Can we expect one department to be responsible for natural disasters, preventing domestic terror attacks, cybersecurity, protecting critical infrastructure, enforcing immigration law, securing our borders, investigating counterfeit U.S. currency, and protecting governmental officials. Not only does the list go on, but in addition to its operational responsibilities, DHS also reports to 92 congressional committees and subcommittees of jurisdiction, plus another 27 caucuses, commissions, and groups.

The complex set of problems our nation faces will not be solved with heated rhetoric in the midst of political squabbling. It will require individuals working together in good faith as members of this committee have done so often in the past. That's why I am grateful that a bipartisan group of senators has the opportunity to be here today to learn from a bipartisan group of former secretaries. I hope that through this work we can fairly evaluate past successes and failures and use these assessments to guide future actions and policies designed to secure our homeland.

Again, I thank the secretaries and look forward to your testimony.

**U.S. Senate Committee on Homeland Security and Governmental Affairs
“18 Years Later: The State of Homeland Security after 9/11”**

**OPENING STATEMENT OF RANKING MEMBER GARY C. PETERS
SEPTEMBER 9, 2019
AS PREPARED FOR DELIVERY**

Thank you Chairman Johnson for convening this important hearing, and thank you to Alice Greenwald and the entire National September 11 Memorial & Museum staff for hosting us here today. I'm also grateful to our former Homeland Security Secretaries for joining us to share your thoughts as well as your expertise.

This hallowed space is quiet and peaceful today. We are surrounded by the remnants of the towers that were destroyed and the treasured memories of 2,977 lives taken eighteen years ago at the World Trade Center, at the Pentagon, and in Shanksville, Pennsylvania.

My colleagues and I had the opportunity to tour the museum and the memorial yesterday and the experience -- this extraordinary tribute to the lives that were lost in the most devastating attack on American soil, a tribute to the families who lost their loved ones, and the first responders who so bravely ran into danger to save the lives of others.

Behind us is the Last Column, the final piece of steel that was removed from Ground Zero after the nine-month long recovery effort had ended. Today, it stands as a monument honoring the 441 first responders, police, firefighters, and rescue workers who gave their lives in the line of duty.

This week, as we remember and honor the lives lost on September 11, 2001, we must also reflect on the lessons that we have learned in the years since as we work to prevent a tragedy like this from ever happening again.

In the days following September 11th, our nation felt, for the first time, that we were vulnerable to the dangers of a very volatile world. In those frightful days, no one knew what the future would hold -- only that we would rise from the rubble united and resolved to be stronger than ever.

It was out of that uncertainty and determination to protect this nation from future attacks, that the Department of Homeland Security was founded.

The new department, which rapidly grew to be one of our nation's largest federal agencies, was comprised of nearly two dozen large and diverse agencies, many of which had operated for decades as independent actors. In the face of tragedy, these organizations, each with their own unique cultures and histories, coalesced around a very single and focused mission and under one banner.

The Department of Homeland Security was created with one primary mission in mind -- combatting the scourge of terrorism and ensuring that we could say with confidence: "never again."

However, in the years that have since passed, as the world around us has changed, so too have the challenges facing this great nation and this vital department.

Today, DHS confronts a new generation of persistent and evolving threats, more complex and diffuse than we could have imagined just a few years ago.

With each passing day, our world becomes more interconnected, cementing the important role cybersecurity plays in our everyday lives.

A rise in violence driven by racism, religious discrimination and other hateful ideologies has altered our perception of domestic terrorism and the threats that they pose.

And one of the gravest threats to our national security does not fly a flag or adhere to an ideology. Yet climate change poses an existential threat not to just the United States, but to our entire planet.

The Department of Homeland Security is our first line of defense against these and many other challenges, some of which have evolved or risen since this department was created.

As the threats to our homeland change, so must the efforts to protect our national security.

With nearly two decades of lessons learned, the time has come for a clear-eyed assessment of what has worked and what needs to be improved.

As we reflect on what the Department has accomplished to date, we must consider whether the size and the complexity of DHS can keep pace with the constantly evolving threats of a rapidly changing world.

In order to build a more sustainable department and defend ourselves from global threats, we must look to the future. It is not enough to understand the threats of the moment. We must also ensure that DHS is prepared to anticipate and identify those threats arising in the future.

This is a very difficult conversation, but one we must have to keep our country safe and ensure that we never again face a catastrophic event like September 11th.

Introductory Remarks of Alice M. Greenwald
U.S. Senate Committee on Homeland Security Field Hearing
September 9, 2019

Thank you, Chairman Johnson, Ranking Member Peters, and Committee members.

On behalf of everyone associated with the National September 11 Memorial & Museum, I want to extend a warm welcome and express our sincere gratitude for your steadfast commitment to securing the safety of our nation. We are deeply honored to have Secretaries Chertoff, Napolitano and Johnson here this morning, and I want to thank each of you for your dedicated service to our nation.

The decision to hold this public field hearing here, within a space defined by the remaining foundational structure of the World Trade Center... at what was, 18 years ago this week, the epicenter of Ground Zero... makes today's program especially meaningful.

I know many of you toured the Museum last night, some of you for the first time. The events we chronicle here, the lives we remember, and the aspirations we embrace for a world free from the scourge of terrorism, are inextricably linked to the work of this Committee and to the topics you will discuss today.

Here at the 9/11 Memorial & Museum, we testify to the largest loss of life resulting from a foreign attack on American soil and the greatest single loss of rescue personnel in a single event in American history.

Our exhibitions and programs recount the collective experience of profound shock, unprecedented vulnerability, and overwhelming grief caused by the attacks.

Yet, visitors take away more than a cautionary tale to remain vigilant to continued threats. By sharing the manifold expressions of courage, compassion, and service in response to 9/11 – this Museum also affirms the best of who we can be as human beings.

From its inception, the 9/11 Memorial & Museum vowed to honor and preserve the memory of all who were killed. And, two days from now, this Memorial will host, as we do every year, a solemn ceremony to mark the anniversary of the 9/11 attacks.

But, in recent years, our understanding of what it means to remember has had to evolve with the tragic recognition that, for many, 9/11 is not past history at all. For the survivors, responders, recovery and relief workers, volunteers, and community members exposed to hazards and toxins in the aftermath of the attacks, 9/11 is an all-too-present reality.

The massive 16-acre recovery effort at this site lasted nine months, concluding on May 30, 2002, with the ceremonial removal of the Last Column – now standing *here* in Foundation Hall.

During that time, as well as on the day of the attacks, hundreds of thousands—responders and survivors, workers and residents—were exposed to hazards and toxic dust released into the air at and around the World Trade Center site following the collapse of the Twin Towers on 9/11.

In the 18 years since, thousands have died, and tens of thousands more suffer from injuries and illnesses sustained at all three attack sites, ...

... including the Pentagon and the crash site near Shanksville, Pennsylvania.

The scale of the 9/11 health crisis is almost inconceivable. Over 97,000 people living in all 50 states (*and in 434 of 435 Congressional Districts!*) are currently enrolled in the CDC's World Trade Center Health Program. This tragic situation exemplifies the longitudinal impact of terrorism, its ongoing human toll.

In just two years, we will mark the 20th anniversary of the attacks.

For the witness generation, it is unbelievable that two decades will have passed; our memories of that day are still *that* vivid.

But there is a new generation, growing up in a world defined in so many ways by a pivotal event they did not experience personally. Some are in college; some are starting their careers. If, as someone recently remarked, the 21st century started *here*, we must ensure that the next generation and generations to come understand the significance of the events and legacies of 9/11, so they have the tools and perspective to negotiate the challenges ahead.

National security – the topic of today's hearing – is among the greatest of those challenges.

And, it is a core programmatic focus for the 9/11 Memorial & Museum.

As evidenced by this morning's hearing, the Museum has emerged as a vital convening space in which to explore issues of global security, counterterrorism, crisis leadership, and public service.

We provide specially-tailored, training programs for professionals in law enforcement, intelligence, and the military, and regularly offer public programs on security, defense, and foreign policy.

The Museum also hosts an annual Summit on Security, bringing together leading voices on security matters from across the public and private sectors. Our next Summit will take place on November 12-13 and will kick off with keynotes from former DNI Director Dan Coats and our chairman, Mike Bloomberg.

This year's Summit will also offer an opportunity for attendees to preview our next special exhibition documenting the more than 10-year hunt for Osama bin Laden. If you are interested in attending the Summit or would like to visit this exhibition at another time, please let us know. Standing here, in Foundation Hall—at the heart of Ground Zero—we are witness not only to the remnants of what was destroyed, but to the promise of a better future. This is now the foundation at Ground Zero: a place to build up from and create a safer world for our children and our grandchildren.

Thank you for being here today, and for your dedication in service to this singularly critical goal.

**STATEMENT FOR THE RECORD
BY THE HONORABLE MICHAEL CHERTOFF
CO-FOUNDER AND EXECUTIVE CHAIRMAN OF THE CHERTOFF GROUP
AND FORMER SECRETARY OF THE
U.S. DEPARTMENT OF HOMELAND SECURITY
FOR THE UNITED STATES SENATE COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENT AFFAIRS
SEPTEMBER 9, 2019**

I want to thank Chairman Johnson, Senator Peters and members of the Committee for inviting me to participate in this special occasion as we come together with the same unity of purpose that we had 18 years ago, reflect upon the tragic events that occurred on September 11, 2001, and what has been done to prevent such events from occurring again.

I would also like to take this opportunity to recognize my fellow secretaries sitting with me on this panel today. In decidedly partisan times, it is reassuring that we are able to come together to reflect on the collective work that all of us have done to protect the safety and security of the American people. Even today, after our government service, we remain committed to the goal of securing a safe future for our country and our citizens.

I want to state clearly that I am submitting this Statement in my personal capacity, although, for the record, I am Co-Founder and Executive Chairman of The Chertoff Group, a global security and risk management company that provides strategic advisory services on a wide range of security matters. Additionally, I am Senior of Counsel to the law firm of Covington and Burling, LLP, and I am Chairman of the Board of Freedom House.

Following the attacks on September 11, 2001, the United States worked steadfastly to confront the national security threats that terrorism posed to this country. We worked with international partners to disrupt and dismantle terrorist plots overseas before they reached our shores and built effective capabilities to better manage risk here at home. Over time, I believe we have significantly improved our nation's capabilities to protect our homeland, not only from large scale terrorist attacks such as those we witnessed on 9/11, but other threats facing our nation as well. These investments and improved capabilities include:

- Enhanced screening of people and cargo traveling to the United States by air, sea, and land;
- Improved information sharing abilities across law enforcement agencies within the U.S. as well as with international partners;
- Stronger protection measures and partnerships for our nation's critical infrastructure and key resources; and
- A greater culture of preparedness and resilience across our local communities as well as the nation as a whole.

These investments will continue to be important as we review, assess, and renew our approach to risk -- cyber or physical, or otherwise -- and the investments necessary to protect our nation and its citizens.

That said, today we face a variety of threats and must consider what type of capabilities are needed to manage these risks and where these threats are likely to evolve in the future.

Terrorism

According to the Director of National Intelligence's 2019 Worldwide Threat Assessment, terrorism continues to be a top threat to the U.S. and partner interests worldwide. Despite progress made on this front, there remains a constant and persistent desire to strike the U.S. as well as our interests and people overseas. The large scale, high visibility, high impact attacks like September 11th are still a risk. However, we have taken great steps to reduce this risk, or what I call Terrorism 1.0. We must be careful that to the extent the U.S. considers the withdrawal of troops from Afghanistan, we also work to ensure that the progress made to reduce this risk today is not reversed by enabling terrorists or armed insurgents to rebuild training camps or testing labs which can enhance their ability to plan, prepare, train and ultimately, bring harm to the U.S. and our allies.

As we reduced the ability for terrorists to carry out the large scale Terrorism 1.0 style attacks, we saw an increase in smaller groups carrying out attacks ... such as the Mumbai attack in 2008. I refer to these types of attacks as Terrorism 2.0. These attacks are led by smaller groups and often require less resources to carry out. They often use easily-available resources, such as firearms,

and choose multiple soft targets with the primary goal of killing and terrorizing the innocent in the name of their cause.

The terrorists now have also moved to what I call “inspired terrorism,” or Terrorism 3.0, where it is not necessarily attacks by well-trained people or well-planned terror events, but lone action by individuals who become inspired on the Internet and simply pick up a gun or the keys to a car or build a homemade bomb and kill somebody. That is what we are seeing in terms of white supremacists “inspired” to carry out an attack on others. But we have also seen that with jihadis in places like Europe for example, and it is part of the same phenomenon.

The increase in domestic terrorist incidents has also been largely prompted by growing networks of individuals associated with terror organizations or sympathetic to their cause. These networks, largely existing online, incite people to carry out acts of violence, both explicitly and implicitly. While attacks connected to such networks are generally smaller in scale and less coordinated, they achieve the perpetrator’s desired goal of using violence to intimidate a particular faith group, ethnic group, or community. This intimidation has an effect not only on the particular geographic region where it occurs, but also successfully undermines our nation’s sense of security. These small-scale attacks have multiplied over time and now outpace international jihadist attacks in their frequency.

While DHS has made progress in enhancing the ability of law enforcement to communicate across agencies, continued investment in multi agency fusion centers will be vital to combating the threat of domestic terrorism. When trying to detect these lone, inspired individuals, you cannot rely on the same capabilities with regard to intelligence resources as you do with large scale attacks. Often, these types of individuals or potential events are very local, and you have to deal with local authorities and local friends and local family. We have to ask them when they see somebody who is beginning to go off the rails, they need to communicate with the people in government or the FBI, or the police and say, somebody is now talking about doing something or beginning to act in a way that suggests they might be a threat. And we need to ensure these local authorities, including law enforcement, are training to detect and investigate this type of activity. And, as part of this strategy, we need to support community and private groups that can de-program or “off-ramp” individuals who are beginning to veer into violence, but have not yet taken steps to violate the law.

Further, as we've witnessed, the vast majority of attackers in recent domestic terrorist incidents have used the internet to consume and post extremist views and connect with a network that shares their ideology. By effectively utilizing open-source intelligence we increase our ability to circumvent a planned attack as well as study the online behavior of those that espouse hateful philosophies. We must also continue to work with major content and social media platforms to identify and investigate potential threats.

Cyber

The world has changed tremendously in the last 18 years. We have never been more interconnected; information moves faster, and perceived distances are smaller. While the convenience of these technological developments should not be discounted, we must recognize that we have developed a reliance. With this reliance comes risk.

Currently, there is a battle going on within our computer networks against a complex array of adversarial actors. The bombardment of our government networks and critical infrastructure is constant. We are exposed to a wide range of threats and actors. This not only includes those from well-funded nation states and global criminal organizations, but increasingly from individual actors, some truly independent, some acting on instructions from nation-state leaders, and others acting in concert based on a shared ideology.

We see nation states using the very technology that brings us together to drive us apart and undermine trust in our political systems. We see hacker groups manipulating DNS infrastructure to redirect government agency computers to hacker-controlled servers. We see a new network, 5G, being developed predominantly by companies based outside the United States. This technology offers incredible opportunities, but also creates risks that must be managed.

In this environment, there are a number of areas of activity that I would highlight as vital to allowing us to address the most pressing threats.

First, in the area of election security, the work of DHS' Cyber and Infrastructure Security Agency or CISA is making progress in helping to enhance cyber and physical infrastructure security. In particular when it comes to election security, CISA has helped provide information to state and local election officials to help them defend their infrastructure and partnered to share cybersecurity risk information and we see action being taken. In 2016, less than 30% of election

infrastructure was protected by intrusion detection systems. By the last midterms, coverage was up to 90%.¹ This is a great accomplishment, but more must be done. We need to allocate more money and resources for CISA to continue its mission and work with states and localities in need of further assistance. We also need to act to deter foreign adversaries from trying to affect our elections.

Second, I believe that we need to foster growth within the National Technology Industrial Base. During the Cold War, the Defense Industrial Act was effective at maintaining the United States' industrial advantage, but now its limitations are starting to show. Globalization has made the production of certain technologies—computer chips for instance—prohibitively expensive in the United States. While Congress' amendment to the Defense Industrial Act to include dual-use technologies was a step in the right direction, there is still much to be done.² We must “recognize these changed circumstances and then reconstruct legal and policy standards.”³

Third, supply chain vulnerabilities, both digital and physical, are of increasing concern. The U.S. government must continue to prohibit federal agencies from using hardware and software from companies that pose a national security risk. The U.S. government has already done this with the prohibitions of Russia's Kaspersky and China's Huawei. We must continue to take action to protect our critical infrastructure supply chain. Our electrical grid, banking system, and water supply are critical aspects of our economic and national security, and their vulnerabilities must be secured.

Fourth, the U.S. government must focus on cultivating its relationship with our allies and with the private sector, which plays a paramount role in the National Technology Industrial Base. We have entered an era where nearly every technology we encounter is effectively “dual-use,” that is, a technology that has civilian, government, and military applications. DHS, the intelligence community, and the Department of Defense are all reliant on technologies developed in the private sector and supply chains that provide equipment to both the commercial sector and

¹ Chris Krebs, October 11, 2018, “Securing the Election: Are We Ready for the Midterms?.” Podcast audio, *Insights & Intelligence*, The Chertoff Group, October 11, 2018, <https://podcasts.apple.com/us/podcast/011-securing-the-election-are-we-ready-for-the-midterms/id1434604274?i=1000421867415&mt=2>.

² Michael Chertoff and Mike McConnell, “Former Heads of DHS and NSA Explain How the U.S. Can Keep Huawei at Bay,” *CNBC*, July 11, 2019, <https://www.cnbc.com/2019/07/11/chertoff-mcconnell-us-needs-to-have-more-allies-to-bypass-huawei.html>.

³ Michael Chertoff, *Exploding Data* (New York, Atlantic Monthly Press, 2018), 16.

government. In this environment it is paramount that our leaders work closely with leading American technology companies, working to ensure that their products remain cutting edge and have the security needed to be used in our homes, businesses, power plants, and government buildings.

New Threats

Finally, we must not become complacent and/or repeat the failures of the past by not using our imagination. We must be actively thinking, considering and imagining potential threats to nation's peace and prosperity. Some of these are already evolving today with evidence pointing to the growing impact that climate change is having on the natural disasters that face our country. They are increasing not only in frequency, but in intensity and economic impact. We must look at the likely impacts that climate change will have on our ability to withstand and respond to natural disasters. The most effective investment is in risk mitigation, which the National Institute of Building Sciences recently found to offer \$6 in savings for every \$1 invested in disaster mitigation.⁴ As such, we should continue to make investments consistent with the National Mitigation Investment Strategy, working to reduce risk through strategic investments in preventative and preparedness measures, such as updated building codes, ease access to information, and provide additional funding for mitigation activities.⁵ We also need to allow for and fund further research into the likely impacts of climate change on other important national and economic security issues including the potential for mass migration, the shifting or sudden scarcity of important resources and/or the potential opportunity for control or conflict in changing environments such as the Arctic.

Conclusion

I want to thank you for this Committee's continued focus on our nation's homeland security and the opportunity to share my views today. I also want to publicly thank the thousands of men and

⁴ "National Institute of Building Sciences Issues New Report on the Value of Mitigation," *National Institute of Building Sciences*, January 11, 2018, <https://www.nibs.org/news/381874/National-Institute-of-Building-Sciences-Issues-New-Report-on-the-Value-of-Mitigation.htm>.

⁵ "National Mitigation investment Strategy," *Mitigation Framework Leadership Group, Department of Homeland Security*, August 2019, <https://www.fema.gov/media-library-data/1565706308412-19739d7deeca639415cc76c681cee531/NationalMitigationInvestmentStrategy.pdf>.

women who continue to serve this mission daily as part of the Department of Homeland Security. I had the opportunity to observe their tireless dedication to our nation's safety and security and the service they perform daily to prevent future terrorist attacks from occurring here at home.

**United States Senate Committee on Homeland Security and Governmental Affairs Hearing
“18 Years Later: The State of Homeland Security After 9/11”**

September 9, 2019

Prepared Statement of Janet Napolitano, President of the University of California

Chairman Johnson and Ranking Member Peters, I want to thank you for conducting this important field hearing and for inviting me to provide testimony. I am grateful to each of you for the work you do on behalf of the American people. And I am honored to be with you this morning here at the National September 11 Memorial and Museum.

Eighteen years after the attacks, September 11th remains a somber day on which we mourn and reflect on the nearly 3,000 lives lost in the attack on our nation. As we honor the memory of those whose lives were taken on that fateful morning, so, too, do we express our heartfelt gratitude to the first responders, law enforcement, and volunteers who pulled survivors from the wreckage of the World Trade Center and Pentagon – many of whom later succumbed to illnesses or died as a result of their recovery efforts.

September 11 not only changed the trajectory of our nation, but it altered how we gather intelligence, respond to terrorism, and protect our nation and its borders. Out of that tragic day, the U.S. Department of Homeland Security was born -- a new department that united nearly two dozen existing federal agencies under the leadership of a Homeland Security Secretary, a position I was deeply proud to hold. I am honored to be here with two other former Homeland Security Secretaries to discuss the department and the current state of homeland security.

I would like to begin by thanking the men and women of DHS for the work they do to keep us safe, day in and day out. In today's environment of instability, both at home and abroad, our civil and public servants are under intense pressure to perform responsibly and to execute their mission sets flawlessly. We should all be sensitive to these pressures and recognize these public servants of DHS as the patriots they are.

From the time it was stood up, DHS has been evolving from a fledgling new member of the federal civilian family to what it has become today: a fully functional department that ably repels, responds, and helps the nation recover from all threats and all hazards. This evolution is partly the natural maturation process of a new department, and partly a result of the requirement to anticipate and respond to threat trends that change regularly.

When I inherited the Department from Secretary Michael Chertoff, DHS had mature processes in place to prevent terrorism on our shores and an all-hazards approach to protecting the homeland. I want to compliment Secretary Chertoff on his leadership and his resourceful and competent stewardship of DHS. Working with Congress, I wanted to build upon his efforts, while evolving the Department to correspond with emerging threat lines arising from intel and other channels.

Among our top concerns at the time were terrorism, aviation security, cyber security, and border management and security, as well as the security of the global supply chain, trafficking of goods

and humans, and the resilience of the nation to natural disasters. We developed and implemented programs and operations based on intelligence and those threats, while endeavoring to make travel, trade, and commerce more seamless for the public. We created TSA Pre-Check and significantly expanded Global Entry, Customs-Trade Partnership Against Terrorism, and Customs pre-clearance. We also transformed border security, immigration enforcement, and disaster preparation, response, and recovery.

During my time as Secretary, threats against the homeland evolved, and we adapted with them. Through the coordinated efforts of federal intelligence and security agencies, we effectively eliminated the likelihood that another 9/11-style attack could occur, we drove border apprehensions to historic lows, and transformed a national unity of effort on resilience. At the same time, we began to see an increase in cyber threats, threats arising out of active shooters or self-radicalized actors, and threats resulting from climate change.

As President of the University of California, a former Governor, state Attorney General, and U.S. Attorney, I see many risks to our homeland today. Described by one American business leader as “fiscal child abuse,” the escalating federal deficit is a threat to future generations. The way in which our country is bullying its friends and allies around the world is a threat to our domestic security. Finally, the willful retreat from the values that made America great is of significant concern.

We could have a lengthy discussion about each of these risks, but I am here today to address three *future* threats that the Department *can* and *must* confront. They are: cyber security, mass casualty shootings, and climate change. And I will address one issue that I believe is *not* a threat to the homeland: the U.S. border with Mexico.

During his tenure, Secretary Johnson did a remarkable job of bolstering DHS’s cyber capabilities, and I applaud Congress for working with the department to transform the National Protection and Programs Directorate into an operational agency, the Cybersecurity and Infrastructure Security Agency. But we have much more to do in this area. Our nation’s critical infrastructure, its utility grids, election systems, and our public and private networks are all vulnerable. Our adversaries and international criminal organizations have become more determined and more brazen in their efforts to attack us and to steal from us. We need a whole of government and a whole of public and private sector response to this threat, and it needs to happen immediately. We have the greatest minds in the world in this country. I know this firsthand because as the president of the University of California, I have met many of them on our 10 campuses and at the national laboratories. Our public research universities and the Department of Energy national labs are tremendous resources and incredible partners for DHS in working to address the real challenges before us. We can all do more to build partnerships and invest in our nation’s research enterprise that is critical to protecting our national security. Together, we can address the cyber threat by out-thinking, out-innovating, out-researching, and out-hustling those who seek to do us harm.

The less technical threat of mass casualty shootings is no less consequential than those posed in the cyber arena. In the mid-2000s we began to see hints that these types of events could be on the upswing, but there was no indication of just how significant a problem it would become. Today,

we have sadly grown accustomed to stories of yet another tragic shooting. We cannot be and we should not allow this sort of learned helplessness to penetrate our society on this topic. DHS's Office of Intelligence and Analysis was created to evaluate the nexus between threat and vulnerability. It needs to be aggressive in doing so with respect to gun violence and mass casualty shootings.

I believe in the 2nd Amendment, but it didn't contemplate citizens with combat-ready assault rifles. I believe people should be able to use weapons for recreation, hunting, and protection, but if you cannot hit your target with ten shots, you should not be shooting a gun. It is time for Congress to ban high capacity magazines and assault weapons, and it is time to enact universal background checks.

It is also time for Congress and the Department of Homeland Security to recognize that climate change is a generational threat to the homeland that must be addressed in a meaningful way. The uptick in extreme weather events on land, at our shores and in the littoral waterways of the United States clearly impacts the missions of FEMA and the U.S. Coast Guard. From rescue and reconnaissance to disaster preparation, response, and recovery, our changing climate requires DHS to approach these missions differently.

Climate evolution also implicates our border and our immigration system, thereby directly affecting USCIS, CBP, and ICE. Extreme weather is destroying crop yields in Central and South America, devastating economies, and drying up jobs and gainful employment opportunities. With lost jobs and lost wages, the aperture toward radicalization widens as does the draw of northward migration. There are many factors that lead to migration to the United States, but the downstream effects of climate change are certainly among them. If we as a nation fail to address climate change in a holistic and global way as a threat to the homeland, we will be ignoring one of the nation's and the world's greatest security risks.

Finally, I would like to address a topic that I do *not* believe is a threat to the Homeland—the U.S. border with Mexico. I have worked on issues related to that border for nearly 30 years as a prosecutor, a Governor, and as Secretary of Homeland Security. I have walked it, ridden along it on horseback, flown it in fixed and rotor-wing aircraft, explored its tunnels, and visited almost every Land Port of Entry along it. There have been times during my three decades of public service when I did argue that the border was a threat, but now is not such a time.

The border is a zone where millions of dollars of lawful commerce, trade, and travel traverse every day. It produces jobs for citizens living along it and throughout the United States. On its own, it is an economic engine. From a security perspective, at the conclusion of the Obama Administration, it was also very much in control. Apprehensions were at all-time lows, trade was at an all-time high, and the border was being managed in a manner consistent with America's values.

Proper border management requires a blend of physical infrastructure, manpower, and technology. What we do not need, and what doesn't make sense, is a wall from one end of the border to the other. As Governor, I once proclaimed, "show me a 10-foot wall and I will show you an 11-foot ladder." That was more than a decade ago and it is still true today.

The debate about a costly and needless border wall should come to an end. It distracts from the overall mission of DHS, and it is a red herring used for political gain in an arena—namely the security of our nation—where politics should play neither a role in decision-making nor in operations. The billions of dollars it would cost to build a border wall are better deployed on other homeland missions, such as cyber security, or on reducing our ballooning deficit, or even on addressing infrastructure improvements that are sorely needed throughout the country. I urge this committee to consider putting an end to discussions related to the construction of a border wall, and to return your worthy attention to the critical requirements of the homeland mission.

I am grateful to each of you for inviting me to appear today and thank you for your attention to my testimony. I welcome your questions.

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**Statement of Jeh Charles Johnson
Before the Senate Committee on Homeland Security
and Governmental Affairs
New York City
September 9, 2019**

Chairman Johnson, Ranking Member Peters and members of the Committee:

Welcome to New York City, my hometown.

Accompanied by my predecessors Mike Chertoff and Janet Napolitano, I welcome the opportunity to testify at this field hearing in lower Manhattan, in conjunction with the 18th anniversary of the 9/11 terrorist attacks. Senators Johnson and Carper will recall that on the 14th anniversary of 9/11, they accompanied me to the annual observance in Shanksville, Pennsylvania.

Like millions of others, 9/11 is painful and significant to me. I am a New Yorker, I was in New York City on 9/11, and I personally witnessed the collapse of the two towers. 9/11 also happens to be my birthday. Out of that day 18 years ago came my personal commitment to national security. In the years that followed I served as General Counsel of the Department of Defense (2009-2012) and Secretary of Homeland Security (2013-2017). Three years ago, on the 15th anniversary of 9/11, I presided at the ceremony to welcome the federal government back to One World Trade Center. My DHS office in New York City sat on the 50th floor of that building.

Any assessment of today's homeland security must include an assessment of today's *Department* of Homeland Security.

I confess that I view today's DHS with despair and dismay. The Department appears to be under constant siege, in constant crisis, suffering from management upheaval and leadership vacancies, and crippled, attacked and constantly sued for the abrupt launch of ill-conceived, controversial immigration policies. More so than ever before, DHS is now villainized and politically radioactive. There are public calls for a boycott of private businesses that contract with DHS, while certain elected officials call for the outright elimination of certain components of DHS, if not DHS in its entirety.

In the current environment, it is easy to forget that DHS is responsible for the vital missions of protecting the American people and their homeland from the land, sea, and air and in cyberspace. The Coast Guard performs vital maritime safety, national security, law enforcement, and counterdrug functions. The Secret

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Service protects the President and others. TSA provides aviation security to over two million people per day. FEMA is the Nation's disaster response agency. The NCCIC is the U.S. government's primary information exchange hub for the nation's cybersecurity. These are matters in which politics should play little role, and around which there should be bipartisan consensus and support. Yet the Department and its leadership appear to be overwhelmed by the politically contentious and emotional immigration mission and the crises that have existed on the southern border – to the exclusion, I fear, of all of these other important homeland security missions.

For the Nation's Cabinet-level department charged with protecting the homeland, it shouldn't be this way.

Here, in some key areas, are my assessments of the state of our homeland security in 2019:

Terrorism

The threat of terrorism on our homeland still exists. But the nature of the threat has evolved significantly in the 18 years since 9/11.

Through the good efforts of our military, intelligence, and law enforcement communities, the threat of large-scale terrorist-*directed* attacks on our homeland launched from abroad, by either Al Qaeda or ISIS, has been seriously degraded. Including during my time at the Department of Defense in President Obama's first term, we took the fight to the enemy overseas, and many of Al Qaeda's leaders are now captured or dead. During President Obama's second term and continuing into the Trump Administration, our military, aligned with an international coalition, has beat back the size and strength of much of ISIS's self-proclaimed caliphate in Iraq and Syria. But ISIS is far from defeated, as recent and alarming reports indicate a resurgence by that group.¹ The attack that killed 63 at a wedding in Afghanistan last month is a stark reminder of that fact.²

Meanwhile, we now also live with the threat of smaller scale terrorist-*inspired* attacks across the homeland. These style of attacks most often involve a lone actor inspired by something he sees or reads on the internet. These have

¹ Dep't of Def., Operation Inherent Resolve: Lead Inspector General Report to the United States Congress (August 9, 2019), available at https://media.defense.gov/2019/Aug/09/2002169448/-1/-1/1/Q3FY2019_LEADIG_OIR_REPORT.PDF.

² Mujib Mashal, Fatima Faizi and Fahim Abed, *One Minute It Was an Afghan Wedding. The Next, a Funeral for 63*, N.Y. Times (Aug. 18, 2019), <https://www.nytimes.com/2019/08/18/world/asia/kabul-wedding-bomb-isis.html>.

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ranged from attacks on the Boston Marathon (2013)³ to ISIS-inspired attacks in San Bernardino (2015),⁴ Chattanooga (2015)⁵ and Orlando (2016).⁶ More recently, there has been a surge in violent attacks inspired by right-wing extremism/white nationalism. In fact, violence in this country inspired by right-wing extremism now outpaces violence inspired by ISIS and/or Al Qaeda.⁷

DHS's original counterterrorism model from 2002 is now outdated. DHS was created to be the Cabinet-level department of government that would regulate all the various different ways someone or something enters our country – on the land borders, at the ports of entry, from the sea and in the air – on the 2002-era assumption that counterterrorism was a matter of regulating our borders. Particularly with the advent of the internet, we must now also be on guard for terrorist threats that originate *within* our borders.

In the current environment, I believe DHS and others at the federal level must rededicate themselves to the following:

First, through JTTFs, fusion centers and the like, DHS should continue efforts to partner with the FBI and other federal, state, and local law enforcement agencies to detect, investigate, prosecute, and prevent domestic-based terrorist threats before they mature.

Second, DHS must continue grants to state and local homeland security efforts. The risk factors on which DHS bases its awards must be continually re-evaluated to meet the evolving threat environment, free of parochial political influences. This includes continued support for active-shooter training exercises by local law enforcement and private security operations.

³ Masha Gessen, *At the Boston Marathon bombing trial, harrowing testimony and detail about the explosive devices*, Washington Post (March 26, 2015), available at <https://www.washingtonpost.com/news/post-nation/wp/2015/03/26/at-the-boston-marathon-bombing-trial-harrowing-testimony-and-detail-about-the-explosive-devices/>; Richard Valdmanis, *Boston bomb suspect influenced by Al Qaeda: expert witness*, Reuters (Mar. 23, 2015), <https://www.reuters.com/article/us-boston-bombings-trial/boston-bomb-suspect-influenced-by-al-qaeda-expert-witness-idUSKBN0MJ0Z620150323>.

⁴ *Everything we know about the San Bernardino terror attack investigation so far*, L.A. Times (DEC. 14, 2015), available at <https://www.latimes.com/local/california/la-me-san-bernardino-shooting-terror-investigation-htmlstory.html>.

⁵ Devlin Barrett and Arian Campo-Flores, *Investigators See Radicalization in Chattanooga Shooter*, Wall St. J. (July 21, 2015), available at <https://www.wsj.com/articles/investigators-see-radicalization-in-chattanooga-gunman-1437510290>.

⁶ White House Archives, *Remarks by the President After Counter-ISIL Meeting* (June 14, 2016), available at <https://obamawhitehouse.archives.gov/the-press-office/2016/06/14/remarks-president-after-counter-isil-meeting>; Ed Pilkington and Dan Roberts, *FBI and Obama confirm Omar Mateen was radicalized on the internet*, Guardian (June 14, 2016), available at <https://www.theguardian.com/us-news/2016/jun/13/pulse-nightclub-attack-shooter-radicalized-internet-orlando>.

⁷ *Murder and Extremism in the United States in 2018* at 16, American Defamation League (Jan. 2019), available at <https://www.adl.org/media/12480/download>.

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Third, DHS should continue efforts to promote public awareness and vigilance, and continue to partner with public and private “If You See Something Say Something”™ campaigns. In a free society, law enforcement cannot be everywhere to detect trouble; evidence shows that public awareness and vigilance do make a difference.

Fourth, DHS should rededicate itself to efforts at countering domestic-based violent extremism at the national level, and through support for state and local efforts. This must include grants to viable local community programs dedicated to countering violent extremism, including right-wing extremism.

Fifth, meaningful homeland security in this country *must* include additional gun safety laws and regulations consistent with the Second Amendment. Given the persistent plague of mass shootings in America, we must accept that tighter gun safety restrictions are indispensable to our homeland security. The proposals to further restrict the ability of those who are dangerous and deranged to obtain a gun are well developed, and I need not recount them here. Our continued failure to address these measures is inexcusable in my view.

Finally, our leaders can also contribute to public safety simply by restoring civility to the current divisive political rhetoric. Like it or not, those who command a large public audience set the tone for all the rest of us, and the public does follow the examples they set. One cannot read the writings left by Paul Hasson (the self-proclaimed white supremacist arrested in February for plotting to kill various political and public figures)⁸ and Paul Crusius (arrested last month for shooting 22 people in El Paso)⁹ and not come away with the impression that these individuals believed in their own deranged mind that an element of our political leadership would condone their violence.

⁸ Motion for Detention Pending Trial, *U.S. v. Hasson* (D. Md. Feb. 19, 2019), available at <https://int.nyt.com/data/documenthelper/625-us-v-hasson/be7a4841596aba86cce4/optimized/full.pdf>; Dave Philipps, *Coast Guard Officer Plotted to Kill Democrats and Journalists, Prosecutors Say*, N.Y. Times (Feb. 20, 2019), available at <https://www.nytimes.com/2019/02/20/us/christopher-hasson-coast-guard.html>; Isaac Stanley-Becker, *‘They hate white males’: A Norwegian mass murderer inspired the Coast Guard officer accused of plotting terror, feds say*, Washington Post (February 21, 2019), available at <https://www.washingtonpost.com/nation/2019/02/21/they-hate-white-males-norwegian-mass-murderer-inspired-coast-guard-officer-plotting-terror-feds-say/>.

⁹ Simon Romero, Manny Fernandez and Mariel Padilla, *Massacre at a Crowded Walmart in Texas Leaves 20 Dead*, N.Y. Times (Aug. 3, 2019), available at <https://www.nytimes.com/2019/08/03/us/el-paso-shooting.html?module=inline>; Peter Baker and Michael D. Shear, *El Paso Shooting Suspect’s Manifesto Echoes Trump’s Language*, N.Y. Times (Aug. 4, 2019), available at <https://www.nytimes.com/2019/08/04/us/politics/trump-mass-shootings.html>; Patrick Crusius, *The Inconvenient Truth About Me* (Aug. 4, 2019), available at <https://louisproyect.org/2019/08/04/the-manifesto-of-the-el-paso-white-supremacist-killer/>.

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Those who occupy or seek political office, or otherwise command a large audience, have in my view a civic and moral responsibility to elevate the civility of our political discourse and avoid rhetoric that will stoke intolerance, prejudice, and fear. A downward spiral in the civility of our leaders' discourse lowers the bar for all the rest of us, makes the previously intolerable tolerable, and for the deranged few who lurk among us, violence inevitable.

Cybersecurity

Cyber threats to our homeland continue to grow in pace, severity and sophistication. Whether nations-states or cyber criminals (including those who engage in the growing Ransomware industry), bad cyber actors are increasingly aggressive and ingenious, while those on cyber defense struggle to keep up. On my watch we strengthened the role of the NCCIC, established an automated information-sharing capability between the private sector and the NCCIC, and worked with Congress to enact the National Cybersecurity Protection Advancement Act,¹⁰ the Federal Information Security Modernization Act of 2014,¹¹ the Cybersecurity Act of 2015,¹² and other new laws.¹³ I am pleased that in 2018 Congress acted on DHS's long-standing request to create a Cybersecurity and Infrastructure Security Agency within DHS.¹⁴ There is much more to do.

Without a doubt, Russian interference in the 2016 election highlighted a new form of cyber threat. The hacks into the DNC represented not just a cyber theft, but a weaponization of that stolen material for purposes of foreign influence on voter attitudes. The scanning, probing and infiltration of voter registration data highlighted the vulnerability of state election systems. The masked foreign dissemination of fake news and extremist views in the U.S. revealed that our strength as an open society is also our vulnerability.

Following my January 2017 designation of election infrastructure in this country as critical infrastructure, it appears DHS has been working effectively with state election officials to improve their cybersecurity.¹⁵ This is good news.

¹⁰ Pub. L. No. 113-282, 128 Stat. 3066 (2014).

¹¹ Pub. L. No. 113-283, 128 Stat. 3073 (2014).

¹² Pub. L. No. 114-113, 129 Stat. 2935 (2015).

¹³ See also the Border Patrol Agent Pay Reform Act of 2014, Pub. L. No. 113-277, 128 Stat. 2995 (which also includes additional authorities for cybersecurity recruitment and retention).

¹⁴ Pub. L. No. 115-278, 132 Stat. 4168 (2018).

¹⁵ Senate Select Comm. on Intel., Report on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Vol. 1: Russian Efforts Against Election Infrastructure with Additional Views at 4 (July 25, 2019), available at https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf.

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Though I am not in a position to endorse specific legislation, I generally support federal legislation to further assist states in their election cybersecurity efforts.¹⁶

Intelligence reports indicate that Russian efforts to influence our democracy continue unabated.¹⁷ There can be no complete line of defense against such activity; it is therefore up to the U.S. government, the current Administration, and the current President to impose costs for cyberattacks by nation-states sufficient to serve as deterrents. All nation-states – whether democracies, monarchies, or communist regimes – respond to sufficient deterrents that render bad behavior cost prohibitive. When it comes to Russian efforts to interfere in our democracy, it appears that our government has yet to impose those appropriate costs. Though Congress and the Trump Administration have imposed considerable sanctions on the Russians, and President Trump’s subordinates sound dire alarms that “our democracy itself is in the crosshairs,”¹⁸ the President himself appears to not take the threat seriously, barely acknowledges it exists, and has yet to communicate directly to President Putin in any serious way that the U.S. will not stand for it any further.

Immigration

Finally, no discussion of DHS is complete without a reference to the immigration mission. Immigration is the most difficult, emotional and contentious issue I have dealt with in public life. In private life I have sought to be a voice of common sense on this issue.

One of the hard lessons I learned managing the problem of illegal immigration for three years is that border security and so-called “consequence delivery” enforcement measures alone will not in the long run deter those desperate to flee the poverty and violence in Central America. Public pronouncements about building a wall, “raids” in the interior, additional detention space, changes in the asylum process, and even the zero-tolerance policy the Trump Administration tried last year will *at best* serve as deterrents in the short term only; so long as the underlying conditions of poverty and violence in Central

¹⁶ See generally The Foreign Influence Reporting in Elections (FIRE) Act, S. 2242, 116th Cong. (2019); The Duty to Report Act, S. 1247, 116th Cong. (2019); The Securing America’s Federal Elections (SAFE) Act, H.R. 2722, 116th Cong. (2019).

¹⁷ Mark Mazzetti, *Mueller Warns of Russian Sabotage and Rejects Trump’s ‘Witch Hunt’ Claims*, N.Y. Times (July 24, 2019), available at <https://www.nytimes.com/2019/07/24/us/politics/trump-mueller-testimony.html>; Julian E. Barnes and Adam Goldman, *F.B.I. Warns of Russian Interference in 2020 Race and Boosts Counterintelligence Operations*, N.Y. Times (Apr. 26, 2019), available at <https://www.nytimes.com/2019/04/26/us/politics/fbi-russian-election-interference.html>.

¹⁸ Secretary Kirstjen M. Nielsen’s National Cybersecurity Summit Keynote Speech, Dep’t of Homeland Sec. (July 31, 2018), available at <https://www.dhs.gov/news/2018/07/31/secretary-kirstjen-m-nielsen-national-cybersecurity-summit-keynote-speech>.

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America persist, illegal migration on our southern border will inevitably revert to its longer term levels.

The problem of illegal migration from Central America must be addressed at the source. Hardened and experienced border security experts all recognize this. It can be done. In FY 2016, Congress began this effort with an appropriation for aid to Guatemala, Honduras and El Salvador of \$750 million.¹⁹ This was a modest start, but since 2016 the levels of funding have decreased, not increased. Earlier this year President Trump suspended it altogether,²⁰ which is the exact wrong thing to do if illegal migration on our southern border is going to be addressed.

Though politically difficult, there are common sense answers to fixing our broken immigration system. But real solutions require Congress, and congressional action requires compromise between Republicans and Democrats. Comprehensive immigration reform has traditionally encompassed two poles: that we treat those who are here (including, specifically, the Dreamers) in a fair and humane way, and that we secure our borders. This mirrors American public sentiment, yet this consensus is drowned out in the current very loud political debate.

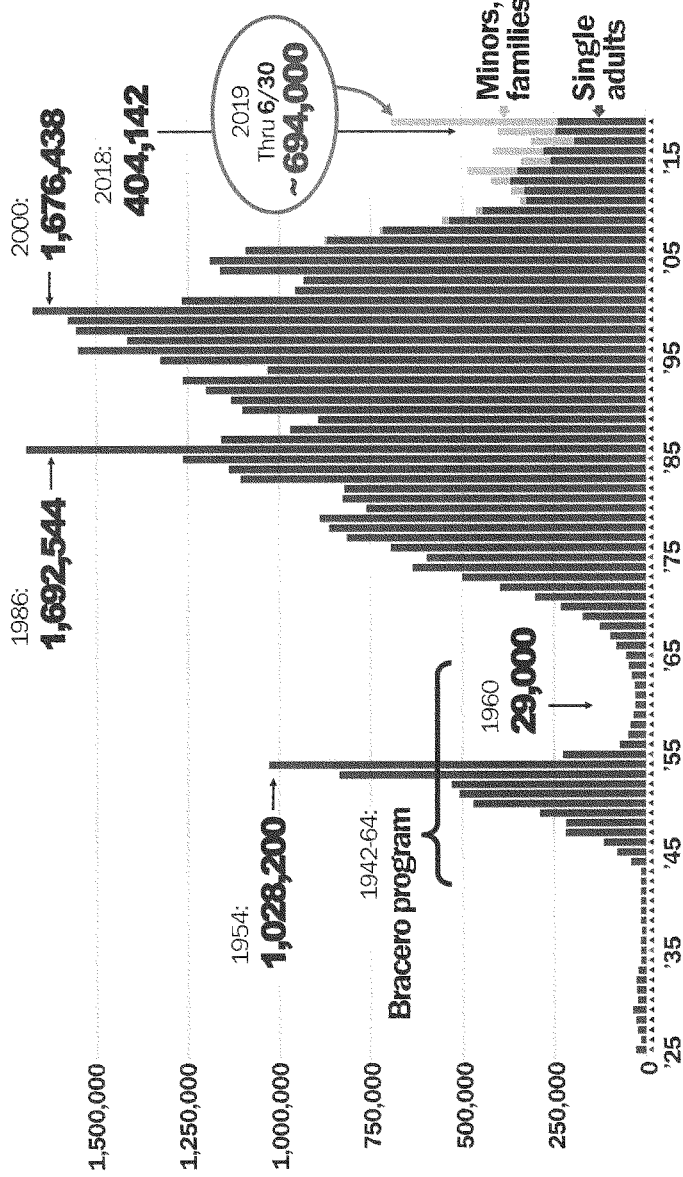
Thank you again for convening this field hearing. I look forward to your questions.

¹⁹ Pub. L No. 114-113, 129 Stat. 2796 (2016).

²⁰ *Donald Trump cuts off aid to Central America*, Economist (Apr. 4, 2019), available at <https://www.economist.com/the-americas/2019/04/04/donald-trump-cuts-off-aid-to-central-america>; Vivian Salama and Juan Montes, *Trump Wants to Punish Guatemala Over Failed 'Safe Third Country' Deal*, Wall St. J. (July 23, 2019), available at <https://www.wsj.com/articles/trump-says-he-will-punish-guatemala-for-not-reaching-safe-third-country-agreement-11563887818>; Lesley Wroughton and Patricia Zengerle, *As promised, Trump slashes aid to Central America over migrant*, Reuters (June 17, 2019), available at <https://www.reuters.com/article/us-usa-immigration-trump/as-promised-trump-slashes-aid-to-central-america-over-migrants-idUSKCN1T12C7>;

ILLEGAL IMMIGRANT ARRESTS

APPREHENSIONS NATIONWIDE BY FISCAL YEAR

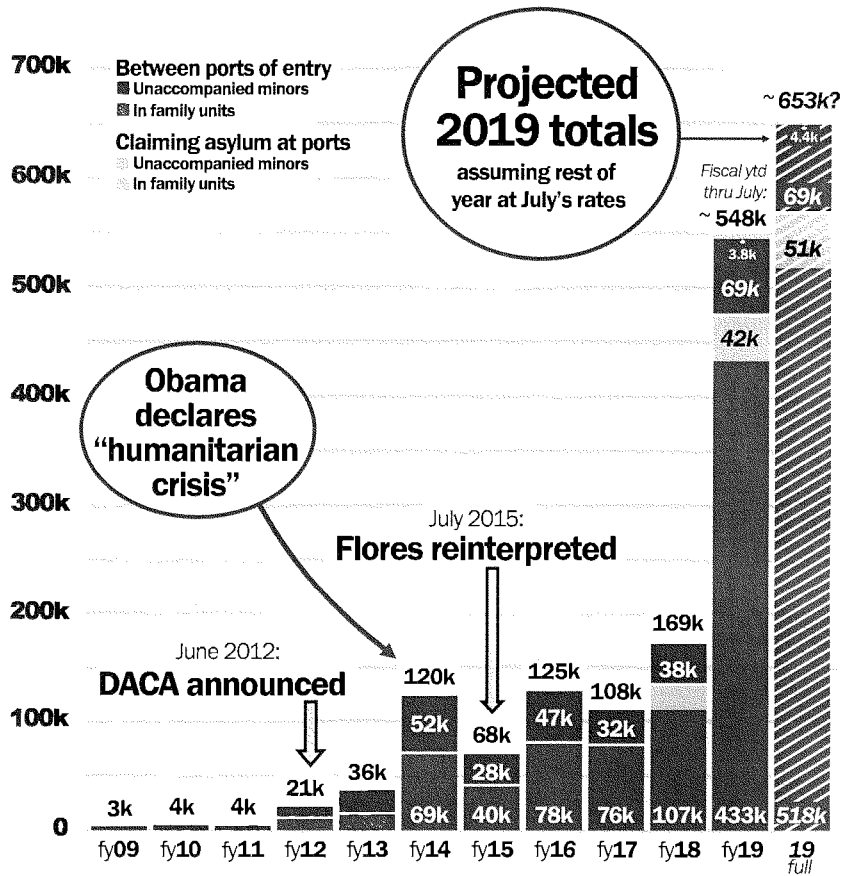


RON JOHNSON
U.S. SENATOR

Customs and Border Protection

MINORS AND FAMILIES

APPREHENDED AT S.W. BORDER OR CLAIMING ASYLUM AT PORTS



Customs and Border Protection.
Federal fiscal years (Oct.-Sept.). Minors from El Salvador, Guatemala, Honduras. Families from all countries.

RON JOHNSON
U.S. SENATE

**Post-Hearing Questions for the Record
Submitted to The Honorable Michael Chertoff
From Senator Kyrsten Sinema**

**“18 Years Later: The State of Homeland Security After 9/11”
September 24, 2019**

1. Hiring in rural areas is a large challenge that DHS must overcome. Now that you have made the transition back to civilian life are there processes or technologies that civilian businesses leverage to tackle their hiring problems that CBP can incorporate? If so, what would they look like?

ANSWER:

CBP and DHS have current best practices relating to the hiring of personnel in rural and remote areas. I suggest contacting them directly to see what they have in place to overcome such challenges. I would take a particular look at current incentive programs that are in place in both the government and non-government sectors for examples of what motivates people to relocate to these locations.

2. Across the entire scope of DHS what are some opportunities for additional investment in technology that the department should leverage?

ANSWER:

Congress should continue to work with DHS and CISA to provide the agency with greater procurement flexibility to ensure that the latest technologies are deployed as quickly as possible, allowing the government the greatest possible level of security protections in the current threat environment. It is also worth noting the importance of continuing to invest in advances in biometrics as they are able to provide an additional layer of security.

**Post-Hearing Questions for the Record
Submitted to The Honorable Janet Napolitano
From Senator Kyrsten Sinema**

**“18 Years Later: The State of Homeland Security After 9/11”
September 24, 2019**

1. If a barrier is not the answer for the crisis at our southern border, what combination of policy and technology would you like to see DHS implement to help stem the flow of migrants?

As described in my written testimony, there is not one silver bullet for securing the border. The border is a zone to be managed with a blend of manpower, technology and physical infrastructure that accommodates lawful trade and travel and protects the safety of the men and women working along it.

Some physical infrastructure is indeed required to manage the border with Mexico, particularly in dense urban settings. In rural, more mountainous areas, however, building a wall is neither practical nor economically viable. In such settings, the use of remote sensors, unmanned aerial systems is not only appropriate but essential. Similarly, off-the-shelf technology is also necessary to force multiply agent and officer time elsewhere and particularly at our Land Ports of Entry (LPOE). Lawful flow facilitation can be improved by the use of screening technology, passive and active detection tools, pattern and trend analysis capability and data aggregation applications.

2. Across the entire scope of DHS what are some opportunities for additional investment in technology that the department should leverage?

The market for detection technology has exploded in the last several years. DHS should avail itself of this marketplace to find new capabilities that support the mission of the agents and officers in the field. First and foremost, however, this must be dictated by requirements so defined by the operators. U.S. Customs and Border Protection (CBP) is among the most entrepreneurial law enforcement agencies in the world and their agents and officers know what they need to do their jobs. DHS should budget for these operational requirements and invest in technology that operators are asking for. What it should not do is budget for a wall that isn't needed, isn't required and doesn't solve the border security challenges of today.

Answers to Post-Hearing Questions for the Record
Submitted to The Honorable Jeh C. Johnson
From Senator Kyrsten Sinema

“18 Years Later: The State of Homeland Security After 9/11”

October 2, 2019

1. Much of the DHS workforce in Arizona is going through a challenging time. The crisis at our southern border has led to long hours in difficult conditions. Many of the agents and officers I have spoken with have expressed concern about the impact this period is having on their morale. This is not just happening in Arizona, but all across our borders. In your experience what is the best way to handle this issue?

The strain of the levels of illegal migration along the Southern Border over the last year must be extraordinarily difficult on the DHS workforce (and their families) in Arizona and elsewhere.

As you may recall, while in office from 2013-2017 I made raising the morale of the DHS workforce a major priority. We were finally successful in 2016. According to the annual Federal Employee Viewpoints Survey for that year, morale rose three percentage points across all of DHS and its many components – the largest increase that year for any Cabinet-level department of its size. Morale within ICE rose a full seven percentage points in the FEVS survey.

First and foremost, stable, Senate-confirmed DHS leadership will contribute to morale; the constant, day-to-day and uncertain churn of leadership contributes to anxiety and suspicion, at least at the headquarters level. Beyond that, in my experience, leaders can do their part to improve morale by the following:

- (1) make a sustained commitment to the issue;*
- (2) be visible throughout the organization and engage the workforce;*
- (3) demonstrate a willingness to be a champion for the workforce and the department (show you care);*
- (4) exhibit follow-through on any commitment to the workforce; and*
- (5) push the same commitment down the chain; instill the same commitment in subordinate leaders and managers throughout the organization.*

2. Low morale is one issue among many which I feel are directly related to CBP's failure to retain good employees. Customs and Border Protection is having a difficult time with attrition rates and retention within their ranks. Commuting long distances, lack of housing, and the lack of good schools are just a few of the factors exacerbating the problem, what in your opinion can be done to reverse this trend?

As an initial matter, CBP does in fact manage to retain many good and conscientious public servants. I have met them and know them. But more can be done.

Many of the issues you cite – long commutes, lack of good schools and housing – are, frankly, beyond the control of DHS or the Congress. Many CBP officers must be assigned to work in places along both the southern and northern borders that are remote.

My biggest concern for attracting and maintaining good people in CBP is the length of time involved in the application and security clearance process, which is, when I last looked, many months if not in excess of a year. This can be addressed through more resources and authorities. More fundamentally, the controversial nature of immigration enforcement and border security contributes to low morale. CBP personnel must be acknowledged for the good and important work they do.

Note also that during the Obama Administration the Homeland Security Advisory Council recommended several actions to address these issues.

3. Across the entire scope of DHS what are some opportunities for additional investment in technology that the department should leverage?

- (1) Aviation security at airports;*
- (2) for cybersecurity, improvements over the EINSTEIN system now deployed across federal departments and agencies;*
- (3) biometric tools to improve tracking of individuals entering and exiting the country;*
- (4) additional scanning technology for ports of entry; and*
- (5) additional aerial and mobile surveillance technology for border security.*