THE DEPARTMENT OF HOMELAND SECURITY MAJOR INITIATIVES FOR 2007 AND BEYOND

FULL HEARING

OF THE

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THE DEPARTMENT OF HOMELAND SECURITY'S MAJOR INITIATIVES FOR 2007 AND BEYOND

Tuesday, September 26, 2006

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

The committee met, pursuant to call, at 10:09 a.m., in Room 311, Cannon House Office Building, Hon. Peter King [chairman of the committee] presiding.

Present: Representatives King, Souder, Lungren, Gibbons, Simmons, Rogers, Pearce, Jindal, Reichert, McCaul, Dent, Brown-Waite, Thompson, Markey, Dicks, Harman, DeFazio, Lowey, Norton, Lofgren, Jackson-Lee, Pascrell, Christensen, Etheridge, Langevin, and Meek.

Mr. KING. [Presiding.] The Committee on Homeland Security will come to order.

The committee is meeting today to hear testimony from Secretary Chertoff on the Department of Homeland Security's major initiatives for 2007 and beyond.

I would like just to make a very brief opening statement, and hopefully it will set the tone for the morning so we can move through this so that each member will get the opportunity to ask a question and the secretary will get a chance to answer those questions.

I have discussed this with the ranking member, my friend Mr. Thompson, and it is agreed that the 5 minutes will include both the question and the answer. So I would ask members to make their questions as brief as possible so the secretary will get a chance to fully answer it within the 5-minute time limit.

It is my stated goal and pledge to make sure we reach Mr. Meek on the questions today.

[Laughter.]

That is the intention.

And let me, at the outset, also thank Secretary Chertoff for being here this morning, thank him for his service. We realize he has a very busy schedule, but I believe it is also imperative that the secretary appear before this committee on a regular basis. And we certainly appreciate you being here today.

I would just make several comments, Mr. Secretary. Obviously there have been some differences between our committee and yourself and the department. That, to me, is normal in a democratic society. And also the fact that the department is now in its 4th year,

our committee is in its 2nd full year. And I believe that all of us are going forward though, and tremendous progress is being made.

I especially want to commend the department for the way the entire unraveling of the London plot was handled. It was very important that, unlike in previous times when there was a major news conference held or a major announcement made, the secretary of homeland security, it was clear, was in charge and that all the other departments were subordinate to the department.

Not to be playing turf wars here, but I believe that, for the department to be the effective voice for homeland security, it has to be clear that the secretary is in charge. And that was certainly demonstrated this past August. I want to commend you for that, for establishing that priority.

Also I believe that your team seems to be much more in place: Michael Jackson, Kip Hawley—we could go through a list, obviously. And much more has to be done; I am sure you will hear that from both sides today, what we feel needs to be done. Certainly you and I have had some differences over the aid package to New York and other areas around the country. But all of that is part of the ongoing dialogue.

So I will now end my remarks with that, just to say we look forward to your testimony, and yield to the gentleman from Mississippi, the ranking member, Mr. Thompson.

Mr. THOMPSON. Thank you very much.

Welcome, Mr. Secretary.

Let me compliment the chairman on our new digs.

[Laughter.]

It is absolutely very nice. I appreciate it.

Again, Mr. Secretary, we are glad you are here. It has been a while. In fact, it has been more than 6 months since you testified before this full committee.

And a lot of things have happened in that time frame. We have seen fraud allegations against FEMA; an uproar over foreign ownership of ports; questions about contracting practices and vacancies; faulty grant formulas that cut the funding to D.C. and New York City, two cities directly targeted by the 9/11 terrorists. And the list goes on.

I hope we can get a commitment from you to appear more often before the committee, so that we can do effective oversight on what some of us see as a still-troubled department.

I hope today we can get honest dialogue on what troubles the department, devoid of political speeches, euphemisms and feel-good testimony that portray an unrealistic view of your agency.

The truth of the matter is that the department has a long way to go if it is to protect our nation. Yes, there have been some bright moments here and there, such as your outreach during the London air threat, but those remain overshadowed by what we have left undone.

Overshadowed, for example, by the memories and lessons of Hurricane Katrina and Rita. Two days ago marks the 1-year anniversary of Hurricane Rita striking the Gulf Coast. Friday marks the 1-year-and–1-month anniversary of Hurricane Katrina. And from what I have observed, the department may be falling back into a pre–Katrina mindset.

This shows in FEMA's continuing staffing crisis. Just a few weeks ago, the GAO found that you still have not issued the critical catastrophic planning supplement to the National Response Plan. I have also seen the struggle of thousands in my home state of Mississippi, who are still living in FEMA trailers.

Mr. Secretary, America simply cannot go back to a pre-Katrina mindset, just as we can't go back to a pre-9/11 mindset, which I am also fearful of.

Lately there has been a lot of talk about all the kinds of security: border, port, cargo and chemical. The volume seems to be turning up rather loud these days on the security rhetoric, but I don't see the rhetoric, however, with the resources.

Just yesterday, The Washington Post ran a story on the security appropriations bill in Congress, which, Mr. Chairman, I would like to enter into the record, and it—

Mr. KING. Without objection, it will be so entered.

Mr. THOMPSON. And basically, it said it is more style than substance. We absolutely need to fund as many of our vulnerabilities as we know.

Mr. Secretary, I know you would agree with me that our homeland security efforts must urgently address 21st-century threats, whether from man-made or natural disasters. That is why today I ask you to help me help you.

Help me help you by telling us what we need to do to secure our nation against 21st-century threats. Help me help you by telling us what remains left to be done and by not giving us another laundry list of the department's perceived successes. We get the press releases and don't need to have a hearing to read them or have you recite them back to us.

Mr. Secretary, help me help you by talking frankly about what it will cost to implement some vitally important but badly overdue security initiatives. Help me help you, and together we all will help the American people.

I yield back the balance of my time.

PREPARED STATEMENT OF THE HONORABLE BENNIE G. THOMPSON

Mr. Secretary, we're glad to have you here. It's been a while since we've seen you. In fact, it has been more than six months since you've testified before this Full Committee—and a lot has happened in that time frame. We've seen. . . fraud allegations against FEMA, an uproar over foreign ownership of ports, questions about contracting practices and key leadership vacancies, faulty grant formulas that cut funding to DC and New York City-the two cities directly targeted by the 9/11 terrorists. . . And the list goes on and on. . .

Moving forward—I hope I can get a commitment from you to appear more often before this Committee so that we can conduct more effective oversight over a still-troubled Department. I hope today that we have an honest dialogue of what troubles the Department—devoid of political speech, euphemisms, and feel-good testimony that portray an unrealistic view of your agency.

The truth of the matter is that the Department has a long way to go if it is to protect our nation. Yes, there have been some bright moments here and there—such as your outreach during the London air threat—but those instances remain overshadowed by what has been left undone. Overshadowed, for example, by the memories and lessons of Hurricanes Katrina and Rita.

Two days ago marks the one year anniversary of Hurricane Rita striking the Gulf Coast. Friday marks the one year, one month anniversary of Katrina. And, from what I've observed, the Department may be falling back into a pre-Katrina mindset. This shows in FEMA's continuing staffing crisis. Just a few weeks ago, the GAO found that you still have not issued the crucial catastrophic planning supplement to the National Response Plan. I've also seen the struggle of thousands in my home

state of Mississippi who are still living in FEMA trailers. Mr. Secretary, America simply cannot go back to a pre-Katrina mindset.

Just as we can't go back to a pre-9/11-mindset, which I'm also fearful of. Lately, there has been a lot of talk about all kinds of security—border, port, cargo, and chemical. The volume seems to be turned up rather loud these days on the security rhetoric. What I don't see in the rhetoric, however, are the resources.

Just yesterday, the Washington Post ran this story, on the security appropriations bill in Congress, which I would like to enter into the record as part of my testimony. For those who can't read the headline, it says—Homeland Security Bill Is More Style than Substance, Analysts Say. The article points out, for example, that the bill only pays for at most a little more than half of the 700 mile fence that so many of my colleagues felt the need to re-vote on two weeks ago because of its alleged necessity to our border efforts. The article quotes a Heritage Foundation scholar as saying, "most of it, quite frankly, is a lot of political theater."

Upon reading the article, I wanted to say to those who are advocating last minute security initiatives in these final weeks "show me the money." Otherwise, we will continue to just have the "security on the cheap" approach that is leaving our nation vulnerable.

Mr. Secretary, I know you would agree with me that our homeland security efforts must urgently address 21st century threats—whether from man-made or natural dangers. That is why today, I ask you to "help me help you." Help me help you by telling us what we need to do to secure our nation against 21st century threats. Help me help you by telling us what remains left to be done and by not giving us another laundry-list of the Department's perceived successes. We get the press releases and don't need to have a hearing to read them or have you recite them back to us. Mr. Secretary, help me help you by talking frankly about what it will really cost to implement some vitally important—but badly overdue—security initiatives. Help me help you and together we'll all help the American people.

Mr. KING. I thank the gentleman from Mississippi.

And, again, I remind members of the committee that, under our rules, opening statements are limited to the chair and ranking member. However, all members are entitled to submit written opening statements for the record.

Due to our time constraints today, we will move immediately to the testimony from our witness. And, as I mentioned before, our witness today is the Honorable Michael Chertoff, secretary of the Department of Homeland Security. And I now recognize Secretary Chertoff.

Secretary Chertoff?

STATEMENT OF HON. MICHAEL CHERTOFF, SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY

Secretary CHERTOFF. Thank you, Mr. Chairman, and thank you, Ranking Member Thompson and members of the committee. I appreciate the opportunity to testify before you.

And I agree with what Ranking Member Thompson said a few moments ago. This should be an honest and open dialogue about what we have accomplished and what we continue to need to do in order to make sure that we complete the job that everybody here wants to get done.

I think this is an area where everybody is on the same page and has the same objective. We want to make this country as secure as possible, but of course without sacrificing our way of life or our fundamental freedoms.

And while there may be differences of opinion about the best way to achieve some of these goals, I don't think that anybody should have a doubt about our being united on the fact that we do want to achieve a good result for the American people.

I would say that there are three basic principles that I want to rely upon in talking about where we have come and where we need to go over the next year.

The first is I think we have to be realistic. We have to be realistic about what resources we have, what the constraints are in what we can do, but also about the urgent need to address the issue of terrorism, which remains very much a serious threat against the American people.

There is no question that we are safer now than we have ever been against the threat of terror. But it is also without a doubt that the enemy is continuing to adapt and change, and we have to not only keep pace but we have to stay ahead of them.

And that is our challenge, is not to become complacent or rest upon the fact that we have not been successfully attacked in the past 5 years, but to look ahead for the next 5 years, to make sure that there is no success for the enemy over that period of time as well.

Second, we have to constantly challenge ourselves and our assumptions through a dialogue. I am the last person to say that I am the repository of all the received wisdom on homeland security. I am willing to listen to constructive suggestions and adopt those that are appropriate. And I think we need to continue to move forward in that spirit of constructive engagement.

And finally, I think we need to have a clear strategy about where we are headed. And what I want to do today, both in my first statement, which I ask be made part of the record, and in my oral testimony, is address that strategy.

Let me divide what we have to do into five general categories.

First, we have to screen bad people out of the country. That is a critical listen that we all learned on September 11th.

We have made some very significant steps in that regard. We have unified watchlists. We now have the ability to keep people that we know to be terrorists from crossing our borders and entering the country to do us harm. Every day our border inspectors and Border Patrol agents are turning away dangerous people from entering this country.

But we also have to confront the challenge of the unknown terrorist, the person who is a threat but whose identity we have not yet been able to uncover.

And we can address that in two ways: one by collecting a little bit more information about individuals and their travel pattern and their communications and who pays for their tickets; and the second by using the fingerprint, which everybody who watches television knows is probably still the best forensic tool that people have in identifying those who have done bad things in the past.

And so, our strategy, moving forward, is to leverage on both of those capabilities: increased information about people who are potential threats to the country and increased use of biometric identifiers like fingerprints.

For that reason, we are currently engaged with the European Union in moving forward with respect to passenger name record data—that is, the additional data accumulated by the airlines for international travelers that we can use, if we are permitted to, applied against our databases, to identify those who have had tickets

paid for by terrorists or who have been in communication with terrorists or who have been travelling with terrorists.

And I am optimistic, but also very determined, to make sure that, as we move forward with the Europeans over the next year, we have the permission and the ability to use this kind of information with our databases to increase the level of protection against people who are perhaps not yet identified as threats but who are very much real threats if we look at their background.

Second, and perhaps even more important, this fall we are going to begin to deploy our 10-fingerprint-capture machines that will allow us to capture from people who seek visas to enter the U.S. and who enter our ports of entry not only the two fingerprints we currently collect with our U.S.–VISIT program but all 10 fingerprints.

What that will enable us to do is to run the fingerprints of every non–American entering the United States against a database of latent fingerprints collected from safe houses and battlefields and bomb fragments all over the world.

What it means when we get this system fully deployed, which I anticipate and expect to do over the next couple of years, is that every terrorist, even if their name is not known to us, who has ever been in a safe house or who has ever built a bomb or who has ever been on a battlefield carrying arms against the U.S. will have to wonder whether we have got their fingerprints. Because if we have those fingerprints, we will catch them when they cross the American border.

And that will be a huge, giant step forward in raising our defense against bad people coming into this country.

The second area we have to focus on is screening cargo. I am pleased, of course, that there is a port bill that this House passed that I think is an excellent bill. I know it is currently entering into the conference phase. And that is one dimension of the steps forward we are taking in screening bad cargo out of the country.

We are intending to collect more and more data about cargo. We expect to have deployed by the end of this year radiation portal monitors that cover 80 percent of the container cargo coming into this country. And we will be at almost 100 percent by the end of next year.

These are big steps forward, but we want to continue moving forward in that line, including by promoting screening overseas as rapidly as we can accomplish it and working with our foreign allies in the private sector to get that done.

Third, as you have pointed out, Mr. Chairman, we are doing a lot more with respect to airline security, but we are also doing quite a bit more with respect to rail security and other modes of infrastructure protection, as evidenced most recently by the announcement yesterday of almost $400 million in transportation infrastructure grants.

The fourth area is intelligence and information-sharing, where we have not only achieved the level of information-sharing unheralded in this past year, but where we are now working very closely with our major state and local stakeholders to make sure that our vertical information-sharing, including embedding infor-

mation analysts in local information fusion centers, is progressing as a very high priority.

Finally, let me talk about preparedness and response. We have undertaken a major retooling of FEMA, which gives us capabilities that this agency has never had before.

And I am pleased to tell you, Mr. Thompson, that the GAO was wrong in saying that we haven't issued the catastrophic incident supplement, because I actually signed it a couple of months ago. And I think GAO might have been a little bit behind in its information.

Finally, let me observe that there are three areas where I think Congress is well on its way to helping us make this country safer.

The first is in the area of chemical security. I understand, although I haven't seen the final language, that there is action that has been taken on that, with respect to the appropriation legislation that is currently before the Congress. I think the ability to give us the power to issue interim regulations will be a very, very important tool, and we intend to deploy it as soon as Congress gives us the power to do so.

Second, if Congress is able to pass a port-centered security bill, I think that is going to be a big step forward, in terms of giving us some additional tools to continue to do the job we are doing.

And finally, in the area of immigration, I want to commend the House for passing legislation last week to address the issue of what I call stale injunctions—injunctions that are inhibiting our ability to rapidly address the issue of illegal migration. The work of this House in passing that so-called Orantes legislation has been very helpful to us. And if it passes the full Congress, we look forward to implementing that tool as well.

Thank you, Mr. Chairman and Ranking Member Thompson. And I look forward to answering your questions.

[The statement of Secretary Chertoff follows:]

PREPARED STATEMENT OF THE HONORABLE MICHAEL CHERTOFF

INTRODUCTION

Chairman King, Ranking Member Thompson, and Members of the Committee: I appreciate the opportunity to appear before the Committee today to discuss the Department of Homeland Security's key priorities for 2007 and for the years to come.

At the outset, I'd like to thank the Committee for its ongoing leadership and support, particularly your efforts over the past year to move forward on critical legislation that will ensure our Department has the resources and authority needed to protect our ports, our borders, and our chemical facilities.

Of course, two weeks ago our nation observed an important milestone by commemorating the five year anniversary of the 9/11 attacks. We paused to remember the unimaginable evil of the 19 hijackers that turned our commercial aircraft into Weapons of Mass Destruction. We honored the lives of the 3,000 innocent men, women, and children who were murdered in cold blood on that day, including the first responders who gave their own lives trying to save them. We also reflected on the actions taken since 9/11, both at home and abroad, to prevent further attacks and to keep Americans safe from harm.

Over the past five years, our nation has made substantial progress to protect the homeland against another terrorist attack, and we have done so in a way that respects the freedoms, liberties, and way of life cherished by all Americans.

We have transformed how we screen visitors and cargo entering our country. We have boosted border security, adding more boots on the ground and new detection capabilities. We've protected critical infrastructure through new programs, partnerships, and cutting-edge technology. We've refashioned our intelligence community to ensure a two-way flow of information across all levels of government and the private sector. And we've strengthened emergency preparedness and response.

For all of these reasons, our nation is safer today than prior to 9/11. But we know that our work is not yet done. We must continue to identify and close security gaps. We must continue to manage risk and prioritize our resources according to threats, vulnerabilities, and consequences. We must expand partnerships across federal, state, tribal, and local governments, as well as the private sector and the international community. And we must continue to enhance protection without creating a fortress state, bankrupting our country, or destroying the systems we are trying to protect.

OVERVIEW OF PRIORITIES

Our priority focus at the Department of Homeland Security remains preventing those events that pose the greatest potential consequences to human life and the functioning of our society and economy. At the top of that list is the threat of Weapons of Mass Destruction, which if used, would have shattering consequences. Preventing the introduction and use of such weapons requires our priority attention and constant vigilance.

In addition, we must continue to guard against infiltration by terrorists, including those with the capability and intent to cause significant harm to our country through multiple, high-consequence attacks on people and the economy.

Finally, we must always be mindful of the potential for homegrown acts of terrorism, including individuals who sympathize with terrorist organizations or embrace violence as a means to promote their radical agenda.

For this reason, we must not only work across federal, state and local government to prevent domestic terrorism, but we must build a new level of confidence and trust among the American Muslim community, who are critical partners in protecting our country.

To address these and other threats, we will redouble our efforts over the next two years across five key areas: 1) screening people at our borders to prevent the entry of terrorists, criminals, and illegal aliens; 2) screening cargo to prevent the entry of Weapons of Mass Destruction; 3) protecting critical infrastructure, including transportation systems and chemical facilities; 4) boosting intelligence and information sharing to help prevent attacks; and 5) strengthening emergency preparedness and response so that if we do face an attack or major disaster, our nation can respond quickly and effectively.

In addition, we will also continue to strengthen our own Departmental management, hiring, and contracting practices so that we can continue to attract talented senior-level leadership, meet our workforce needs, and ensure that contracts are awarded based upon our desired goals, including those for small and minority business participation.

1. Screening People at the Border

First let me discuss screening people at the border. Our perimeter defense depends on keeping dangerous enemies out. Since 9/11, we have made substantial progress to strengthen screening capabilities at our ports of entry and boost our physical and technological presence between the ports of entry.

Ports of Entry

At ports of entry, we have integrated counter-terror fingerprint databases. Working with the State Department, we have dramatically enhanced the information available to visa adjudicators and created better links between visa and port of entry processes.

As important, we have implemented US–VISIT biometric entry capabilities at 117 airports, 16 seaports, and 153 U.S. land ports of entry. Within seconds, we can now positively confirm a visitor's identity by matching the visitor's two digital finger scans captured at the time of visa adjudication against those collected in our databases, and screening them against terrorist and criminal watch lists.

To date, US–VISIT has facilitated entry of more than 64 million travelers and prevented more than 1,300 criminals and immigration violators from entering through our ports of entry. US–VISIT also has provided the State Department with vital information for identifying ineligibilities for denying visas to an additional 1,000 ineligible applicants. In addition, we continue to explore departure confirmation alternatives at airports, seaports, and land border ports of entry around the United States as we move toward fulfilling our vision for an automated entry-exit system under US–VISIT.

We've also strengthened oversight and coordination of our screening efforts across the Department through our Screening Coordination Office. This office, led by a senior member of the Department's original leadership team, will integrate the mechanisms through which the Department conducts terrorist and immigration-related

screening, create unified standards and policies, and develop a single redress process for travelers.

Advance Passenger Information

So what are our key priorities for screening people over the next two years? First, as the recent London airline threat emphasized, we need to be able to determine as early as possible who is trying to come into this country from overseas, and who is trying to get on an airplane that might do us harm. Under our current arrangement, we vet international air traveler information a full fifteen minutes after a plane departs for the United States. That is simply too late.

Our goal is to implement a system that requires airlines to transmit passenger information well in advance of departure. This will give us the necessary time to check passenger names and coordinate with airlines and foreign law enforcement to interdict a suspicious person at the departure airport or prevent that person from boarding a plane bound for the U.S.

Apart from known terrorist threats, we also need to be able to identify unknown terrorist threats—that is, people who don't appear on any watch list or in criminal databases. One of our most valuable tools to do this is actually at our fingertips—the Passenger Name Record (PNR) data routinely collected by the travel industry when an international traveler makes an airline reservation or purchases an airline ticket.

Over the coming months, I look forward to working with the European Union to examine options to share PNR data among law enforcement agencies while ensuring adherence to appropriate privacy safeguards.

Secure Documents

A second area where we must accelerate efforts is the development of secure travel and identification documents. We must develop standard, secure credentials that give us a high degree of confidence that an individual is not using false or stolen documents to enter our country or access our transportation systems or sensitive critical infrastructure.

A number of initiatives now underway will allow us to do this. Under the Western Hemisphere Travel Initiative, we are working with the State Department as they develop a secure alternative format passport for individuals traveling between the United States, and Canada and Mexico. The card will be a secure, fully vetted, wallet-sized passport serving as evidence of citizenship and identification, which will allow real-time security checks at land border crossings and certain water border crossings.

We are also working with states to develop standards for secure driver's licenses under the REAL ID Act. Driver's licenses are one of the most common forms of identification used in our country. We must have clear guidelines for how these documents are produced, who gets them, and what security features they must contain.

To protect transportation assets, including our nation's ports, we are also moving forward with the Transportation Worker Identification Credential. This credential will help ensure that our nation's port workers have undergone the appropriate background checks, are authorized to work in our country, and do not pose a security risk. We expect to begin issuing cards by the end of the year, with a phased expansion in years to come.

Five years after 9/11, however, some are beginning to complain that these measures are not necessary or that they will cost too much. I disagree. They are as necessary now as they were five years ago. Of course, we must implement secure document requirements as efficiently and economically as possible. We must also continue to work with our international partners and allies to develop appropriate standards for secure documents and to share information and intelligence, including information on lost and stolen passports.

But at the end of the day, we must have the will to implement these measures if we are going to heed the lessons of 9/11 and reduce the risks for the future. Documents such as these will not only increase security, but ultimately speed processing for travelers.

Fingerprint Collection

We also need to make sure we are able to exploit combined law enforcement fingerprint databases to our greatest advantage. Critical to this is moving from a two fingerprint collection system to a 10 fingerprint system for visitors to the United States. Taking all 10 fingerprints from travelers will allow us to do a more comprehensive identification check and a more thorough search of existing criminal databases.

The State Department will deploy new 10-print devices at U.S. visa-issuing posts overseas. We will also begin deployment of these same devices to our border ports of entry to electronically collect 10 flat fingerprints.

Border Security

Of course, we also have made tremendous progress to secure the thousands of miles of border between our official ports of entry. This includes giving the men and women who patrol both our Northern and Southern land borders the tools, technology, and resources they need for this difficult, often dangerous job.

Border Patrol

Before 9/11, our nation had 9,000 Border Patrol agents along our Southern and Northern Border. Under the President's leadership, today we have more than 12,000 Border Patrol agents, and by the end of calendar year 2008, we will have more than 18,000 agents—effectively doubling the size of the Border Patrol.

Since 9/11, the Border Patrol has apprehended and sent home some six million illegal migrants attempting to cross our borders. Of course, we know the vast majority of these individuals are entering our country for economic reasons. But if we can continue to control our border in a comprehensive, intelligent fashion, we will raise the barrier against those who would come into our country to do us harm.

Catch and Remove

Before 9/11, we did not have adequate bed space to hold those we detained from countries other than Mexico. Too often these individuals would be given an order to appear in court, and then they would disappear.

Today, by expanding bed space and decreasing processing times, we have essentially ended this practice of "catch and release" at our Southern border. Now, virtually all illegal migrants caught at the border are subject to "catch and remove." This is a major milestone for our border security efforts and meets the goal I outlined last year to end catch and release.

Moreover, ending catch and release is having a clear deterrent effect on those who would consider crossing our borders illegally. For the first time, we are now seeing a decline in the number of non–Mexican migrants attempting to cross the southern border. The message has gotten out: if you are apprehended illegally entering our country, you will be sent home.

Under the Secure Border Initiative, we are also substantially implementing new technology, staff, and tactical infrastructure at the border. In fact, last week we announced a major contract award for the deployment of SBInet, which is our integrated system of cameras, sensors, and other surveillance tools that will enable us to build a 21st century "virtual fence" across our border. SBInet will intelligently leverage existing assets and lessons learned, combining the best thinking, best technologies and best practices available to mount a comprehensive response to securing our nation's borders.

Operation Jump Start

To support this comprehensive approach, the President launched Operation Jump Start in June of this year along with state governors to provide up to 6,000 National Guard forces to support Border Patrol efforts along our Southern Border. This partnership has produced immediate and substantial results.

National Guard troops are providing surveillance support, operating detection systems, and working in entry identification teams at the border. These added eyes and ears are helping Border Patrol agents on the frontline more effectively detect and respond to illegal entry.

National Guard members are also providing information analysis, communications and administrative support. This is permitting Border Patrol agents to focus their efforts where they are needed most—on detecting and apprehending illegal aliens and protecting our borders against all threats. National Guard engineering units are also enhancing tactical infrastructure at the border, further accelerating an important element within the Secure Border Initiative.

The results of this combined effort have been significant. Working as one team, the National Guard has supported the Border Patrol in apprehending more than 11,000 illegal aliens and seizing more than 38,000 pounds of marijuana, 1,800 pounds of cocaine, and $11,000 in currency. This is a major contribution to keeping our border secure and our communities safe.

The National Guard presence also has permitted nearly 400 Border Patrol Agents to move from "back offices," where they were performing essential support functions and logistics jobs, to the "front lines." These Agents are now working every day on the border to detect and apprehend illegal aliens, and seize narcotics and other contraband.

The Guard will continue to assist these efforts as we train and hire the new Border Patrol agents called for under the President's plan. This fiscal year, we have hired more than 1,600 agents and more than 600 have graduated from the Border Patrol Academy. The additional force multiplier provided by the National Guard will allow us to continue to recruit, hire, and train additional agents while we protect the border.

Injunction Reform

Despite this clear progress, we still have much work to do to secure our borders. One area in particular where Congress can be of immediate assistance would be to pass legislation that would end longstanding injunctions that hinder our ability to quickly remove certain groups of illegal migrants from our country.

One case in particular, the Orantes Injunction, dates back more than two decades, to a time when El Salvador was experiencing a civil war. The war has long ended, but the injunction remains, preventing the Department from using all the tools at our disposal to remove illegal aliens from El Salvador, who now represent the largest group of non–Mexican illegal aliens crossing our borders.

I ask Congress to pass injunction reform so that we can apply expedited removal to these individuals, whose continued presence puts a strain on our detention facilities at a tremendous cost to taxpayers, and will make it difficult for us to sustain the success of our catch and remove policy in the future.

Social Security No-Match Data

In addition, to support our interior enforcement efforts, I appeal to Congress to pass legislation that would give our Immigration and Customs Enforcement (ICE) agents greater access to Social Security no-match information.

Greater access to no-match data would provide important direction to ICE investigators to target their enforcement actions toward those employers who have a disproportionate number of these no-matches, who have reported earnings for multiple employees on the same number, and who are therefore more likely to be engaging in unlawful behavior.

2. Screening Cargo and Preventing WMD

Let me now talk about what we've done since 9/11 to monitor the cargo entering our nation and prevent the entry of Weapons of Mass Destruction—and what we want to achieve in the future.

Before 9/11, we screened very few cargo containers entering our ports or crossing our borders for terrorist weapons. We did not have the ability to examine that cargo overseas before it left a foreign port for the United States. Nor did we have adequate automated scanning for radiation, next generation detection technology, or a formal partnership with the private sector to increase security in privately owned supply chain operations.

Today, all of this has changed. Through our National Targeting Center, every shipping container entering the United States is assessed for risk, and high-risk containers are inspected. Moreover, under the Container Security Initiative, U.S. inspectors stationed at 44 overseas ports now screen nearly 80 percent of the cargo bound for the United States before it reaches our shores. By the end of this calendar year, those inspectors will screen cargo at 50 foreign ports covering approximately 82 percent of the containerized cargo destined for the U.S.

In addition, we have deployed hundreds of Radiation Portal Monitors and thousands of hand-held radiation detection devices domestically to protect against radiological and nuclear threats. As a result of these capabilities, we will screen nearly 80 percent of maritime container cargo arriving at U.S. ports for radiation by the end of this year. Finally, almost 6,000 companies have joined our Customs Trade Partnership Against Terrorism to voluntarily take steps to enhance security in their supply chain operations.

In all, the federal government has dedicated nearly $10 billion to port security since 2004, including the efforts of the Coast Guard, Customs and Border Protection, the research and development efforts of our Domestic Nuclear Detection Office, and the Department of Energy. These actions have not only increased security, but they support the free flow of commerce and trade essential to our economy.

Biological Countermeasures

Since 9/11, we also have significantly strengthened the nation's defenses against biological threats by developing and deploying a network of biological sensors; establishing new facilities to monitor, test and detect potential biological threats; and utilizing new risk assessment tools to inform investments and potential threats.

In partnership with the Environmental Protection Agency (EPA) and the Department of Health and Human Services (HHS), we have deployed the first ever bioaerosol monitoring system to more than 30 major metropolitan areas in order to pro-

vide early warning of an attack and enable quick and accurate response. The BioWatch system is currently undergoing expansion in the top threat cities to enable detection of smaller amounts of bio-agents, better define the affected areas in the event of a release, and provide increased coverage of critical facilities such as transportation networks.

We also have established the National Biosurveillance Integration System to provide early recognition of biological events such as human or animal disease outbreaks. And in partnership with the Federal Bureau of Investigation, we have established the National BioForensics Analysis Center to conduct and facilitate forensic analysis and interpretation of materials recovered following a biological attack.

Radiological Screening

These are major advances in protecting our nation against Weapons of Mass Destruction. But in the future, we must continue to develop and deploy systems to prevent and detect nuclear or radiological attacks in the United States. To accomplish this goal, we will do a number of things.

First, we will complete the deployment of Radiation Portal Monitors to all of our southern and major northern land border crossings and to every major seaport by the end of next year. Once these systems are in place, we will be able to screen approximately 98 percent of inbound cargo for radiation.

We will also make substantial investments in next generation nuclear and radiological detection technology, including $1.15 billion for the Advanced Spectroscopic Portal (ASP) program and $1.35 billion for the Cargo Advanced Automated Radiography System (CAARS).

These systems will harness cutting-edge technology to enhance detection of nuclear and radiological threats at ports of entry, including the presence of shielding that could be used to hide special nuclear material. Making these investments also will improve our ability to scan greater amounts of cargo in a timely manner, facilitating the trade and commerce vital to our economy.

Secure Freight

To expand protection of cargo moving throughout the global supply chain, we are also increasing the extent and depth of information and data we will be able to use to draw a more detailed picture of the movement of a container as it travels through the supply chain.

Implementing this Secure Freight program over the next two years will require considerable work with our interagency and overseas partners, and international organizations. We look forward to working at home and overseas to implement this new vision for cargo security.

Securing the Cities

Finally, by the end of 2008, we will complete the first phase of a "Securing the Cities" program in New York City to conduct nuclear and radiological scanning on the principal pathways into the city—over land, over water, and underground. In addition, we anticipate two additional cities will be part of the "Securing the Cities" program. And we will conduct radiological and nuclear preventive training for 300 state and local officials this fiscal year and quadruple that number by the end of next year.

3. Infrastructure Protection

Let me turn now to infrastructure protection. One major area of focus for the Department has been protecting our nation's critical infrastructure, including transportation systems according to risk and in partnership with state and local governments and the private sector.

Transportation

Before 9/11, our aviation system did not have secure cockpit doors. We did not have a federalized screener workforce trained to detect bomb components and detonation devices. We did not have thousands of Federal Air Marshals aboard aircraft, protecting travelers every day all over the world. We did not have armed pilots authorized to defend the cockpit. We did not have 100 percent screening of all passenger baggage. Nor did we have thousands of Explosive Detection System machines scanning passengers and baggage at airports nationwide.

Today, more than a dozen layers of security are now in place and create a protective fabric of security that keeps hundreds of thousands of air travelers safe and secure every day. This includes more than 45,000 highly-trained Transportation Security Officers that screen passengers and baggage every day at airports across the country. It includes the Screening Passengers by Observation Technique, or SPOT, program, which trains TSA officers to look for suspicious behavior exhibited by pas-

sengers at checkpoints—including involuntary physical or psychological reactions that a person may have when questioned.

We have substantially expanded the ranks of our Federal Air Marshal Service. Before 9/11, only a few dozen air marshals patrolled our skies. Today, thousands of air marshals guard flights every day across our country and all over the world. These highly-trained law enforcement professionals not only provide daily coverage for commercial aviation, but they have given our Department an important surge capability during high-threat periods and major disasters or incidents. During the recent London aviation threat, Federal Air Marshals provided expanded coverage on international flights from the United Kingdom. They also assisted with the evacuations from Lebanon and Cyprus earlier this summer.

Of course, we also have taken steps to enhance security for air cargo aboard commercial aircraft. Since 9/11, we have added hundreds of air cargo inspectors, strengthened our regulatory oversight and freight forwarder certification programs, developed a known shipper database for hundreds of thousands of trusted shippers, invested in research and development for new explosives screening technology, and added new canine explosive inspection teams.

To further strengthen these efforts, the Transportation Security Administration will soon begin to enforce extensive new air cargo regulations that will require background checks on an additional 100,000 employees across the air cargo supply chain, new federal standards for companies that handle air cargo, and extended security zones for air cargo operations at airports. In addition, we recently implemented a security directive that requires that all air cargo brought to airline counters by individuals must undergo screening.

Of course, our efforts are not confined to aviation. In the rail and mass transit sectors, we've invested in new technology, rider education and awareness programs, sensors and video cameras, and law enforcement surge capabilities, including canine and multi-agency law enforcement teams that can quickly deploy in response to threats.

Additional Infrastructure

Since 9/11, we also have performed thousands of vulnerability assessments and reviewed thousands of security plans for privately owned infrastructure across the country—including transportation assets, seaports, and chemical facilities. The Coast Guard alone has reviewed and approved 3,200 facility security plans and 6,200 vessel security plans under the Maritime Transportation Security Act.

We also have established new information-sharing portals with the private sector to warn of threats and to recommend protective measures. And to coordinate protection of our nation's cyber security and telecommunications systems, we recently appointed the Department's first Assistant Secretary for Cyber Security and Telecommunications, who will work with the private sector to increase protection and resiliency of this vital infrastructure.

In all, since 2002, we have provided more than a billion dollars in risk-based grants specifically for the protection of our nation's critical infrastructure. This past June, we also finalized the National Infrastructure Protection Plan, our over-arching playbook for protecting our nation's critical infrastructure.

Chemical Security

Of course, we know that the vast majority of critical infrastructure in our country is owned and maintained by the private sector. The government alone cannot protect these critical assets and key resources. Only by working together can we enhance protection.

One area where we continue to face a challenge is in developing a risk-based regulatory structure for our nation's chemical plants and facilities.

Since 9/11, most chemical companies have been good corporate citizens—voluntarily taking steps to improve security in their operations and facilities. But not all companies have increased security to an appropriate level—and those companies put everyone else at risk.

We must develop a balanced, common-sense approach for protecting chemical facilities across our country—and their surrounding communities—without destroying the businesses we are trying to protect.

But we cannot do so unless our Department has the authority to set standards, develop a risk-based approach for different kinds of facilities, validate security measures, and insist on compliance.

That is why today I want to urge Congress to pass chemical security legislation that will allow us to work with industry partners to develop a clear way forward that includes creating a tiered structure for assessing risk and an effective program to ensure compliance.

4. Intelligence

As we know, the best way to protect against a terrorist attack is to prevent it from happening—and intelligence is our most effective means of defeating terrorist plots before they become operational.

We need look no further than last month's plot in the United Kingdom to recognize the importance of sharing timely, actionable intelligence, both domestically and with our international partners. Numerous intelligence components and law enforcement agencies worked together to break apart the London plot and to take the steps necessary to protect the American public. There was unprecedented cooperation between the United States, the United Kingdom, and Pakistani officials. This cooperation and trust allowed us to be nimble, fast, and flexible, and within a matter of hours, heighten our security procedures at our airports, including the current restrictions on liquids and gels in carry on baggage.

Above all, the London plot reminds us that we cannot wait for the fuse to be lit before we take action to disrupt a terrorist plot. When we have credible information, we will act decisively to reduce the risk to American citizens.

Since 9/11, our nation has integrated intelligence collection and analysis across all the elements of the intelligence community under the Director of National Intelligence, and our Federal wide terrorism information sharing efforts are being coordinated by the Program Manager for Information Sharing Environment.

At the Department of Homeland Security, we have strengthened and unified our intelligence operation and hired a veteran intelligence official to lead it. And through our Homeland Security Information Network, thousands of state and local participants share information every day on threats and incidents within their communities.

Fusion Centers

In the future, we intend to expand these valuable partnerships even further by increasing federal participation in state and local fusion centers across our country as part of an interagency effort to better share intelligence with state and local governments.

DHS is part of a Presidentially-directed interagency effort to incorporate state and major urban area fusion centers into the Information Sharing Environment. DHS intelligence personnel already work side-by-side with their federal, state and local counterparts at fusion centers in New York, California, Georgia, Louisiana, and Maryland. Our goal is a two-way flow, with every level of government pooling intelligence.

By the end of 2008, working with our other federal partners, our goal is to have intelligence and operations professionals at every state and major metropolitan fusion center in the United States, sitting in the same room, sharing and analyzing information and intelligence in real time.

Intelligence Campaign Plan

In addition, we have initiated an Intelligence Campaign Plan for Border Security (ICP) to provide comprehensive and coordinated intelligence support for the full spectrum of the Department's border security operations. The ICP will link DHS intelligence resources, and those of state and local partners, with the Intelligence Community, in order to deliver actionable intelligence to front-line operators and to fuse national intelligence with law enforcement information.

As part of the ICP, we are developing and implementing, in partnership with the Director of National Intelligence, a robust strategy for collection and analysis of border security intelligence to support our operational missions. Our strategic intelligence analysis, conducted under the ICP, will assist policymakers in making key decisions on the best ways to secure the border.

5. Preparedness/Response

Some threats, however, we will not be able to prevent—specifically those created by Mother Nature. As an all-hazards Department, we must be prepared to respond to acts of terrorism as well as acts of nature, including acts of such catastrophic proportion that federal intervention is required before, during, and after the storm or event.

Since 9/11, we have re-tooled and re-fashioned the Federal Emergency Management Agency, giving this vital agency new and experienced leadership, enhanced, real-time tracking capabilities for emergency supplies, and robust emergency communications systems. We have pre-designated and pre-positioned Federal leadership in hurricane zones to work together with state and local officials, and we have forged a stronger partnership with the Department of Defense to ensure joint training and operations.

To respond to no-notice or short notice events, our operational agencies—including the Coast Guard, Transportation Security Administration and its Federal Air Marshal Service, Immigration and Customs Enforcement, Customs and Border Protection, and the Secret Service—have created, or are now creating, "adaptive force structures" that will rapidly deploy to an incident or disaster zone to provide an immediate surge capability and greater unity of effort.

The emergency management community now operates under a new, comprehensive National Response Plan and a National Incident Management System. And we have created new preparedness tools for individuals and businesses under the Ready campaign and new community-based training programs under Citizen Corps.

Interoperable Communications

But despite this progress, we still have more to do to fully realize the potential of our Department to integrate the full range of national capabilities. And one area in particular that requires continued action and attention across all levels of government is interoperable communications.

On 9/11, hundreds of first responders couldn't communicate with each other because their radios were incompatible. This not only slowed the response and increased confusion, but it cost lives. As a nation, we simply can't let that happen again.

Today, we have achieved interoperability at the command level in 10 of the highest-threat urban areas through our RapidCom program. Achieving interoperability continues to be one of seven National Priorities under the Interim National Preparedness Goal. As a result, state and local governments, and first responders, have spent about $2.1 billion of Federal grant assistance since 2003 for interoperable communications equipment, planning, training, and exercises.

In addition, we completed a National Interoperability Baseline Survey to assess the capacity for communications interoperability among law enforcement, fire, and emergency medical service first responders in all 50 states and D.C. But more needs to be done.

By the end of this year, we will have a clear plan in place for completing command-level interoperability among police, firefighters, and emergency medical service providers in each of the states and at least 75 urban areas.

Of course, we can only do so much at the Federal level to resolve differences at the state and local level. We can develop standard operating procedures, recommend technology, and lead training and exercises, but local governments ultimately use the equipment and execute their plans.

In the coming months, we will turn to our state and local partners for guidance, for answers, and ultimately, for results.

6. Management

Finally, let me say something about the men and women at the Department of Homeland Security who undertake this important work every day on behalf of their fellow citizens. These remarkable individuals serve the American people day and night, monitoring our ports, our skies, and our borders. They have difficult, challenging jobs, which they conduct with vigilance, urgency and a sense of common purpose.

These men and women deserve the tools, the resources, and, most important, the leadership and guidance to succeed in their important tasks. That is why a top priority for the Department continues to be filling vacancies at the top levels of our organizational chart and ensuring we have a diverse, well-trained workforce.

Hiring and Recruiting

Over the past year, we have filled several key leadership positions across the Department, including a new Director of FEMA and a new FEMA management team with more than 100 combined years of disaster management experience.

In the past weeks, we have hired the first Assistant Secretary for Cyber Security and Telecommunications. We have hired a new Director for the Screening Coordination Office. We have filled the Chief Financial Officer position. This month, we also announced a new Chief Human Capital Officer, Marta Perez. In addition, we have filled newly created positions of Assistant Secretary for Policy Development and Senior Advisor for Weapons of Mass Destruction Intelligence.

Of course, we also want to continue to recruit a first-class homeland security workforce, including minorities, and students from Historically Black Colleges and Universities (HBCUs). Several of the Department's component agencies have active minority recruitment programs, including the Coast Guard, Secret Service, Customs and Border Protection, and the Transportation Security Administration, among others.

In addition, our Science and Technology Directorate's University Centers of Excellence program is partnering with three HBCUs to conduct vital homeland security-related research and to educate the next generation of homeland security experts and scholars.

As part of this effort, the Science and Technology directorate expects to make available up to $1.3 million in Research and Development grants to seven HBCUs in fiscal year 2007. The Directorate also expects to provide more than $133,000 in tuition assistance, scholarships, and other aid to seven HBCUs and to continue to recruit students for positions across the Department, including Headquarters.

Small Business Contracting

Since our inception, we have made a commitment to provide opportunities for small businesses to participate in our procurement program, including those small businesses owned by minorities, women, service disabled veterans, veterans, and those located in economically distressed areas. Small businesses in a wide variety of industries have helped us to meet our mission through their dedicated and customer-focused contract work.

From Fiscal Year 2003 to 2005, the Department awarded over 30 percent of our prime contracts to small businesses, exceeding the government-wide standard of 23 percent. We also awarded over seven percent of our prime contracts to small minority-owned businesses, exceeding the government-wide standard of five percent, and we are on track to meet or exceed these targets in fiscal year 2006.

CONCLUSION

Over the past three years, we have built a department whose mission is to work on behalf of the American people to prevent, protect against, and respond to threats to our homeland. For the 185,000 men and women of DHS, this is a mission we are proud to undertake every day—at our borders, across our skies, and over land and sea.

The steps we have taken since 9/11 have made our nation safer, they have made our nation stronger, and they have made our nation more resilient—economically resilient and resilient in spirit. Over the next two years, we will continue to focus our energy and our resources on building a foundation of security for our country that addresses our immediate priorities and achieves our long term goal of creating a Department that is sustainable in the future.

I appreciate the support of this Committee and all Members of Congress as we continue to build and refine our capabilities and as we continue to protect our nation in the months and years to come.

Mr. KING. Thank you, Secretary Chertoff. Again, thank you for your testimony.

I will focus on one issue, and that was the question that you and I had severe questions about, the funding formula which directly impacted New York City, Washington, D.C., among others.

And, by the way, let me preface this by stressing the fact that the transit security funding did go up by 26 percent and the port security funding has gone up by 400 percent. So I want all of this to be in context.

But having said that, as we go forward to the analysis for next year's grants, especially on UASI, how is the peer review panel going to be part of that process? Do you intend to make any changes with the peer review panel, either as to membership or as to procedures or as to the formulations that they base their determinations on?

Secretary CHERTOFF. Well, Mr. Chairman, let me say, first of all, we are absolutely committed to a risk-based formula. And that means we are going to begin by tiering the cities based on risk.

And it is not a surprise that the highest-tier risk cities include cities like the New York metropolitan area, including northern New Jersey; Los Angeles; the national capital region, Washington; and Chicago. And so, we are going to anticipate or presume that a significant portion of the resources will be applied to those cities. And this past year it was close to 50 percent.

Second, to the extent, of course, that we are funding multiyear programs, obviously sometimes there is going to be a certain unevenness. Because if you have a program that is going to take 2 or 3 years to fund, and we give you the money in year 1, we are not going to be giving you the full amount in year 2 and year 3 as well. So there will be a certain amount of unevenness depending on the nature of the programs.

But the third thing which I do think I want to focus on a little bit is the issue of how we work with communities, in terms of what their specific proposals are. And I think, looking back, that is an area where we do have some room for improvement.

The first thing we are going to do is we are going to get the grant guidance and the general allocations out in the first quarter of this fiscal year. What that is going to do is it is going to give us much more time to work with communities to help them tailor their proposals in a way that maximizes the amount of money that they are eligible to get under the program.

I think one of the deficiencies that I have observed, looking back over the last several years and in talking to community leaders from a number of cities, is that, by having the process be fairly late in the fiscal year cycle, a lot of communities submitted a proposal and it was kind of like a pass/fail test. And if there were portions of the proposal that were not good, it tended to sink the entire proposal. And I think that is probably not the best way for us to handle this.

By doing it earlier, we will have at least one round of being able to have a back-and-forth, interactive discussion with communities, and if there are some elements that we don't think are particularly useful, they can change those elements. And that, I think, is going to help us avoid a situation where people feel that their needs are not adequately being taken care of.

Mr. KING. The gentleman from Mississippi?

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

Mr. Secretary, thank you for your testimony before the committee.

You talked about GAO being wrong, with respect to the catastrophic planning supplement. Can you tell this committee when the supplement was circulated to all the other federal agencies?

Secretary CHERTOFF. I know I signed it over the summer, and I think it was given a limited circulation. I can't tell you exactly which agencies get the circulation and when they got it. But it was approved and signed, and certainly within DHS it was in effect at some point over the summer. I can get you the date we signed it.

Mr. THOMPSON. Well, if you would, please provide the committee with when you signed it, how many other federal agencies have signed it, and when it was circulated.

Secretary CHERTOFF. We will do that.

Mr. THOMPSON. Thank you.

In addition to that, I referenced that one of the constant criticisms we hear is that there are so many vacancies in DHS in critical positions. We have so many acting directors. And part of my testimony will say that we could actually start an actors guild in DHS because of that.

How do you propose to correct the vast number of vacancies in critical positions that continue to exist within DHS?

Secretary CHERTOFF. Well, first of all, nobody wants to fill positions permanently more than I do, because it takes some of the burden off of my shoulders. I am pleased to say we have actually made a lot of progress in that over the last several months.

I know there is a vacancy in the undersecretary for management. I am hoping that we will have a nominee shortly. That is in process. We recently filled the cybersecurity spot, the assistant secretary for cybersecurity. I think virtually all, if not all, of the senior-level positions at FEMA, which were filled with actings, are now filled with permanent people.

So I think we are well on the way to filling all of those spots.

It is no secret that it is a challenge, particularly with Senate-confirmed appointees, because there are people who find the process of getting background-checked and getting confirmed to be time-consuming and arduous. And that does, regrettably, deter some people from applying. And it is not an original thought with me.

But I am confident that we have in place now and will shortly have a fully loaded complement of C.U. managers in which I have a great deal of personal confidence.

Mr. THOMPSON. So, without giving us a timetable, you assume that you will have all the vacancies filled.

Secretary CHERTOFF. Yes. I mean, I think the last major PAS to be filled, I believe, is the undersecretary for management, and I am hoping that that nomination will be going up in the very near future. And then, of course, it is the Senate that has to do the confirmation.

Mr. THOMPSON. Several times we have had someone from FEMA before us, and we have been told that, before June 1, FEMA would be at a full complement. I am told today that we still have not hired all of the people necessary in FEMA, even though we are in the hurricane season right now.

Can you tell me what the problem is and why we can't hire the necessary people that we need to work in FEMA?

Secretary CHERTOFF. Well, we have done quite a bit of hiring. And that includes not only the permanent employees, but the disaster assistance personnel and other personnel to do some of the ongoing recovery work in the Gulf. But I will agree with you that we have not succeeded in fully staffing all of the positions at FEMA.

Frankly, a lot of that is because we have had a certain amount of outflow. This has been a very difficult past couple of years for FEMA. There are a lot of people who are burned out and are tired and, frankly, had a very trying year last year.

I know Director Paulison has made hiring qualified employees a very important element of his strategy for retooling FEMA. So, while we are hiring very rapidly, we do have to exceed the outflow by a significant margin in order to get to where we have to get. And I think we have made a lot of progress, but I would certainly be happier if we were full, and we are not full yet.

Mr. THOMPSON. I yield back.

Mr. KING. The gentleman from Indiana is recognized for 5 minutes.

Mr. SOUDER. Thank you.

I want to say at the opening that I appreciate the steady progress on all the different elements in a very complex question, whether it is ports, airports, border, IDs. But until we know that our border is more secure, until we know our IDs are more secure, until we know who is here, it is difficult to see how we are going to be safe. It has just become so intelligence-dependent that we run higher risks. And I hope we continue to move on the fence, continue to move on the ID.

But I have a very particularized question. As you know, I work with and chair the Narcotics Subcommittee and the Speaker's Drug Task Force. There has been a lot of question about where the narcotics mission fits in Homeland Security, because you have most of the agents at the border, the ISE agents, the Coast Guard. And I know that you continue to make busts and arrests.

But the question is, based on some concern over documents that were submitted this year, do you feel that the narcotics mission is part of the counterterrorism mission?

This has been a problem in Colombia, and it took a long time to sort that out. We are going through this right now in Afghanistan. People who smuggle smuggle. People who smuggle drugs smuggle other things and people. Plus, we had 20,000 people a year die of narcoterrorism in the United States. As we have cracked down on meth at the state and federal level, we have seen a surge in meth coming across the southern border.

How do you see the narcotics mission inside the homeland security mission?

Secretary CHERTOFF. Well, I agree with you, I think it is an indispensable part of the mission.

I think, first of all, criminal organizations that smuggle drugs also smuggle illegal migrants in. And the drugs often fuel a lot of the activities that these criminal organizations undertake. So, as we crack down at the border, the very measures we are taking to crack down at the border will not only keep out migrants but will keep out drugs and other forms of contraband and dangerous activities.

I also agree with you that you have to look at, increasingly in this world, narcotics as a money-making effort for some terrorist organizations. When I was head of the criminal division, we indicted a number of the senior leaders of FARC in Colombia for drug trafficking. And the allegations were they were actually involved in using the narcotics to fund the acquisition of weapons for terrorist activities.

So increasingly, I think that we have to view narcotics as part of the terrorist arsenal, and we have to treat that as equally serious with other things that we are trying to keep out of the country.

Mr. SOUDER. In the area of the border, we have seen progress, to some degree, in California, Arizona, some concentration now in New Mexico. But wherever we put fence, wherever we put more agents and Guard, the illegal migrations, whether it is contraband or people, move to the other areas.

I see, both in the, kind of, west Texas area and parts of the open areas of Texas as being, kind of, the next frontier in this. Do you

have any forward-looking plans in 2007 and 2008 toward that border?

Secretary CHERTOFF. The Border Patrol has mapped the entire border, and they look at the high-traffic areas. And as we deploy agents, the National Guard under Jump Start, technology under SInet, and fencing and other kinds of tactical infrastructure, we begin in those areas which are the highest-traffic areas.

We recognize that it is going to shift some percentage of the traffic. And we have a schedule to roll this out so that we continue to hit where the traffic moves. And we drive it, ultimately, into places that are less and less hospitable, and therefore fewer and fewer people will undertake to cross the border.

So this one of the things the Border Patrol treats as a priority, on watching where the flow is and making sure we are constantly attending to the worst places, because that is ultimately the best strategy for controlling the whole border.

Mr. SOUDER. Do you know if you have a plan for Neely's Crossing, where there is a gravel base there where they have a bulldozer on the Mexican side, but every time we do anything, we try to do it—and it is not part of our current fencing proposal, although I think Chairman Hunter is looking at that.

Because I have talked to the Mexican ambassador. It seems to me cooperation would start with get rid of the bulldozer on the other side.

Secretary CHERTOFF. Well, I have to confess, I am not personally familiar with the bulldozer. I do know the Border Patrol is constantly reviewing what is going on on the south side of the border, and we are also using intelligence.

And we have been working and achieving progress with the Mexican government in coordinating joint law enforcement efforts on both sides of the border. And I know the Border Patrol chief, David Aguilar, has been dealing with his counterpart on those issues.

I will look into that.

Mr. SOUDER. I would appreciate that, because I was with the two sector chiefs, and the bulldozer started on the other side, and they said, "We all need it to leave fast." It has been a continuing problem and needs to be addressed.

Mr. LUNGREN. [Presiding.] Thank you. The gentleman's time has expired.

Mr. DeFazio is recognized for 5 minutes.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Secretary, good to see you again.

You said radiation devices that cover 80 percent of cargo are in place. Now, that certainly—

Secretary CHERTOFF. By the end of the year, will be in place.

Mr. DEFAZIO. Does that mean we are actually screening 80 percent, or in ports where 80 percent of the cargo moves there are radiation detection devices available?

Secretary CHERTOFF. It means, by the end of the year, we will be screening 80 percent of the containers coming through our seaports through radiation portal monitors.

Mr. DEFAZIO. Through radiation portal monitors.

Secretary CHERTOFF. Correct.

Mr. DEFAZIO. Okay. Not the little hand-held things that don't work.

Secretary CHERTOFF. Correct.

Mr. DEFAZIO. Okay. Eighty percent, that would be a big step forward.

Under the current system, I am very concerned about C–TPAT. You know, we had the incident where there were, I believe, 22 illegal Chinese in a container, well-equipped for living, who were smuggled into the U.S. And that came from a C–TPAT cooperator.

You know, Ronald Reagan famously said, "Trust, but verify." I would like to verify in ways that are more certain than a manifest. As I understand it, a manifest can actually be changed legally, under U.S. Customs law, up to 6 months after you have taken delivery of something.

So how can we say, "Oh, well, we have seen the manifest," a piece of paper, and that gives us some level of security and assurance of what is in that container?

Secretary CHERTOFF. Well, we don't rely only on the manifest. The manifest is one element in a series of different items of information that allow us to target high-risk containers so we can actually have those inspected. That includes who the shipper is, method of payment, destination, what the track record is with respect to that particular shipper, other kinds of documents that are provided by the shipper.

Mr. DEFAZIO. Right, I understand. But I am just saying, where I want to head here is, we had quite a discussion, this committee, about screening containers on the other side of the ocean.

Your deputy, Mr. Jackson, was in, and he said it was the objective of this administration, within a short period of time, to be able to screen all containers before they leave U.S. ports, i.e., something goes to San Francisco before it heads to Sacramento or Las Vegas, we are going to screen it.

And I said to him, "Does that mean you might think there might be a threat in that container when it arrives?" And he said, "Well, obviously, or we wouldn't want to screen it." And you are telling me now we are going to screen them all once they have arrived.

It seems to me, with a WMD, you would want to screen on the other side. Why has there been resistance, on the part of the administration and the majority here to screening all of the containers on the other side of the ocean?

If we can put in place, by the end of this year, portals to screen everything coming into the U.S.—which, I will be stunned; I mean, I didn't know we were anywhere near that, but that will be great—why can't we do it on the other side of the ocean before they depart?

Secretary CHERTOFF. Well, for one thing, I do want to say we are working and we are expecting to begin the process of doing screening, or scanning, overseas at ports of departure.

But, for one thing, we don't own the foreign ports, Congressman.

Mr. DEFAZIO. No, I—

Secretary CHERTOFF. Foreign countries do. And—

Mr. DEFAZIO. I understand that. Excuse me, sir, if you could. We retain the right of sovereignty in international trade, and we can refuse the entry of any cargo. The Chinese regularly do this for

commercial purposes. We can sure as heck do it for homeland security purposes.

Anybody who isn't cooperating with us, we say, "Well, that is fine, but guess what? Nothing is leaving your port for the United States of America anymore." It is pretty simple.

Secretary CHERTOFF. I guess that would put us in a position where, if, for all kinds of reasons, 75 percent of the ports in the world were not prepared in a short period of time to give us the ability to do this, we would be cutting off 75 percent of the international trade.

Mr. DEFAZIO. Well, then, you know, we would start making things in America again. That would be a tragedy.

But beyond that—

Secretary CHERTOFF. If I could—

Mr. DEFAZIO. No, let's go to the point here.

Secretary CHERTOFF. If I could finish—

Mr. DEFAZIO. The point is, if we don't push them, they are not going to do it. You are saying these containers might contain threats when they arrive here. If I know that my nuclear weapon is going to be found out at the U.S. port, I will just detonate it at the port. I won't get to my ultimate objective, but I will take out the port.

Now, why aren't we pushing harder to screen everything overseas? We didn't say immediately; we said within 3 years. Now, certainly we can negotiate agreements to do it within 3 years.

Secretary CHERTOFF. Congressman, I don't accept the premise that we are not working hard to do this. Because, quite to the contrary, I went to Hong Kong—

Mr. DEFAZIO. So if we said 3 years, would you accept that legislation? Would you?

Secretary CHERTOFF. If I can finish the answer, I will tell you what my position is.

We are working hard with partners overseas; I went to Hong Kong. But I am also mindful of the fact that there are several limitations in our ability to do this.

First of all, some countries aren't physically configured to be able to do this scanning, because, among other things, they may have a lot of radiation in the ground where the port is, and that makes it difficult to use the scanners.

Other countries don't have the manpower to work with us to do the inspections. Other countries may choose not to do so.

To set an artificial deadline of 3 years would be as unrealistic as passing a law that says, "In 3 years, cancer has to be cured." It is a wonderful aspiration, but it is not a realistic mandate.

What is realistic is to produce action. So what we are doing is we are producing action. We are meeting with shippers, we are meeting with foreign governments. And this year we will be announcing the beginning of a program to do precisely what you want us to do, but I am not going to sell the American people pie in the sky. I am going to give them something that is realistic, actionable and produces real results.

Mr. KING. [Presiding.] The time of the gentleman has expired.

The gentleman from California, Mr. Lungren, is recognized for 5 minutes.

Mr. LUNGREN. Thank you, Mr. Chairman.

Thank you very much, Mr. Secretary, for appearing before us and giving us a rundown of where we are right now.

As was mentioned before, we have a responsibility to do oversight, and we have a responsibility to be critical, and we have been in the past.

One of the areas that we have tried to encourage, both through legislation and through hearings, is the risk-based approach. And, at least from my standpoint, it appears that, under your leadership, the department has been following that.

The other thing is, if you are going to be risk-based, you have to show the agility necessary to respond to new information and new risk. And in that regard, I commend TSA for doing that, with respect to looking at what the increasing or differing risks are in terms of aviation safety.

In that regard, can you tell me, in light of the decision announced by TSA today in terms of what people can carry on their personal luggage as they get on the airplane, how long is that going to remain in place? Is that going to be something that we see for 6 weeks, 6 months, so that people who travel should be aware that things may change and how often they may change?

Secretary CHERTOFF. I think the measures that were announced yesterday, which are to limit nonprescription items to three-ounce containers that fit within a one-quart plastic bag, are likely to be with us for the foreseeable future. I don't anticipate them changing within 6 weeks.

Six months, of course, is a longer period of time. But I think we have settled on a size that we are very comfortable with from a safety and security standpoint and also confronts the limitations of the existing technology, in terms of actually screening liquids.

Mr. LUNGREN. Last week, you announced a large contract for the technology component of the Security Border Initiative, something that members of this committee are very, very concerned about, want to see work. Yet, in the past, in the department, there has been some difficulty with what was already there, the ISIS program, the allegation or criticism that certain components didn't work together, that there seemed to be bits and pieces that were out there but not integrated.

And you made a statement that you were going to go slow on the implementation of this. Can you give us an idea of what you mean by that, how we are going to guard against having the same thing happen that happened before?

Which appeared to be we threw some money at things, we bought component parts. They didn't seem to work well together. It didn't achieve what we wanted in the Congress and, I presume, what you want on the border.

Secretary CHERTOFF. Well, I said we were going to proceed with all-deliberate speed, which I don't mean slowly. It means quickly but it means deliberately.

First of all, we have an integrator. We are not just buying a lot of different pieces and slapping them together. We have somebody who has got the obligation to produce an integrated performing system, although we reserve the right to bid out the individual compo-

nents of that system to make sure the government gets the best price.

We are going to begin with the first 28-mile stretch of the border, which should be done in the spring. And that will give us an opportunity to take the technology, which is all proven in other contexts—it is not stuff that is just sitting around in the mad scientist's lab. This is stuff that has actually been used in various contexts, including by the military.

But we are going to actually put it together, in an integrated way, on a 28-mile stretch of the border, so we can see it operate in our border environment, and then make any additional adjustments as we continue to roll it out in the high-tech areas.

I think the combination of proven technology, one integrator who has responsibility for performance, a lot of ability by government officials to modify individual components to make sure we are getting the best price, and making sure that the final decisions are driven by the operators, the Border Patrol guys, and not by the scientists, I think those are the four elements that will make this a successful program.

Mr. LUNGREN. If I could follow up on that, I had a hearing with my subcommittee on the northern border. Most everybody else went to the southern border.

When you go up to the northern border and you see the expanse there geographically and you see the problem we have controlling the introduction of B.C. Bud, large amounts of marijuana coming in with high THC content, you see the possibility and potential for that vulnerability to be utilized by terrorists.

How can you assure us that we are not going to forget the northern border, that we are going to do those things that are necessary to control it? And do you view that as a vulnerability, with respect to opportunity given to terrorists?

Mr. KING. I would ask the secretary to limit his remarks.

Secretary CHERTOFF. The contract does envision the northern border as well. It is likely that the particular array of technology and tactics will be different, depending on what the border is.

And, of course, we have an outstanding relationship with the Canadian intelligence service, which gives us an additional level of protection against the possibility of a threat from the northern border.

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

Ms. JACKSON-LEE. I thank the chairman.

I thank the secretary for his presence.

I think you know that we have had some tough times in this nation and tough times in this committee room, and tough times in terms of some of our responses and concerns about the Homeland Security Department and its oversight.

And so, I want to just rattle off a series of questions, and I appreciate your response.

Although today may be good news with respect to the relaxing of the requirements for our travelers, I want your best view, best consideration of whether or not, even though many of us, as members of Congress, have conveyed the angst of our constituents,

whether or not it is good to allow liquids of any kind alongside of the perspective that we do not yet have the technology.

I watched an individual buy water, just yesterday, and I thought they could carry it on at that point, and of course it starts today. But the water bottle is big. And even after the secured area, I would ask the question whether or not we are jeopardizing our safety. And as you well know, there are some experts that say that we should retain what we have done.

I am going to ask a series of questions, so that is the first one.

I would like to know, as well, whether or not you think the UASI's structure now, which was enormously frustrating, rendered by one of your employees who provided grants to places where we thought clearly had no relationship to risk, whether or not that has been improved.

My own city of Houston lost a certain percentage of funding. It is certainly one of the cities high on the risk list because of our petrochemical and oil industry.

And I want to know, have you fixed that? And are we going to be seeing politics again involved in the funding of UASI's grants?

Just a few weeks or months ago, the FEMA Director Paulison came into my region. I thank him for that. And he is doing, I think, an excellent job. He met with local officials to talk about local TOPOFF drills.

Specifically I will use the city of Houston, which, again, jeopardized, surrounded by petrochemical areas. Promised that we would have what we call a local community TOPOFF, not the massive ones that we see, which we hope to have prospectively, but ones that would be locally. And it tied in to the nonprofit grants for preparedness.

We have seen none of those issued, and I would like your perspective on that, why none of those are issued. And I would like to go back and get my TOPOFF local session done.

In the northern border, we were there just recently, and I would like to make it more dire than what has already been said. And that is that there were no border protection agents that could do second inspection. They are working 7 days a week, 24 hours a day, and if they stop a car and they want to send it in to secondary inspection, we don't have enough individuals.

Lastly, let me say that nothing much did I hear from you on Katrina. Maybe a small part of your testimony represented your comment on that. We still have thousands in Houston. We still have conflicts with those thousands not having benefits. In fact, we have a lot of families, 2,000-plus households, that have been claimed ineligible. We need the Stafford Act to be removed so that we can work to provide for these individuals.

And I would appreciate your answers to those questions, and I realize the time is short.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON-LEE

Mr. Chairman, I thank you for convening this important hearing on the Department of Homeland Security: Major Initiatives for 2007 and beyond. This hearing is essential to the exercise of our oversight responsibility over the Department of Homeland Security and critical in ensuring our great nation's preparation for future terrorist threats. I welcome the Honorable Michael Chertoff, Secretary of the Department of Homeland Security, and thank him for testifying today.

The lack of resources available to DHS has been a troubling concern. Democratic efforts to increase the number of Border Patrol agents, provide funding for interoperable communications, provide funding for rail and port security, and increase Homeland Security grant programs have been rejected by Republicans. This year, New York City two most at-risk jurisdictions in our nation, received an approximately 40% cut in funding from the Urban Area Security Initiative (UASI) for FY 2006, despite the fact the Department broadened its new allocation process for FY 2006 to include both risk and need.

In addition, New York City and Washington, D.C, are not the only high risk cities to be subjected to the Department's maldistribution of homeland security dollars. My own district of Houston, which is among the top 50% of all Urban Areas based on the FY 2006 DHS comparative risk analysis and among the top 25% of all Urban Areas in effectiveness of proposed solutions, was subjected to a more than 10% decrease in funding by UASI. Moreover, my state of Texas faced even more severe cuts of 53% in funding from the State Homeland Security Grant Program (SHSGP) and 29% in UASI funding.

Accordingly, this hearing is crucial in highlighting the Department's ongoing failure on a wide range of issues including its inability to cogently articulate the distribution of its Homeland Security dollars. Moreover, the Department's ineptitude in the grants allocation process is emblematic of its handling of issues vital to our nation's security, such as disaster response, FEMA assistance, port and rail security, and contracting.

Yesterday, I was pleased to be informed of the awarding of several grants that would strengthen the nation's ability to prevent, protect against, respond to, and recover from terrorist attacks, major disasters, and other emergencies that could impact this country's critical infrastructure. I think it is important that under these grants, my city of Houston and my state of Texas will receive the following grants:

- More than $11.6 million for the Port of Houston;
- $800,000 for intercity rail and ferry systems for Houston;
- More than $2.2 million for Buffer Zone Plans for Texas; and
- More than $5 million for Chemical Buffer Zone Plans for Texas.

As we proceed with the hearing today, I have serious concerns regarding the inadequacy of funding faced by DHS due to drastic cuts orchestrated by this Administration and Congress. One of the main reasons high risk cities have seen a cut in FY 2006 grant funding is because funding for the UASI program was cut by $120 million, the SHSGP was decimated by the 50% cut of $550 million, and the Administration has twice attempted to eliminate the Laws Enforcement Terrorism Prevention Program (LETPP).

As we struggle to emeliorate the prudence and effectiveness of the Department's new allocation process, which determines the allocation of funding based on a combination of risk and anticipated effectiveness of the proposed solutions to reduce such risk, it is imperative that the Department work closely with these high risk cities and states to improve their plans to utilize DHS funds rather than simply penalizing them for the quality of their applications.

In addition to a lack of resources, lack of accountability has been a recurring theme in DHS. The preparation for and response to Hurricane Katrina is the only the most obvious example of the lack of accountability within DHS. An estimated 11% of the $19 billion that has been spent by FEMA, which is $2 billion has been waste, fraud, and abuse, clearly illustrating how DHS' poor management practices can directly translate into waste, fraud, and abuse.

Furthermore, the failure of this Republication Congress to enact the recommendations of the 9/11 Commission is troubling. The 9/11 Commission report found that the inability of first responders to talk with each other and their commanders resulted in a loss of life. Despite these recommendations, the Republican leadership in the House repeatedly rejected attempts by Democratic members to address the vital need for emergency communication capabilities for first responders.

Consequently, accountability, resources, and the failure to implement the 9/11 Commission recommendations are all critical issues that DHS has failed to adequately address. I eagerly look forward to your testimony and discussion today of these issues.

Mr. KING. I would ask the secretary if he could confine his answers to a minute and 30 seconds.

[Laughter.]

Secretary CHERTOFF. All right.

The answer is that bomb experts tell us that the limit we have placed on the size of liquid is such that it does not make it feasible

for someone to conduct a chemical assembly operation that would be necessary to create a bomb on a plane. I think it is a good balance. And we are really, frankly, relied on the experts for that limitation.

We do intend to focus UASI and all our grants on a risk-based approach. As I said earlier, obviously the projects have to be projects that fall within our preparedness guidelines. And I think this year, because of the timing change, we will be able to work with communities to help them do a better job.

We do support local drills. I think the appropriations bill that is moving its way through Congress will provide us with resources to fund local preparedness exercises, which is important.

On the nonprofit grants, there is a particular issue involving religious institutions. A significant organization actually requested us to hold off on making the grants until the new fiscal year when the eligibility requirements become a little bit more favorable.

We are paying attention to the northern border. And, as I say, although the precise mix of resources is going to be different in different places at the border, we have not neglected that.

As far as FEMA is concerned, as I say, there is legislation currently working its way in the appropriations bill with respect to the Stafford Act. When the law changes, of course we will apply the new law. As it is, though, we do have an obligation, as long as legal limitations are placed in effect, we are going to have to apply those limitations.

Mr. KING. The time of the gentlelady is expired.

The gentleman from Connecticut, Mr. Simmons, is recognized fo 5 minutes.

Mr. SIMMONS. I thank you, Mr. Chairman.

Thank you, Mr. Secretary.

Going back a little bit in history, I recall that Oleg Penkovsky, a Russian colonel, walked into the Soviet embassy and eventually became one of the most productive intelligence assets in the history of the Cold War.

Today, to secure our homeland, we have created field intelligence groups; BICS, or border intelligence centers; fusion centers; and all kinds of centers and facilities that involve homeland security, law enforcement and everything else. Which is good, assuming we can coordinate all of these activities.

But my question goes to the issue of radicalization, the idea that homegrown terrorists can become radicalized in Toronto or Great Britain or, yes, even here in the United States.

And going back to the analogy of Oleg Penkovsky, a guy who walked into the embassy, who recruited himself, what programs or what capabilities do we have to take advantage of an American citizen, who might be a Muslim, might not, who comes in and says, "Something interesting is going on in my neighborhood"? What capacity do we have to take that individual and to develop that individual and collect information?

Secretary CHERTOFF. Well, the answer is that we regard that as a very important asset.

Clearly the issue of homegrown radicalization is one in which—though intelligence about a threat is likely to come from a community itself. And that is one of the reasons we are spending a fair

amount of time, including I personally, doing outreach to the Muslim community. I know Bob Mueller is and the other intelligence folks are.

And the idea is, first of all, obviously tips are very valuable. And we do follow up on those, and they are a source of, for certainly our domestic investigators, to look into potential threats. But also because we do want to cultivate, ultimately, more significant long-term sources.

So I think everybody involved in the intelligence community treats the cultivation of human intelligence as a very big priority.

Mr. SIMMONS. Well, I thank you for that answer.

Second question: Two years ago, the U.S. Army put out a manual on intelligence. And they considered that open-source intelligence was simply another source of information. I objected to that. And the most recent manual that has come out says that open-source intelligence is, in fact, a discipline like the disciplines: HUMINT, SIGINT, so on and so on and so forth.

What is your future vision for open-source intelligence within the Department of Homeland Security, especially given the fact that, if you are developing, producing open-source intelligence, it is easier to share not just with other entities—the local, state and tribal entities—because you don't need a clearance or you don't need to be cleared as high, but also you can share some of this information with the American people?

What is your vision for open-source?

Secretary CHERTOFF. I heartily agree that open-source intelligence is a critical discipline in the intelligence field. And I don't want to speak for the DNI, but I know he agrees with that and he is focused on this as well.

Sometimes there is a tendency to view that which is presented in front of your face as less valuable because you haven't had to steal it or intercept it. I don't think that is true.

And in this case, the enemy actually is pretty open about what its intentions are and plans are, and there is a lot to be gleaned from looking at that kind of open-source material. We do look at that very seriously in our department, and it is looked at that way throughout the entire community.

Mr. SIMMONS. I recently wrote a forward to a book called, "The Smart Nation Act: Public Intelligence in the Public Interest." I would like to share with you a copy, and hopefully somebody on your staff can take a look at the ideas contained therein.

Mr. KING. The gentleman from New Jersey, my friend, Mr. Pascrell, is recognized for 5 minutes. And if he has any books to peddle, he has the right to do it in the interest of equal time.

[Laughter.]

Mr. PASCRELL. This is not off my time, Mr. Chairman.

[Laughter.]

Mr. Secretary, good morning.

I would like to continue the path of Congressman Simmons. I believe in my heart that there is no ground, no anchor to your administration's strategy to fight terror. You, sir, are working in an environment that has not reduced the potential for the multiplication of terrorists. I don't think it is to your doing, but that is the environment that you are working in.

And if I may refer to "The True Believer" by Eric Hoffer, going back to when you were school, and I am sure you read it, he says in section 85 on page 107, "It is probably as true that violence breeds fanaticism as that fanaticism begets violence. It is often impossible to tell which came first. Both those who employ violence and those subject to it are likely to develop a fanatical state of mine." And he goes on from there.

So I want to direct my focus on the nature of the beast. How do we get people to understand that the terrorists are the infidels and they are the pagans, the true pagans? How do we get people to understand that?

And we can be talking about all the D's and the F's today. That is a good subject for Democrats. You know it, and I know it.

We could be talking about how many border guards there are. I mean, when you look at the south, there is only one guard for every 16 miles, since one-quarter of them are on duty at any given time. We could talk about the north, where we have not done the job, period.

We could talk about how many containers are being inspected, or we could talk about the 9/11 Commission recommendations that have not been implemented.

But, Mr. Secretary, I am interested in, what is the long-term plan in combating terror?

We know that the Department of Homeland Security must be thinking about working with other federal agencies to combat a growing anti–Western agenda, both domestically and internationally. People who are coming back from Europe, friends of mine, are telling me that this is a true phenomenon. Folks have turned against us, our friends. We can't ignore this, when we are trying to protect our families and our neighborhoods and our borders.

And my second part of that question is, besides what is the long-term, what are we using in terms of resources? And this is not a war issue, but isn't it true that the resources that we use in Iraq could be strongly used to deter the terrorists and to educate people as to who we really are?

How do we prevent terrorists? You know, we can't do this at the end of the sword. You even said that when you got sworn. You may not have used those specific words.

But how do you intend, how does your department intend to prevent it? And I hope you don't mind me asking that question.

Secretary CHERTOFF. Well, let me begin by saying, Congressman, I think we all want the same thing, which is a safe America. So I never doubt anybody's motives. I think everybody, on both sides, believes that. Sometimes there are differences of opinion about how to achieve it.

I will give you my view about what we need to do.

I think, at the end of the day, we are in a struggle with an ideology of hate, that is not susceptible to being reasoned with. I can't tell you I fully understand the psychology of what attracts people to convert to an ideology and become suicide-bombers. I don't think it is just about economic circumstances. I think a lot of it has to do with particularly what goes on in the mind of young men.

But I think the long-term cure for that is to establish in the world spaces for freedom and democracy and the rule of law. I

think, in the long run, where people live in an environment where they do have freedom and they do have democracy and they do have the rule of law, that is infertile ground for terrorism.

And I think, even in the West, where we see homegrown radicalism, it tends to flourish in societies where there are ghettos of people who are denied opportunity.

One of the strengths of this country is, and something the president said literally a couple of days after September 11th is, we could not get misled into the treating the acts of a few ideologues as a reason to condemn a whole community. And we haven't done that, and that has been a very good thing.

But the second thing I would say, with respect to resources, is this: For those people who have become radicalized and who are hardcore ideologues and want to kill us, I think that virtually anything will provoke them, whether it is a statement by the pope or a cartoon or a comment on a television. And I think trying to avoid the problem of terror by running around worrying about what we might do to give offense is a very self-defeating strategy.

I think persistence and constancy and steadfastness on the battlefield are the number-one tool we have in order to win the war against terror.

I would tell you, having looked at the history of this for a long period of time, when we have been seen as retreating in the face of the threat, the enemy has become emboldened. And talk about open-source; they don't keep it a secret. They tell you out front, "We are going to chase the Americans out of here. They are going to run with their tails between their legs." Our friends begin to doubt our constancy, and our allies are afraid to step forward in Iraq and Afghanistan if they don't feel we are going to be there with them in the long run.

So that steadfastness and the propagation of the rule of law and democracy and freedom are, to me, the long-term strategies to prevail in this—

Mr. KING. The time of the gentleman is expired.

The gentleman from New Mexico, Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Secretary.

As you know, I have been among the critics of the policies on the border. I would report that I had my staff call this morning to the border in New Mexico, and the family that was putting the greatest pressure on us right across from Chepas, Mexico—that is where the governor of New Mexico requested to bulldoze because they were mounting so many efforts; 200 and 300 people a night were crossing this person's frontyard. They stayed on us constantly.

We talked to them this morning, and they said it has been weeks—weeks—since they have seen a single person coming across. And I just want to compliment you and your agents there, because I see the effect of the National Guard and I see the effect of a long-term policy that you all couldn't state previously. It was our office that put in the bill, the homeland security bill that we sent across to the Senate about 6 months ago, that you had to have a coherent policy. And even without legislation, I have seen Chief Aguilar now able to tell that. And the results are showing up at the border today.

I would echo Mr. Souder's comments that methamphetamines are now pouring across the border in a very refined form. We have taken steps in this country to limit access to the amphetamines. And the result is we have cut down a lot of the local meth labs. We produce, on this side, when people are creating meth, it is about 20 percent pure, 98 percent pure. So we have got a lot of work to do.

I think my question would be if there is a need at the border today because of the very solid program of catch and detain and remove when possible, the reports are along our border that we are out of holding space. And we are out of holding space for people who are just coming across to look for work. And it is pretty easy for our border patrol to differentiate.

Is it possible for us to have some low-impact space that goes up immediately and increase that detention space? The tents, maybe, like the sheriff in Arizona has? These are not people, I don't think, that are going to try to run and get away; just people that we need time to process.

And so, that would be my first question.

Secretary CHERTOFF. I think we do have currently sufficiently capacity. We look at, not tents, because tents actually don't save you a lot of money, but we have looked at temporary structures. And we are prepared to deploy those. And I believe that the appropriation bill that is currently before the Congress would allow us money for 6,700 additional beds.

But I want to come back to that Orantes case. If we can get that injunction lifted, that is going to free up a lot of bed space, because the amount of time we have to detain the El Salvadorans will decrease.

So I think we can address this using the enhanced resources that Congress has given us, or I think is about to give us, I hope is about to give us, and some help with respect to these old court orders.

Mr. PEARCE. And that call that says that we are basically out of detention space is also from today, so keep in mind that we are doing pretty good work, but we are almost at a threshold where it begins to deteriorate.

As I listened to the comments of my friend about what causes terror, I always ask the people who declare that terror comes from our policies here, I always wonder, "Exactly what is it that Sri Lanka does?" A greater percent of Sri Lanka's domestic airlines have been bombed than any other country in the world, and they don't have policies that enter the Middle East. They are a really docile nation.

So I appreciate your idea that steadfastness and strong responses are a key to fighting the long-term war on terror.

The vehicle barrier that is going up, the National Guard is putting up vehicle barriers. And I can tell you that I visited Organ Pipe National Monument in the southern part of Arizona. It is about a 300,000-acre national monument; 100,000 acres of that have been restricted to American traffic. And the vehicle barrier is beginning to work there too. They have already cut it. We knew they would. But they put it back up when they come through. And that four-inch pipe right there at windshield level is a very good

deterrent at 100 miles an hour, which is what they have been doing.

So, again, we have got a long way to go. I know we are going to have some periods of ups and downs. But I appreciate what your office has done, the long-term focus, and especially with the Pakistani solution and London, where we found before they used a process rather than after.

So thank you very much, Mr. Chairman.

Mr. KING. The time of the gentleman has expired.

And now I am privileged to recognize the gentleman who has shown extraordinary patience and forbearance in the past, not always being reached, the gentleman from North Carolina, Mr. Etheridge.

Mr. ETHERIDGE. Thank you, Mr. Chairman.

And, Mr. Secretary, thank you for being here today. I know your schedule is busy.

Mr. Secretary, in today's testimony, you list three things as your priority focus, and you have touched on that: threat of weapons of mass destruction, penetration in the country by terrorists, and the risk of homegrown terrorists. And, of course, we all are concerned about that and terrorism.

Having read the testimony, I just want to share some numbers. "9/11" appears 21 times in your prepared testimony, while the word "hurricane" appears just once. And I will tell you in a minute why I was a little concerned about that. The word "Katrina" appears not at all, "Rita" neither.

Just 1 year and 1 month after Katrina, I had to read 12 pages to find this half-page to discuss the natural disaster preparedness and the response thereto. This half-page represents about 4 percent of the 14 1/2 pages.

I ask that question, because in North Carolina we understand hurricanes and tornadoes. We get hit a lot, as does a lot of the East Coast and the Gulf Coast. And whatever reason you happen to be disturbed, whether by a terrorist and natural disaster, we are more likely to be hit by natural disaster than otherwise. And preparedness is important.

What do you say to those who are out there and concerned about it and to those who say that we are only paying lip service, at best, to the risk of natural disaster?

Because I met with our preparedness people in the last couple of weeks, and they are quite concerned that we really aren't giving them the time and the tools to do it, on the risk of natural disasters and having a balance.

Because I have to say that it is hard to conclude otherwise when I read the testimony, because the testimony does not talk about those issues.

Secretary CHERTOFF. Well, I will tell you, Congressman, if you look at words like "all hazards," which appears elsewhere in the testimony, and if you look at the volume—and I am not encouraging you to read all my speeches, but if you look at the volume of speeches and other testimony I have given to Congress, talking about natural disasters, all hazards, I don't think I ever give a speech talking about the department and the department's goals in which I don't explicitly say and repeat maybe ad nauseum the fact

that we are an all-hazards agency and we focus on natural as well as man-made disasters.

I can tell you that, over the last year, I have spent a very large amount of personal time working with Dave Paulison, the director of FEMA, Admiral Johnson, the deputy director, ensuring that we have done a retooling of that agency and brought it to a level of preparedness never before dreamed of by the people who worked in that agency.

That includes the capability to track truckloads of goods. It includes real ability to have robust communication in the field. I have actually met with Governor Easley personally. I have been down to North Carolina a couple times, talking about these issues. And the leadership of FEMA has been down there quite a bit.

So I would venture to say that anybody who looked at my calendar or the volume of things I talk about would have no mistake about the fact that we are treating all kinds of hazards, whatever the cause, as being a very, very significant priority for this department.

Mr. ETHERIDGE. But let me go back, Mr. Secretary. I don't want to keep beating it, but I think it is important to acknowledge that this testimony will be looked at. And 9/11 is important, but when we do not mention hurricanes, an issue that is more likely to hit people on the Gulf Coast, our coast, East Coast, I think it is important that they get attention.

And when you talk about the issues all the time and then you say "all hazards," the people in the field do not really believe you are talking about natural disasters.

Secretary CHERTOFF. I have to say, Congressman, I have talked about natural disasters and Katrina so much over the last year that, you know, sometimes I think my kids think they have a sister named Katrina.

[Laughter.]

I mean, I have talked about this quite a bit. And I take it very seriously. And I have logged thousands of miles traveling down to the Gulf Coast. I have met with virtually every single governor in a hurricane-affected region and talked to them quite specifically about what their plans are and what we are bringing to the table.

And also, by the way, I have been very clear to all of them that we do not intend to supplant the primacy of state and locals in natural disasters. And every single governor has gone out of his or her way to applaud that vision.

So, you know, I don't know how many times I used the word "all hazards" in this particular testimony, but I think if you looked at the totality of our actions and our words, it is unmistakable that we have put a lot of emphasis on this.

Mr. ETHERIDGE. Thank you. Thank you for your time.

I yield back. Thank you, Mr. Chairman.

Mr. KING. The time of the gentleman has expired.

The gentleman from Washington, the chairman of the Emergency Preparedness Subcommittee, Sheriff Reichert, is recognized for 5 minutes.

Mr. REICHERT. Thank you, Mr. Chairman.

Good morning, good afternoon now, Mr. Secretary, and thank you for being here.

I wanted to ask some questions that were specific to Washington state and the district I represent.

As you know, on July 28th of this year, the city of Seattle was shocked by the tragic shooting of members of the Seattle Jewish Federation. It has been over 11 months since the president signed into law the homeland security appropriations bill for fiscal year 2006. And the $25 million appropriated for security at nonprofit organizations still have not been distributed.

And I just wanted to ask what the timeline on the distribution of those funds might be and whether or not you have considered, as our offices requested, a broader application for those grants.

Secretary CHERTOFF. I did direct that they be distributed. We received a letter from one of the umbrella organizations that requested that we delay the actual distribution, because it is multiyear money, until after the new fiscal year this October 1. Because their view, which I think is probably correct, is that the language in the new appropriations bill would give us somewhat broader eligibility.

So it is really at the request of at least a significant potential recipient that we have delayed for a few weeks.

Mr. REICHERT. And then also, following up on Mr. Lungren's comments and, I think, Ms. Jackson-Lee's comments on the northern border, obviously Washington state shares a border with Canada. And there is some concern from business members in Washington state regarding the Western Hemisphere Travel Initiative and the impact that the requirement of passports might have upon business there.

And there has been a proposal made by members of the Washington state business community that would use a driver's license with either a barcoded technology attached to the driver's license that would automatically access terrorist lists and also criminal records lists.

Are you aware of that request, and have you considered that?

Secretary CHERTOFF. I am, and we are looking at it.

The issue, of course, crossing the border, is our intent is not to insist on a passport, but it is something that is equivalent to a passport in terms of verifying citizenship. So we are going to consult with the State Department.

We are obviously open to different solutions. We have talked, in fact, about the possibility of driver's licenses being one alternative if they reach a certain standard, which, of course, Congress has mandated under the REAL I.D. Act.

So it is a proposal we are going to look at. Our interest here is an efficient and inexpensive but nevertheless reliable form of identification that achieves the recommendation of the 9/11 Commission and this Congress's mandate.

Mr. REICHERT. Would a biometric solution be part of that, considering your comments earlier in your testimony in regard to identifying unknown terrorists? The barcode may not address that issue.

Secretary CHERTOFF. Right. That is why some biometric feature would be advantageous. And that is one of the things we have to weigh, in looking at the proposals.

Mr. REICHERT. One last question about grants. In your testimony 2 weeks ago, before the Senate Government Affairs Homeland Se-

curity Committee, you mentioned that, since 2002, the department has provided $1.1 billion in risk-based grants.

Given your clear commitment to protect the critical infrastructure, why have we seen delays in the announcement of the critical infrastructure grants?

Secretary CHERTOFF. I think this year the process of, first of all, going through the risk allegation and then processing through the various proposals took almost the entire year.

And I am probably going to wind up giving a speech at some point, talking a little bit more in-depth about what we are going to do for grants this coming year. But I think one of the great benefits we can give the local communities is coming to a, kind of, settled vision of risk. And I think we are pretty close to that now. I think we know what the high-risk areas are. I don't want, every year, to throw everything back into the pot and recook it.

As we come to more stability—we have our national preparedness goals, we have our risk analysis—we can do this quicker. And I think the quicker we get the guidance out, the easier it is, first of all, to finetune the proposals, which I think the communities have complained about and I think that is a legitimate complaint, and then at the end we get the money out several months earlier than we have in the past.

So I think we have built a base that will allow us to address this concern this coming year.

Mr. REICHERT. Thank you, Mr. Chairman.

Mr. KING. The gentleman yields back.

The gentleman from Florida, Mr. Meek, is recognized for 5 minutes.

Mr. MEEK. Thank you, Mr. Chairman.

Mr. Secretary, good to see you here.

Mr. Secretary, we had about three hearings in the recent months about dealing with cameras on the border. And I know that you just pretty much, the department awarded the Secure Border Initiative, SBInet. And, as you know, we had mainly our hearings on the failing of ISIS and also American Shield Initiative, which I believe $429 million of the taxpayer dollars we spent, and we found that it was a miserable failure.

This new contract that has been awarded to Boeing Company is, I believe, $2.5 billion. And not only the inspector general but also the GAO has major problems, as it relates to the department's ability to have oversight in the way that they should have to protect the taxpayers' dollars and also, I would add, protect the American people.

If you can, kind of, share with us, because I would hate to continue to have these hearings talking about how we fumbled, as it relates to oversight. We are talking $420-something million; now we are talking $2.5 billion. What has the department done to make sure that these dollars are spent in an appropriate way and to make sure that we are on top of it, that we are not playing after-the-fact if we had what we need?

And I think that the real question that I am asking here: Do you have everything you need within the department to oversee this particular contract?

Secretary CHERTOFF. Well, we took very seriously all the lessons learned, going back a number of years through the various programs that have failed because of a lack of integration. And so, we begin with a strategic plan, and then we decided to build an integrated approach. I mean, that was a direct outcome of the lessons learned.

We also brought in and built up our procurement capabilities, and we created a special program office for running this program, which had not been done in the previous program. So those were all institutional steps we took, frankly, because of the lessons that you are talking about.

But beyond that, we have done several things with this contract to address very specifically some of the criticisms of past integrated contracts.

First of all, though, you used the figure $2.5 billion. The contract does not have a dollar figure, because we are going to negotiate each part of the contract as we go along. That will give us the opportunity, although it will all be done within the general framework of the overarching contract, to substitute more competitive or more cost-effective sub-parts of the contract, if, in fact, in our judgment, that is a better fit for the American taxpayer.

So that avoids the problem where the integrator is given too much authority and can start to spend the taxpayers' money without oversight.

Through the program office, the operators are going to be involved in evaluation at every step of the way.

And we are beginning with this 28-mile first element of the contract, so that, between now and the spring, we can actually see all this technology as it actually deploys in the operational environment of the border. So if it turns out that there is something that we have questions about, we can see it early on in the process, not at the end of the process.

Mr. MEEK. So, Mr. Secretary, I would take it that you have your best people, as it relates to oversight, on this particular contract?

Secretary CHERTOFF. We do. We do.

Mr. MEEK. Also, reading you testimony, I noticed that you mentioned the fact that we had 9,000 border agents; we now have 12,000; we are looking for 18,000 in the future.

Is that going to be enough border agents to be able to keep up with SBInet? Because it is one thing to see illegal immigration taking place, and it is another thing to do something about it.

So you have the border agents and also you have the detention beds that are there. Do you feel that everything is on track to make that happen in the way that it should?

Secretary CHERTOFF. I do think it is on track. And I think you are exactly right. I mean, the technology gives you the detection; the agents have to do the interception. And I think that it will free up more agents to do that interception.

Mr. MEEK. Well, a part of our testimony that we heard from members that represents the agents, they were saying in some areas they had to shut the cameras down because they didn't have enough personnel to be able to respond to the need.

So I look forward to hopefully hearing good reports from this new initiative. But I can tell you that there will be a hearing in Novem-

ber that will be dealing with this issue, and hopefully you will be a part of that.

Thank you.

I yield back, Mr. Chairman.

Mr. KING. The time of the gentleman has expired.

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

Mr. MCCAUL. Thank you, Mr. Chairman.

Mr. Secretary, thank you for being here.

And I was pleased to see that you awarded to the Houston port authority a sizable grant, which was very much needed. I know the chairman would prefer all of that money go to New York, but people in Houston are very pleased with that.

I want to, first, commend you for what you have done on catch and release. We have talked a lot about that in the Congress. We passed legislation to end it. You didn't wait for that. You went ahead and exercised leadership. We are in a catch and return mode now. I agree, the Orantes decision, once we close that loophole, it will close what I consider to be the most dangerous loophole in our immigration policy.

However, there is one other that I wanted to focus on, and that is the visa overstay issue. As you know, the hijackers didn't cross the southwest border. They actually came into the country legally. And they overstayed their visas. It is estimated that 40 to 50 percent of the 10 million to 15 million people here illegally have come into the country in that fashion.

I wanted for you to comment on the exit program, as it exists today. I do view it as, again, like catch and release, a threat to our national security.

And tell us, on two issues: one, the exit program through U.S.–VISIT, whether you will consider biometrics. I believe that if you took the fingerprints, you could confirm this is the same person.

And then secondly, the absconder program, which is a very difficult effort to determine where are these people, as they have come into this country. And what incentives, legislatively, we could provide to require these people to come back and reregister.

Secretary CHERTOFF. Well, I think U.S.–VISIT, of course, I think we currently have it at 14 airports and a couple of seaports and some land ports. It is a biometric-based program, because the theory is you use your fingerprints to exit which would match with the fingerprints you use to enter.

Another tool we have to track where the people are exiting is, we are going to be moving to a system in the near future where you have to swipe your passport in order to leave if you are going through an airport of entry. And that will give us an additional way to determine whether people have left.

One of the challenges with this system of regulating comings and goings is that someone could fly in but then leave through a RAN port of entry, where we don't at this point have a significant amount of U.S.–VISIT because it would make the traffic almost intolerable. So we have to work with that issue.

But the second piece is, when we know people haven't left, what do we do about it? And that is where we have put significant additional resources into hunting down fugitives and absconders,

whether it is students, for example, who don't properly register with the schools that they are being admitted to coming to, or people who are defying court orders who are fugitives. We have significantly upped the number of agents who are pursuing them.

So these are all areas where the application of additional resources is going to be very helpful, in terms of reducing the number.

But, frankly, tough internal enforcement in the employment rules is also important, because it is that employment that keeps people here. And if we crack down on those who systematically violate the law, we are going to have an impact.

Mr. MCCAUL. Would enforcement mechanisms that we could put in place be helpful? For instance, tie it to driver's licenses that would have the date of the expiration be when the visa expires, so their driver's license wouldn't be valid anymore. Would things like that help?

Secretary CHERTOFF. I think things like that, which, for example, with the REAL I.D. Act, which requires a valid driver's license that actually has a real security for determining identity and citizenship and your status, that is exactly where we need to go and where we are headed.

Mr. MCCAUL. Okay.

Thank you, Mr. Chairman.

Mr. KING. The gentleman yields back.

The gentlelady from the Virgin Islands, Ms. Christensen, is recognized for 5 minutes.

Ms. CHRISTENSEN. Thank you, Mr. Chairman.

Welcome, Mr. Secretary. I am going to try to get at least three questions in very quickly.

First, the University of Pittsburgh's Center for Biosecurity has estimated that in order to bring the 5,000 hospitals that we have in this country up to a state of readiness to be able to respond appropriately and adequately to a bioterrorism attack, each hospital would need about $1 million apiece.

What is proposed for 2007 is far below what is needed, by that estimate. And our public health systems, as well, are not evenly or well prepared to respond.

So what is your plan for DHS, working with DHHS, moving forward, to better prepare our country to respond to a bioterrorism attack?

Secretary CHERTOFF. Well, I can't validate this study, because I don't know anything about how accurate it is.

I can tell you, though, from our standpoint—we obviously do partner with HHS. One of the major elements we are working with is BioShield, which, of course, is the system that would create market incentives for pharmaceutical companies to create precisely the kinds of vaccines and antidotes that we would need to respond to the major biological weapon threats.

I am pleased to say that, in the last week, we completed all of the material threat determinations, which are necessary to permit the program to be fully engaged. And so HHS now is going to fund that.

Ms. CHRISTENSEN. I wasn't going to ask this one, but in BioShield, how does that reconcile with an all-hazards approach? Here

we are just completing the material threat assessments for things that we know of. And we all know that we can expect a virus or a bacteria or some agent that is altered, new or manufactured.

So what is the all-hazards approach here? Because we are only talking about seven or eight diseases, and we haven't created anything new.

Secretary CHERTOFF. I want to be careful, because we are getting into classified areas.

I do think we, obviously, want to focus on threats that either have existed in the past, that could be weaponized, or that could exist. Obviously you can't create a material threat determination against a potential hazard that no one has ever thought of or has never existed and we have no reason to think will exist.

But we do try to stay ahead, being mindful of the fact that we are in an era where people can use genetic tools to alter microbes and viruses, and that is something we are mindful of.

Ms. CHRISTENSEN. If I get a chance, I will come back to that.

In your Roll Call interview, you said that there has been a decrease in non–Mexicans and Mexicans crossing the border. Do you have any hard data or intelligence to demonstrate that that decrease is due to increased patrolling of the border and security there, and not to using other entry points that are not as secure or completely unsecured, like my border?

Secretary CHERTOFF. Well, I asked precisely this question of the chief of the Border Patrol, who said to me that they have, what they call, third-party indicators, which is crime in the areas that are adjacent to the border and activity south of the border that demonstrates people staging in order to come across the border. And he said, looking at those third-party indicators, it was his judgment that the decrease reflected a deterrent effect.

But I also want to be clear, because I don't want to declare victory too quickly: Smuggling migrants is a big business for criminal organizations.

Ms. CHRISTENSEN. Absolutely.

Secretary CHERTOFF. I anticipate that there will be a point at which they may decide they want to take a run at us to see whether we are really going to hold the line or not.

So I always caution people that, although we have good news, as I think Congressman Pearce said earlier, there are going to be ups and downs. There are going to be ebbs and flows. And we have to be resolute. I think we will only really keep this when the other side is convinced we really are going to be steadfast.

Ms. CHRISTENSEN. Or when all of our borders are secure.

Secretary CHERTOFF. Well, as we—

Ms. CHRISTENSEN. May I ask one other question, though, please, Mr. Secretary? I see that the budget for the chief medical officer is proposed to be increased in 2007. I have never been able to be very clear as to what that person's job is or whether the expertise and the experience he brought to the job is being well-utilized.

Could you tell me what you plan for that office?

Secretary CHERTOFF. We have a whole series of medical issues that arise in everything that we do. To give you one example, in working with other agencies on the planning for a possible pan-

demic, avian flu, there are questions about what the Border Patrol operations would be, if we needed to screen at the border.

And in order to make intelligent decisions about that, we need to have an understanding of the medical constraints and the medical considerations. And I need to have someone in my department who can make sure that, from our perspective, the operational plans that we are putting into effect make medical sense; that we are not assuming things about medical facts that turn out to be wrong.

Mr. KING. The gentlelady yields back.

The gentleman from Pennsylvania, Mr. Dent, is recognized for 5 minutes.

Mr. DENT. Thank you, Mr. Chairman.

Good morning, Mr. Secretary.

I spent a little time down in Laredo, Texas, last month. I was overall impressed with what CBP and Border Patrol are doing with the resources they have available to them.

One thing I noticed, there was a lack of aviation assets down there to help with surveillance. Do you think it might be a good idea to incorporate other assets, like the Civil Air Patrol specifically, to help us with surveillance on the border? It seems like there are a lot pilots out there looking for reasons to go up in the air. And have you given serious consideration to CAP?

Secretary CHERTOFF. I have been asked about this. Of course we don't own or fund the Civil Air Patrol, so money would have to be appropriated through the agency that does. But volunteers are good. My concern is always to make sure that whatever they do is fully integrated with what we are doing. And also, we don't want them to become an interference rather than a help.

So we are building our plan around dedicated assets, which are not only our aerial assets for CBP, but also whatever comes in the technology package we are going to be getting through our SBInet, which will include some number of unmanned aerial platforms.

And, you know, if there were money available and the intent to get the Civil Air Patrol involved, I would certainly be open to considering it, but it really has to be driven by operational concerns.

Mr. DENT. Okay. My only observation was, down in Laredo, it seemed that there were about a few airplanes and maybe a couple helicopters, and that was it. And they needed some help.

On the issue of catch and release, I applaud what you are doing there. You seem to have turned it into a catch-and-return policy for people from countries other than Mexico.

With respect to Mexicans who are crossing—and you return them usually that day—the president, at one point, indicated that he wanted to repatriate Mexicans who crossed illegally more deeply into the country. How is the department doing in that effort?

Secretary CHERTOFF. We are doing that. We do have a program with the Mexican government. I don't know if it is still in effect. It tends to be seasonally based; it depends on the seasonal flow.

Again, there, we have to reach an agreement with them about the conditions under which people will be repatriated. Historically, they have said when people volunteer for interior repatriation, that is fine, but they haven't been willing to let us make it mandatory.

And this is still a subject of negotiation. I think we would, certainly with people at risk, we would really prefer to mandate that they be repatriated to the interior, as opposed to simply leave it up to what may be their flawed judgment.

Mr. DENT. And you had also, I think when Congressman DeFazio was asking questions, you started to talk about Hong Kong. You had visited Hong Kong. We hear a lot about that screening program. It is my understanding it takes 6 minutes to read each image, and that that was one of the problems with that program.

In your testimony, you say that U.S. inspectors stationed at 44 overseas ports now screen nearly 80 percent of cargo bound for the U.S. before it reaches our shores.

Can you just give me your observations on the Hong Kong program? What do you think are its deficiencies?

Secretary CHERTOFF. I mean, we do screen a lot overseas.

In terms of scanning, putting through the monitors, here are the constraints you have: First of all, you have to make sure that the land is not, itself, full of radioactive material. Otherwise, if it is, in the screening you would have to set the threshold so high it is not useful. You have to make sure that the footprint of the port accommodates moving the containers through a range of traffic. They are not insurmountable, but they are obstacles in some ports.

So we are working with a number of ports, as we speak, looking to achieve what I think we all want to achieve, which is we would love to screen a lot of this overseas and scan a lot of it overseas, but I can't tell you that it is going to happen by a particular date, because the decision-making is not entirely within the control of the U.S. government. But it is something that, to the extent we can get done, is a high priority.

Mr. DENT. But according to your testimony, it is 80 percent of cargo in those SCI ports is being scanned—

Secretary CHERTOFF. It has been screened—

Mr. DENT. Screened, okay.

Secretary CHERTOFF. —overseas. And by the end of this year, 80 percent will be scanned through radiation detectors in our ports.

Mr. DENT. Our ports. Okay.

Another issue, you talked about vertical integration. I hear quite a bit from my state and local officials in the homeland security area about the ineffectual nature of some of the information they get from the Homeland Security Information Network.

What can you do to reinforce the confidence of our local authorities that DHS is ready, willing and able to share information in a way that is more effective?

Secretary CHERTOFF. I think one of the handicaps we had was we had not fully deployed the classified network, so we couldn't pass classified material over it. But we have started to deploy that now. I think seven cities are getting it now.

And as we get that fully deployed, I think that will make it a much more useful tool for the classified channel of information.

Mr. DENT. Thank you, Mr. Secretary.

Mr. KING. The gentleman yields back.

I recognize the gentleman from Rhode Island, Mr. Langevin, for 5 minutes.

And I will ask the gentleman from Nevada to assume the chair for a few moments.

Mr. LANGEVIN. If I could, I would like to just turn my attention to the issue of radiation portal monitors.

Earlier this year, the Government Accountability Office released a report indicating that DHS cannot meet its goal of deploying radiation portal monitors at our borders and ports by its target date of 2009, with the current funding levels.

Now, their report confirmed the Department of Homeland Security's estimated cost of deploying these monitors as more than $300 million short of the actual amount needed to acquire and deploy the 3,034 monitors the department says it needs in order to keep us safe.

Now, I worked very closely with Director Oxford at DNDO to continue deploying this important technology.

So my question is, do you believe that there are adequate funding levels for radiation portal monitors? And, if I could just ask again, what steps are you taking to ensure that our last best-chance technology will, in fact, be fully implemented by 2009?

Secretary CHERTOFF. I believe we have adequate funding levels. In terms of the technology improvement, we have begun to acquire next-generation radiation detection equipment, which I think goes by the acronym ASP, advanced spectroscopic portal, which we will also ultimately use to substitute in some of the existing radiation portal monitor spots. That is a little bit more specific, in terms of being able to detect the isotope, so you have fewer false alarms.

Now, that will not be fully deployed for quite a while. But I believe we are on target to have almost 100 percent coverage of the containers coming through our seaports by the end of next year.

Mr. LANGEVIN. I hope you won't hesitate to come back to this Congress and make the case for more funding if, in fact, we need that additional funding for 100 percent coverage at all of our ports and border crossings.

The consequences are horrific if a terrorist is successful in smuggling a nuclear device or weapons-grade plutonium or highly enriched uranium obviously across our borders, which I know you are well aware of. And it would be a shame if, for an additional finite pool of money that we could provide, if we are not getting you what you need.

I would like to turn my attention to the issue of interoperability. In your testimony to the Senate earlier this month and in the many subsequent interviews, you stated that this is a two-pronged problem. The first problem involves deploying adequate technology, and the other problem is getting local law enforcement and first responders to effectively be able to communicate.

Now, you have repeatedly stated that some of the rules in place make it difficult for effective communication. So, on this point, I would like to ask again what you are doing in order to work with states and localities to standardize these rules and promote optimal communication. And have you made any progress on this, to date?

And on the technology side, do you think that enough money is being spent to deploy interoperable technology?

Just on this one point, obviously being on this committee and working very closely with my first responders back home, this is

an issue that they are constantly talking about, they take very seriously. And Rhode Island, my home state, is making significant progress in moving toward a statewide interoperable communications system. In fact, we very well will be the first state in the country to have a fully implemented statewide interoperable communications system, again, provided the funding is commensurate with the job.

But if you could address these questions.

Secretary CHERTOFF. I think, if memory serves me, we have put about $2.1 billion in funding for interoperable communications. There is a technology currently available that allows you to bridge among these various types of frequencies. So the technology is there.

But there are some communities which don't have it yet. So we have undertaken a thorough survey, which is supposed to be completed by the end of the calendar year, that will evaluate not only just the technical means but the protocols and the governance in our largest cities and all the 50 states to see exactly what the gaps are.

If there are technical gaps, we can use some of the grant money to fill those technical gaps.

By the way, what we will also do, frankly, is identify those communities which have not been able to reach an agreement on things like what code they are going to use, or who is going to talk to who, or who is going to have the CON when people are communicating with one another.

And, frankly, we don't have the authority to order people to do this. This is the kind of thing that a fire department, a police department, emergency management group have to agree upon, or the mayor has to impose it. And I guess if they just can't reach an agreement we could order it, but I am not really sure what our legal authority to do that is. It is really something we have to shine a spotlight on and get the community to force the local leaders to reach those agreements.

Mr. GIBBONS. [Presiding.] The gentleman's time has expired.

The chair recognizes Mr. Rogers.

Mr. ROGERS. Thank you, Mr. Chairman.

And, Mr. Secretary, thank you for being here.

My subcommittee has spent a great deal of time over the last 2 years looking at Border Patrol issues, and I would like to start off my questions on that topic.

I have before me a list of courses that are taught to Border Patrol agents. And I would like to ask you, Mr. Secretary, do you believe that Spanish language courses can only be effectively taught by instructors who are Federal employees?

Secretary CHERTOFF. Spanish language courses? People teach Spanish all the time who are not Federal employees.

Mr. ROGERS. Okay. Do you believe that Spanish language courses can only be taught by Border Patrol agents?

Secretary CHERTOFF. I would give the same answer. I mean, my kids are taking Spanish, and they are not being taught by the Border Patrol.

Mr. ROGERS. How about CPR and basic life support? Must that be taught by a Federal employee?

Secretary CHERTOFF. Again, I mean, it needs to be taught in the context of the border by people who are familiar with the particular constraints in a border environment, when dealing with CPR and life rescue.

Mr. ROGERS. Okay. And that can only be done by a Federal employee who is—

Secretary CHERTOFF. I don't know who is available to teach those things. But I know the skills that they need are they have to be familiar with that environment.

Mr. ROGERS. How about boxing fundamentals? Does that have to be a Federal employee?

Secretary CHERTOFF. I think you could learn that in some good gyms, probably, in New York and—

Mr. ROGERS. Report writing?

Secretary CHERTOFF. I think you probably don't need to be—well, I won't be humorous. But I think you don't have to be a federal employee to teach report writing. You just need to know what is required in the relevant report.

Mr. ROGERS. Sexual harassment, HIV/AIDS awareness? Are those two courses that would require a Federal instructor teach them?

Secretary CHERTOFF. Not intrinsically.

Mr. ROGERS. Physical conditioning or a course in firearm safety and regulations?

Secretary CHERTOFF. Again, I mean, it has to be taught by somebody who is familiar with the particular demands of the Border Patrol job.

Mr. ROGERS. And you are saying all the things that we all know. It is just common sense. I could go on. There is a long list of courses that are benign and can be taught in virtually any academic setting, with the understanding that you have to orient it to the subject matter of jurisdiction.

But the reason I raise these is, last night, the House and Senate conferees to the Department of Homeland Security Appropriations Act met to discuss the provisions of this conference report. And they are including in this language a provision that would classify instructors at the Federal Law Enforcement Training Center as inherently governmental functions.

My question to you is, do you support that provision?

Secretary CHERTOFF. Well, I haven't seen the language of the particular appropriation measure, because I understand conference has only reached an agreement; it hasn't been released yet. So it is hard for me to give you an answer in the abstract.

I think it is a policy decision, whether Congress believes that this is the kind of thing that ought to be contracted out or it is the kind of thing that ought to be done by people who are fully employed by the agency. And—

Mr. ROGERS. Well, no, this is more than a policy decision. This is locking our hands. This is tying our hands and saying, "These courses, in our position, must be taught by Federal employees who are instructors as an inherently governmental function." And, in my view, it is ridiculous to say that teaching physical education is an inherently governmental function.

Let me ask this, to put it in context. Post–9/11, the Transportation Security Administration immediately needed to train thousands of Federal Air Marshals to secure our airports. Do you know how those FAMs were trained? Was it by Federal employees?

Secretary CHERTOFF. I was not around then. I have subsequently read newspaper articles that were critical of the process that was undertaken. Although I think that, in fairness to the people at the time, it was a crash program. And I think the method undertaken was intended to produce a very fast result under emergency circumstances.

Mr. ROGERS. Exactly. And that is the big concern I have with this provision that the conferees are considering, is that, from time to time, we are going to have exigent circumstances.

And it is my position that you, as the secretary, should have the latitude to go outside the box, if you need to, to meet the demands for training that we may have as the Federal government.

This language, if it remains in the conference report, will tie your hands and not give you that latitude. That is not only a practical problem for you from a manager's standpoint, that is a national security problem for this country, particularly given the shortages that we have on the Border Patrol.

And I hope that we get a second round of questions, because I would like to talk to you about the issues on the border and how we are going to meet the goals that the President and you have set by 2009.

And I thank you.

Mr. KING. [Presiding.] The gentleman yields back.

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

Mr. MARKEY. Earlier, in your response to Congressman DeFazio and the question of why the department does not require the screening of cargo containers overseas before they leave for a port in the United States, you said that calling for the screening of all such cargo for nuclear bombs over a 3-year period would be like calling for a cure for cancer in the next 3 years.

I think that is a faulty analogy. I think the better analogy would be that we called for the screening of all women to detect whether they had breast cancer in the next 3 years; to screen all American men to detect whether they had prostate cancer in the next 3 years.

We are not calling for an elimination of nuclear bombs any more than we would call for a cure for cancer. What we are saying, though, is that there are detection devices that can be put in place to protect Americans at an early stage against cancer or against a nuclear bomb.

And what I find flawed in your argument is that you set this up as almost an impossible standard, when we know that Hong Kong has already demonstrated that they can detect, using technology, nuclear materials, nuclear bomb materials on ships.

My fear is that while, Mr. Secretary, you are saying that after the terrorists are in the air coming to the United States from another country that it is already too late, that the same thing is also true with a nuclear bomb in a ship heading for a port in the United States.

Your administration opposed the amendment which I made to require screening of all cargo for nuclear bombs before they left a foreign port. I think it is a huge mistake. I think it is a terrible signal, 5 years after 9/11. I don't think that this Congress should leave without telling the American people that we are going to solve that problem.

And instead, what you are saying is that it is like trying to cure cancer, when in fact it is not. The technology exists. The capacity to do it exists. The will of the American people to have your administration use its leverage to have foreign governments cooperate with us exists.

And yet, your administration takes the greatest threat, that is, that loose nuclear materials overseas that could be obtained and purchased by al-Qaida are placed on a ship and brought to a port of the United States, which, at that point, is just too late.

And I just think that your administration has not done the job to protect us against the greatest al-Qa'ida terrorist threat.

Secretary CHERTOFF. Well, I guess I would say you have, kind of, a few false premises in this.

And I begin by saying, I think we all would desire to have radiation scanning before things are loaded on ships. And that is why we have been working very hard with foreign countries and foreign ports to put precisely those measures into effect. And we are doing that as we speak because we want to produce a solution with real results.

On the other hand, I don't want to beat the analogy to death, but it is a little bit like Congress mandating that every foreigner screen themselves for cancer. It wouldn't be a very effective mandate because Congress's writ doesn't run overseas.

And to take the Hong Kong port as an example, I think, to be candid, you are somewhat overstating the efficacy of what they do in Hong Kong, in terms of their ability. In order to make the throughput work, they had to set the bar so hard on the radiation detection that it really wasn't terribly useful. So we are looking at how to adjust that in a way that does make it useful.

Among other things, for example, in some ports the ground is so impregnated with inherently natural radioactive material that you can't really run a radiation portal monitor effectively because you are going to get a lot of false positives.

Mr. MARKEY. By the way, there is already detection devices available to be able to distinguish, using germanium detection devices and other technology. That technology also exists, as well.

Secretary CHERTOFF. And we are buying those. And we are buying those.

Mr. MARKEY. That is what I am saying to you. You keep throwing out these red herrings. We might as well put an aquarium out here, there are so many of them floating around.

It goes to the central question, do you support the goal of 100 percent screening of cargo containers that could contain nuclear weapons being screened coming into the United States overseas? Do you support that goal?

Secretary CHERTOFF. We are—not only?

Mr. MARKEY. Do you support that goal?

Secretary CHERTOFF. I am going to give my answer. Not only do we support it, but we are aiming at the goal of scanning the maximum amount of cargo that comes in from overseas through radiation portal—

Mr. MARKEY. But not overseas, Mr. Secretary.

Secretary CHERTOFF. No, no, I am sorry. What I—

Mr. MARKEY. Not overseas.

Secretary CHERTOFF. We are aiming at the goal of?

Mr. MARKEY. You are saying it is like curing cancer.

Secretary CHERTOFF. Well, I am not saying anything right now, because—

Mr. KING. The time of the gentleman has expired.

The gentleman from Nevada, Mr. Gibbons, is recognized for 5 minutes.

Mr. GIBBONS. Thank you very much, Mr. Secretary, for being here today. I know that if some of us had our way, you would be here every day; then you wouldn't get anything done and we wouldn't get anything done. And I appreciate the fact that you have got a big job ahead of you, and you are doing a yeoman's work in trying to put it together.

We have talked a little bit today about the process of grants. And we have talked about, just tangentially, the UASI grants. And I want to publicly thank you for the time you spent in my office earlier this year, talking about the Las Vegas UASI issue.

And I know that there has been a process whereby information now has been provided to your agency that wasn't available or wasn't included in that grant process. And I am hoping that, through that whole cycle of meetings and discussions, that there has come about a procedure or policy or even the ability to deal with information that is subsequently added in to those types of grants.

And I certainly would appreciate that kind of consideration within the department. Because not every grant is specific to a specific community with the details that allows for you to have the right information, and we understand that.

What I wanted to talk to you and ask a question about very briefly is information and intelligence-sharing coupled up or married with infrastructure today. Over the last several weeks, we have had this part of our food or agriculture infrastructure problem, the E. coli thing.

What important lessons has your department gleaned or learned over the last few weeks, with regard to marrying up the intelligence side of things, as we try to do, to be predicting, to be out there working, with the infrastructure problem that we saw with the E. coli attack here lately? Just discuss for us a bit.

Secretary CHERTOFF. Well, we actually have, as part of our infrastructure protection, we actually fund, I think it is in the University of Minnesota, a program that has a means to model and track outbreaks of food-borne poisoning or illness.

Now, obviously, Food and Drug Administration and USDA have the principal responsibility for dealing with outbreaks of food poisoning like E. coli. And I don't want to trench on their area, but we obviously are concerned about poisoning or something of that sort.

And the models would allow us to do pretty much what they did with this outbreak, which is to track back the source. Sometimes it is more difficult; sometimes it is less difficult.

But I agree, that is not, in and of itself, enough. And we are in the process of constructing—we have gotten to the first stage of this—a national bio-intelligence surveillance center, which would fuse this kind of clinical data with intelligence data, so that if, for example, you had an outbreak of a particular food illness, and there was some intelligence coming from overseas that someone was going to carry out a food-poisoning attack, that would right away tell you something very important that just having the clinical data wouldn't give you.

So I think you are exactly right in saying this ability to fuse regular intelligence and the clinical intelligence is important. And that is what our NBIS, national bio-intelligence surveillance, project is designed to accomplish.

Mr. GIBBONS. I yield back, Mr. Chairman. Thank you.

Mr. KING. The gentleman yields back.

The gentlelady from New York is recognized for 5 minutes.

And I would advise members that we have been told that votes may start as early as 12:10. It will be a series of votes that will take us through to 1:00, and I believe the secretary has to leave. So I would ask members if they could try to be as quick as possible.

The gentlelady from New York?

Mrs. LOWEY. Thank you, Mr. Chairman.

And thank you, Mr. Secretary. You have a huge job, and I wish you good luck.

As you probably know, for the last few years, I have been talking to you and Kip Hawley, since he has been placed in his position, that, to me, it is very irresponsible and unfortunate that tens of thousands of airport workers don't have to go through a metal detector. I do, my colleagues do, we all do. But when they go into secure or sterile areas, they do not have to go through metal detectors. This doesn't make any sense to me at all.

And we know that, in the British plot, one of the workers that were arrested wore a badge similar to the SIDA workers, and they were allowed to go through, allowed to function. So we know that this is a possibility, unfortunately. And we know that some workers at many airports have been accused of all kinds of plots. Okay.

TSA lifted some of the restrictions on liquid carry-ons, including now allowing passengers to purchase liquids and gels from within sterile areas—things like this liquid, this liquid.

When you talk to Kip Hawley—and he has said this publicly—that these items have been screened. Now, the department previously stated that it doesn't have the resources to inspect all airport employees and the goods that enter sterile or secure areas.

So what is the story? Are they screening it? Are they not screening it? Can Hawley's statement be verified by you, that we are now screening all items that are entering sterile areas? What about secure areas? If so, how are you able to do this now if you couldn't do it a month ago? And are we now physically screening all airport workers who enter an area, regardless of whether they may have a SIDA badge?

It is very upsetting to me that we know there have been incidents, certainly in London, incidents elsewhere, where workers may have gotten a SIDA badge 3 years ago, and they are allowed to enter these secure areas. Do you consider this a risk?

And if we are allowing these objects to go through, why can't we provide screening for all the workers?

Secretary CHERTOFF. Well, the SIDA badges, obviously to get a SIDA badge you have to be background-checked. And in addition to the badges themselves, there are in fact random inspections and other measures that are taken to protect the secured area. Goods that are shipped in, products that are shipped in to be sold in the secure areas are, in fact, it is my understanding, are, in fact, screened.

Mrs. LOWEY. Everything is screened?

Secretary CHERTOFF. I can't tell you exactly what the mechanics are, but my understanding is that the products which are brought in to be sold are screened, so that if you are going to go to a store and buy a product, it will have gone through some kind of a screening product.

Mrs. LOWEY. So 10 bottles of foaming face wash are screened?

Secretary CHERTOFF. Well, the little bottles are what you are allowed to bring in through the checkpoint.

Mrs. LOWEY. Or you can buy them.

Secretary CHERTOFF. Well, you can buy anything there. And everything in the sterile area is supposed to be, in some fashion, screened or checked—

Mrs. LOWEY. Excuse me. If I can get a written response to that question—

Secretary CHERTOFF. Yes, I will get you a written response.

Mrs. LOWEY. —I would like to know if every product that is brought into this secure area is actually screened.

And secondly, what about these workers? They do get badges every 3 years, but what happens in the interim? You are saying that you have confidence that every worker who has that badge cannot be a threat to the security of passengers who are going to go on a plane.

Secretary CHERTOFF. What I am confident of is that there is a layer of protections in place, involving not only the background check for the badge but also involving the presence of guards, the presence of dogs, the random inspections which are being conducted of people who are employees who are coming into the sterile area. And that, while no one of these is 100 percent fullproof, because nothing in life is 100 percent fullproof—

Mrs. LOWEY. Excuse me, Mr. Secretary. You know that there were people with SIDA badges that were arrested at Dulles.

Secretary CHERTOFF. This was—

Mrs. LOWEY. You know that. This was approximately about a year ago.

Look, it seems to me, if we are taking every precaution, I would like to know what it would cost and why we can't spend that, when we are spending billions of dollars to make sure that everyone who goes into a secure, sterile area goes through a metal detector.

Mr. KING. The time of the gentlelady has expired. I would ask that the secretary give a written answer to that, since we have, roughly, a 10-minute time frame here now.

The gentlelady from Florida, Ms. Brown-Waite, is recognized. If you try to keep it to 2 or 3 minutes, then everyone will get a chance to—

Ms. BROWN-WAITE. Yes, sir, I certainly will try.

Mr. Secretary, thank you for being here today. You have had some tough questions, and I know you answer them to the best of your ability.

On August 28th, I wrote a follow-up letter to you about TSA's access control and perimeter security vulnerabilities, exactly the same issue that Mrs. Lowey was raising.

I since have found out through some friends that I have that a search was done of the Tampa airport workers about 18 months ago, and they found, I believe the person told me, about 20 illegals who had these badges.

I still don't have an answer to my August 28th letter, which was a follow-up on the issue that I raised and Mrs. Lowey, at the time, also was concerned about, that I raised at the hearing.

I think what we need to be very careful of is that we are not giving people a false sense of security. And I would like to know when I can expect an answer to the letter—

FOR THE RECORD

PREPARED STATEMENT OF THE HONORABLE GINNY BROWN-WAITE

Thank you Chairman King for holding this important hearing and thank you Secretary Chertoff for appearing before us today to discuss FY 2007 initiatives for the Department of Homeland Security.

I appreciate the work you have done for the Department, leading it through some very trying times in the history of our nation. You have gathered qualified leaders to help mold and shape legacy agencies to face 21st century problems, like Chief Intelligence Officer Charlie Allen and new Undersecretary for Science and Technology, Admiral Jay Cohen.

However, I must share with you my concern that DHS is overlooking several vital issues. For instance, I wrote you a letter on August 28th detailing some of my concerns about TSA operations management. As you know, the recent London terror plot involved an airport worker, and I am very concerned that our airports continue to be vulnerable. I ask that you take my concerns seriously and address this security gap in future Department planning.

Additionally, I recently met with local law enforcement officers in my district who are having trouble with ICE. State and local officers are acting in good faith to enforce federal immigration law; however, when they call ICE agents to pick up the illegal aliens they apprehend, ICE is unresponsive. If we are serious about border security and serious about ending "catch and release," we cannot dump the problem of arrest and detention on state and local law enforcement. They have their hands more than full with protecting Floridians.

I know that Florida has an MOU with DHS so that state and local officers can be trained and act as ICE officials in helping to enforce immigration law, per the 287(g) program, yet that assistance cannot take the place of an effective and responsive ICE force. Frankly, I do not think I should be hearing from officers in Florida that we are failing them, while at the same time we tout to the American people our accomplishments in enforcing immigration laws and detaining illegal aliens. I ask that you continue to oversee ICE's cooperation with state and local law enforcement so that we can truly get a handle on our border security, and have effective detention and removal procedures.

Finally, I must express to you my grave concern over a recent report that ICE closed its Bradenton detention center in Florida. With the number of illegal aliens overrunning our borders, I cannot comprehend the reasons for closing a centrally located facility. I understand that DHS officials are now forced to transport individ-

uals from the Tampa area over to Orlando and then they are met by other DHS agents who bring the illegal to the Miami Detention Center. This is a significant drain on DHS's precious resources and its agents' time.

Mr. Secretary, you know as well as I do that our national security hinges on our border security. We cannot afford to be complacent in this area. I look forward to continue working with you to secure our nation's vulnerabilities and keep Americans safe.

Thank you, Chairman King, for the opportunity to speak with Secretary Chertoff today, and I eagerly anticipate hearing about the FY07 initiatives for DHS.

Secretary CHERTOFF. We will get it out?

Ms. BROWN-WAITE. —which was a follow-up to February, and we are at the end of September here.

Secretary CHERTOFF. Well, I will see to it that you get an answer in the next couple weeks.

Ms. BROWN-WAITE. Well, that is, I guess, at least a time frame.

The other issue that I have concern about is, I understand that a detention center for illegals was closed in Florida. And it was the one down in Bradenton.

Let me share with you, I had a discussion with several law enforcement members, sheriffs, a week and a half ago, who expressed concern, they call it the "I can't get there" excuse when they call ICE. They have someone who is an illegal alien—well, if you are closing detention centers, and for the few that are transported they have to be driven over to Orlando and then taken down to Miami, it is no wonder the response that they are getting is, "We can't get there."

If you had to close a detention center, sir, good planning would say that you had another one that you could have opened up. And I really would like the answers to that.

Secretary CHERTOFF. Well, I can't tell you the specific analysis of why they felt the Bradenton center was the best one to close. I mean, we have increased the number of detention beds, but the way we array them depends upon what the flow is and what the demand is. So, the Customs and Border Protection has to analyze what the usage is and whether we can combine in a couple places.

Now, it is true that means there will be fewer places and it may be a little bit more travel. But we can't afford to keep centers open if they are not being fully utilized, because we have got a limited amount of resources.

Now, I can respond to you and let you know what the thinking was, specifically with respect to this center. But we obviously all are trying to get the maximum usage and efficiency out of the resources we get from Congress.

Ms. BROWN-WAITE. Let me just follow up on that. Apparently it was because of some construction issues there that your department felt it was a danger. But if it was a danger and if it was necessary—and I am told that it was at capacity—then, you know, we need to have something also in the Tampa Bay area.

Certainly other areas—you know, Texas, California, all along the southern border—have problems, but we have problems in Florida too. And I can just tell you that the morale of the local sheriffs, when they get told, "We can't get there" or "We don't have the manpower to transport them to Miami," doesn't send the right signal either to law enforcement or to taxpayers or to members of Congress from the state of Florida.

Secretary CHERTOFF. Well, as I said, look, putting aside the issue of the centers, there is a certain amount of manpower that ISE has. And, as with anything else, there are competing demands and priorities.

And, speaking about sheriffs, when I was a federal prosecutor for over 10 years, we did not prosecute every single case, because there was a limit on the amount of cases we could bring. The agents didn't arrest every single person, because there was a limit on the number of cases they could bring.

So I think the sheriffs understand, if they have been in law enforcement, that we are always trying to focus on the highest-priority things, and we are competing for those items.

Now, the appropriations bill gives us additional resources. You can be assured we will use them effectively. But there will always have to be some process of prioritizing.

Mr. KING. The time of the gentlelady has expired.

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

Ms. HARMAN. Thank you, Mr. Chairman.

Mr. KING. And there are 9 minutes left in the vote.

Ms. HARMAN. And welcome, Mr. Secretary.

As I have been sitting here a while, I have reflected on the fact that our committee, which few people thought would be a serious and substantive committee, has really become a very serious and substantive committee. And I want to thank you and the ranking member and the hard-working staff for putting together a series of extremely interesting hearings, including today's, which gives us this chance to stop putting out fires and look forward.

I am sure it is a relief to Secretary Chertoff to focus on other issues than Katrina, although it was fair game to have you focus on Katrina for the period that you did.

I was a strong support of this department, but, looking back, I think we were extremely ambitious. And when you took over, Mr. Secretary, you had a big challenge, to change cultures in 22 agencies, to restore morale, to find better management, and to impose a strategy on the place.

And some of your initial first steps were not perfect, but I think it is much better. And I think you have made yourself the public face of the department, which was a key thing for you to do. And I want to commend you for doing that.

I also want to commend you for engaging personally with many members of this committee, I would hope all of us, on a nonpartisan basis to work on problems with us. That is refreshing.

And in my case, for two trips that you made, so far, to the Los Angeles area, to look at the ports, the airport, how TSA is doing, how well schools are prepared, how we are doing with our interoperable communications system and so forth. These are the critical issues that communities like mine and communities like everyone's face. And you have engaged hands-on, and it is very welcome.

Everyone has questions, and it is late, but I wanted to focus mine on port security. As we discussed as recently as yesterday, it is critical that the House and Senate resolve differences on the big bills that have passed.

Neither bill is perfect. I don't think perfection is an option. I personally support the Markey amendment, but that is not in these bills.

At any rate, I would like to ask you personally what additional steps you are taking to engage with the House and the Senate to see if we can close the differences and get a conference report filed this week so we can vote on it this week.

Secretary CHERTOFF. Well, first of all, let me say it is not only a pleasure but it is always instructive to go out to Los Angeles and talk not only with you but with the local leaders. Because it is a great example of how everybody comes together. That is a place where you do get a lot of cooperation, and it is a real force multiplier. And I think the public ought to be pleased with your leadership and the leadership of your colleagues in the state and local government, in terms of how they deal with things down there.

You know, we support the port bill. And I think it is appropriate and timely to have port legislation. I have been in discussion with people in both houses, as have others in the legislative affairs office. What we want to do is, let's have a ports bill. Let's not have a goulash bill.

And so, I think our impulse has been, although recognizing that the legislative process does sometimes attach some elements to a port bill that might not be strictly port-related, if it becomes so much that it begins to weigh down the underlying vehicle, then we begin to have a problem.

Not every issue is going to be addressed through this bill. I think the bill, as it came out of the House, was a good bill. Clearly, if there are some additional measures to be put in place to address some related issues, like transit, that is fair game. But it should be with a minimum of encumbrance and micromanagement and things that would distort or unduly micromanage the funding process.

So that is the message I am consistently carrying. And this is very much, as you know, a work in progress. I am sure there will be a lot of discussion over the next 24 hours about this.

Ms. HARMAN. Well, I hope we come to closure. The bill that passed the House 421 to 2 was authored by this committee, and it is a great credit to this committee. And, Mr. Secretary, any more that you can do to close on this, to bring guaranteed funding and layered container security to America's ports, I think will be appreciated by the American people.

Thank you, Mr. Chairman.

Mr. KING. I thank the gentlelady for her questioning. And I just want to say to the secretary and to the gentlelady that there have been strong bipartisan efforts to try to bring this bill to fruition, and right now I am cautiously optimistic we are going to go there.

I also thank the gentlelady for her modesty in giving the committee credit for the bill, when it was actually hers and Congressman Lungren's. And I appreciate that.

Ms. Lofgren, we have 4 minutes and 19 seconds to go. You are recognized for as much time as you wish, up to 5 minutes.

Ms. LOFGREN. Thank you, Mr. Chairman.

The terrorists who attacked us on 9/11 all came in with visas, and many of them would not have been admitted had we had a bio-

metric system that alerted the inspector at the port of entry that they were inadmissible.

And one of the things that I have focused in on, as you know, is the utilization of biometrics.

In your opening statement, you indicated that we would be moving to 10 prints on the IDENT system, which is good, since, in 2004, 2 years ago, the inspector general's office in the Department of Justice indicated that the IDENT watchlist with the two fingerprints failed to identify more than 70 percent of the criminal immigrants encountered by Border Patrol agents.

So I have some simple questions. When will we be fully transitioned to the 10 fingerprints? When will we have U.S.–VISIT deployed at all points of entry? When will we have the exit system fully deployed?

And another issue: We had language in our authorization bill last year and the year before, I believe, indicating that, until we have benefits sorted and filed by biometrics in the benefits section of immigration, we will not be able to fully integrate this. When is that expected to be implemented?

Secretary CHERTOFF. Well, let me say, first of all, U.S.–VISIT, in the two-print VISIT, which is identification purposes, is fully deployed at all the ports of entry for entrants. The 10 prints—

Ms. LOFGREN. Including land entrants.

Secretary CHERTOFF. Yes, but it is only used in secondary for land entrants, which is to say for non–Canadians and non–Mexicans and non–Americans.

Ms. LOFGREN. So is there a plan to fully implement it all in?

Secretary CHERTOFF. I don't think we are going to require Canadians and Mexicans to go through U.S.–VISIT. That would essentially destroy cross-border trade, and I think there would be an uprising from all the border states if we were to do that. I don't think it is necessary because we are going to address that through the Western Hemisphere Travel Initiative, where—

Ms. LOFGREN. Actually, the Canadians told me and Mr. Simmons they would prefer that to the implementation of a document that they think is going to destroy communication between—

Secretary CHERTOFF. I will tell you, I would be interested to hear that, because I have never heard anything of that sort. And I can tell you the time it would take to do that, given the rate of traffic, would be just a huge, huge imposition on the ports of entry.

With respect to 10-print, we are going to start rolling out the 10-print machines in foreign consulates this autumn. And we anticipate, in the next 2 or 2 1/2 years, having them in the countries where we require visas and at the ports of entry.

But let me make clear, the idea is to capture the 10 prints only one time. After that, the two prints suffice, because the two prints will key in to the 10 prints which will be in the database. You don't need to take the 10 prints each time.

So that is something we are looking to get done in the next 2, 2 1/2 years. And that is a very high priority for us, because I think it really adds benefit.

Ms. LOFGREN. What about the exit system? What is the bottom line on that?

Secretary CHERTOFF. The exit system I think is more challenging, because there are a couple of questions that have to be asked about it.

First of all, is the value of the exit system commensurate with the expense of deploying it? Obviously the point of the entry system is to keep bad people out. But once people are in the country, and if they get a 90-day visa, for example, detecting their departure, while it may be very useful for purposes of managing the immigration problem, it doesn't add that much value with respect to terrorism, because someone will carry out the plot on day 89 instead of day 91.

Ms. LOFGREN. We have only got about a minute left. I don't want to be rude, but we have to vote.

Where are we in terms of implementing the filing of benefit matters by biometrics?

Secretary CHERTOFF. I will have to get back to you on that. I don't know the answer to that.

Ms. LOFGREN. I want to ask one other question. I had an opportunity to spend some time looking at our consular processes over the recess. And one of the things that struck me was, in the homeland security act, we mandated that visa security officers would be assigned in various consulates and embassies around the world. And I believe they have only been assigned in a handful, primarily in the Middle East.

Right now the consular staff does not have access to the law enforcement information that the VSO officers would have. Don't you think it would be worthwhile to delegate to the consular staff that law enforcement clearance, so that they could process these matters promptly? I mean, obviously, their state department—

Mr. KING. The time of the gentlelady has expired. I would ask the secretary to give a very brief answer or submit his answer in writing.

Secretary CHERTOFF. I am willing to consider that. I have to talk to the State Department and see what their views are.

Mr. KING. I want to thank the witness, Secretary Chertoff, for your very valuable testimony.

I want to thank the members for their questions.

The members of the committee may have additional questions. I would ask you to respond to these in writing. The hearing record will remain open for up to 10 days.

The chairman again thanks the members of the committee.

Without objection, the committee stands adjourned.

We thank you, Secretary Chertoff.

Secretary CHERTOFF. Thank you, Mr. Chairman.

[Whereupon, at 12:24 p.m., the committee was adjourned.]

Questions for the Record
House Homeland Security Committee
"The Department of Homeland Security: Major Initiatives for 2007 and Beyond."
All responses are current as of the date of the hearing: September 26, 2006
Secretary Michael Chertoff

Questions from Representative Mike Rogers of Alabama

1. On September 29, 2006, the House and Senate approved the Conference Report to accompany the Department of Homeland Security Appropriations Act for Fiscal Year 2007. Contained in this appropriations bill is a requirement that instructors at the Federal Law Enforcement Training Center (FLETC) be classified as inherently governmental under the Federal Activities Inventory Reform Act (FAIR Act).

• Do you support this change to the classification of FLETC instructors?

Response: Section 544 of the Department of Homeland Security Appropriations Act for Fiscal Year 2007 overrides Executive Branch discretion to consider public-private competition. The Department opposes provisions that limit competitive sourcing. The Department believes that precluding public-private competition may deprive the Department of the operational efficiencies to be gained by competition, and limits its ability to direct Federal resources to other priorities.

With respect to any future changes in the classification of FLETC's law enforcement instructors, DHS believes wider discussions should take place, including consulting the many partner organizations outside of DHS's jurisdiction for which FLETC has a training stewardship responsibility.

• Given the dramatic increase in demand for FLETC training since the terrorist attacks of September 11th, will the Department be able to meet future surge training requirements under this new provision?

Response: Yes. FLETC has sufficient capacity to provide the Border Patrol training and to train the requisite number of deportation officers for the Immigration and Customs Enforcement (ICE) Agency. FLETC also can realize additional 15%-18% capacity by implementing a six day training week.

2. Immediately after the terrorist attacks of September 11th, but before the establishment of the Department, FLETC, working with the Transportation Security Administration, trained thousands of Federal Air Marshals (FAMS) to secure commercial air travel.

• How were these FAMS trained?

Response: In the aftermath of 9/11, the Federal Air Marshals Service was tasked with hiring and deploying thousands of additional Federal Air Marshals (FAMs). The responsibility for training these law enforcement personnel initially was given to the Department of Transportation prior to the starting up of DHS as a department. FLETC was asked to assist in this process. Glynco conducted the first Pilot Federal Air Marshal Training Program and Specialized Basic in October of 2001. Subsequent classes to meet the deployment numbers were assigned to Artesia.

In June 2005, CBP specifically reviewed the FAIR Act classifications of CBP law enforcement functions. After reviewing the authorities vested in these individuals, CBP concluded that the Border Patrol Agent is an inherently governmental position in that it requires performance of numerous activities that fall within the definition of that phrase under the FAIR Act.

Border Patrol Agents have authority delegated from the Secretary of the Department of Homeland Security to perform numerous inherently governmental law enforcement tasks, including boarding and searching vessels, making arrests for violations of any Federal law, and executing and serving orders, warrants, summons and subpoenas. The authority to perform these activities is set forth in the Immigration and Nationality Act, 8 U.S.C. § 1357, and 8 C.F.R. § 287.5. These activities fall squarely within the FAIR Act definition of inherently governmental functions and simply cannot be performed by security guards or other contractors. Although other types of work now performed in the border environment may be contracted out, the FAIR Act prohibits CBP from contracting out Border Patrol Agent positions. In light of the fact that the FAIR Act focuses on "functions" and "activities" rather than positions, CBP shall work with DHS' Director of Competitive Sourcing to review the Border Patrol Agent program and job description to determine whether any activities and/or functions currently performed by Border Patrol Agents would be appropriate for performance by the commercial sector.

4. In May, I met with then Acting Commissioner Spero to discuss the use of private sector resources to secure the borders. At that time I asked to receive a list of functions performed by Border Patrol agents that the Border Patrol considers inherently governmental. I would appreciate your assistance in ensuring that this list is provided to my office.

Response: Border Patrol Agents can operate in a wide variety of climates, terrains, and geographically diverse areas. Whether it is on the northern, southwestern, or coastal border, Border Patrol Agents typically work in remote and dangerous areas or locations. Patrolling the border requires a Border Patrol Agent to respond and to react to numerous dangerous and life-threatening situations at a moment's notice. Agents often work alone and routinely encounter large groups of smugglers, criminal aliens, parole violators and other wanted individuals without having back-up readily available, and where the direct application of their discretionary arrest decisional authority is expected. Border Patrol agents work under several statutory legal authorities and perform a variety of job specific functions under Titles 8 (immigration), 18 (federal criminal laws), 19 (customs), 21 (drugs), and 31 (money laundering / bulk cash smuggling) Agents must also be fluent in foreign languages and familiar with cultural norms in order to question and determine the immigration status of international travelers. Border Patrol Agents must also be proficient with a broad range of roles and responsibilities, ranging from being able to operate specialized devices and equipment to having an intimate familiarity with a variety of federal laws, tactics, operational planning, processing and administrate forms, and visa conditions and restrictions.

Currently, as a part of their job, Border Patrol agents perform a wide range functions including: arrest individuals violating the law; interview and interrogate criminal suspects; assist other

agents or law enforcement agencies with police functions; testify in court; present criminal cases to the U.S. Attorney's Office for prosecution; prepare and process administrative cases; verify immigration documents; conduct roving patrols; adjudicate seized vehicles; perform linewatch duties, checkpoint operations, bus and train checks, and airport operations; tracking and sign cutting; cargo inspection; collect, analyze, and disseminate border intelligence; cultivate informants; comply with standards for use of force/use of police powers; conduct general law enforcement; perform desk officer duties; transport suspects from point of arrest to the station; liaison with Mexican or Canadian law enforcement agencies; conduct jail checks; participate in joint task forces with other Federal, State, local and tribal law enforcement agencies; qualify quarterly with firearms and weapons; perform search and rescue missions; respond to emergencies and civil unrest; participate in special operations or special response teams such as Border Tactical Team (BORTAC), Border Search, Trauma, and Rescue Teams (BORSTAR), and Border Criminal and Alien Program (BORCAP). Agents in certain Sectors are also authorized or granted Peace Officer status.

Certain functions are specifically authorized to Border Patrol Agents by statute: board and search conveyances; administer sworn oaths; conduct immigration and customs inspections; seize narcotics, contraband, and vehicles; and lawfully enter onto private property within 25 miles of the border for the purpose of patrolling the border. The ability to access private lands is absolutely essential in order to be able to perform the functions of an Agent since large areas of the Southwest border would otherwise be legally inaccessible.

In addition, Border Patrol Agents provide training and instruction in Spanish, vehicle pursuits, firearms, physical techniques, operations, and self-defense at the Border Patrol Academy. Border Patrol Agent instructors provide operational expertise, knowledge, and practical application of these skills and special tactics in relation to the border environment. This operational experience from all of the Border Patrol Instructors (e.g., firearms, Spanish, pursuit driving, etc) enhances the recruit's understanding and knowledge of border-specific situational awareness. In addition, these Border Patrol Instructors serve as mentors to these new recruits.

In many cases and in our more remote locations in particular, many of the inherently governmental functions performed by our Border patrol Agents are inseparable from those that might otherwise be performed by a contractor. Separability is also a key element in the determination of what recurring work is inherently governmental and what work can be considered for performance under contract. Although other types of work now performed in the border environment (such as building roads and fencings, repairing vehicles, clerical, maintenance repair, intelligence support, communications support, and asset forfeiture support, etc.) may be contracted out, the FAIR Act prohibits the Border Patrol from contracting out Border Patrol agents. CBP will review the Border Patrol Agent job description to determine whether any of the tasks are appropriate for performance by the commercial sector. For example, inFY2007, the Border Patrol is implementing a $50 million dollar contract with Wachenhut to provide alien transport services along the Southwest border to transport apprehended aliens from the Border Patrol stations to the ICE detention facilities.

5. In 2004, Congress authorized the addition of 2,000 new Border Patrol agents per year. How many new agents have been added to the Border Patrol force since that time? Please provide a quarterly breakdown of the numbers of new agents added, including a separate breakdown for replacements due to attrition.

Response: The following table outlines the number of new Border Patrol agents recruited, the number of new recruits who are approved and waiting to go through training, the number of recruits who are discontinued and the number of recruits who have completed training.

Response – Chart 1:

Fiscal Year	**FY 2004**	**FY 2005**	**FY 2006**
Entered Pipeline[1,2]			
1st Quarter	1288	0	3025
2nd Quarter	1490	572	1003
3rd Quarter	11	2861	4060
4th Quarter	1425	3975	2420
FY Total	**4,214**	**7,408**	**10,508**
Discontinued[1,3]			
1st Quarter	114	6	50
2nd Quarter	110	47	83
3rd Quarter	22	102	180
4th Quarter	22	60	85
FY Total	**268**	**215**	**398**
Approved and Waiting for Training[1,2] **– Snapshot at End of Each Quarter**			
1st Quarter	73	225	516
2nd Quarter	81	291	933
3rd Quarter	213	345	1010
4th Quarter	240	345	942
FY Total	**607**	**1,206**	**3,401**
Started Training[1,4]			
1st Quarter	468	50	344
2nd Quarter	394	244	348
3rd Quarter	54	289	497
4th Quarter	0	343	700
FY Total	**916**	**926**	**1,889**
Attrition[1,5] **– From the Academy**			
1st Quarter	109	9	57
2nd Quarter	90	48	61
3rd Quarter	4	48	119
4th Quarter	0	60	75
FY Total	**203**	**165**	**312**

Graduated[1,6]			
1st Quarter	302	39	278
2nd Quarter	254	187	275
3rd Quarter	43	233	176
4th Quarter	0	275	0
FY Total	**599**	**734**	**729**

Numbers in shaded cells refer to classes still in session, which includes about 800 FY 2006 students.

[1] As of September 28, 2006; data for "entered pipeline" and "discontinued" from HRM; data for "training starts," "attrition," and "graduated" from OTD from its automated Academy Class Management System.

[2] BPA # selections that were made.
[3] Approved to go to training but dropped out while waiting to begin training course.
[4] Starts occurring during the FY.
[5] Trainees who left BP employment during the time they were at the BP Academy.
[6] Graduates reported in FY in which they start, even if class graduates in following FY.

Total attrition – Chart 2:

Fiscal Year	**FY 2004**	**FY 2005**	**FY 2006**
Total Attrition[1]			
1st Quarter	168	83	142
2nd Quarter	205	128	227
3rd Quarter	146	119	191
4th Quarter	131	117	262
FY Total	**650**	**447**	**822**

[1] Total attrition includes attrition from BP training academy stated in table #1.

6. Please explain how the Border Patrol will be able to add 6,000 new agents to its force by the end of the first quarter of FY 2009.

Response: Multiple initiatives are underway to ensure that this hiring goal is met, including the Recruiter Sponsor Program, the Military Transition Center Initiative, and the expansion of compressed testing sites. CBP is also exploring other options for accelerating the hiring and training of our Border Patrol agents. We are reviewing adding locations for compressed testing, based on unemployment rates and demographics, in order to increase the total applicant pool. We are also reviewing a recruiting and hiring plan that places the complete recruiting, testing, and hiring function in a single location that is closer to designated duty locations in order to reduce the time between application and Entry on Duty. We are looking at external sources to

supplement and expand the recruiting force, thereby capturing more applicants from more locations in the same amount of time. We have worked with the Department of Defense's Transition Assistance Program, which was designed to smooth the transition of military personnel, civilian employees, and family members from DOD service. Specifically, we have worked over 170 individual DOD installation commanders across the military branches in order to integrate CBP recruiting with their Transition Assistance Programs. In some locations the National Guard and Reserves are a source for qualified applicants as well.

The following outlines new Agent hiring on a quarterly basis. The increase of 8800 hires, depicted below, is necessary to increase net hires by 6,000, accounting for attrition (based on FY 2006 levels).

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
FY 2007	500	800	1150	1150	3600
FY 2008	800	1000	1275	1275	4350
FY 2009	850				850
					8800

Note: The numbers account for attrition projections through December, 2008.

7. Given the Border Patrol's current loss of an average of 700 agents per year, the Border Patrol will need to put approximately 8,800 recruits through training in order to meet the goal of 6,000 new agents by early FY 2009. Is this correct?

Response: CBP's plan to increase the Border Patrol Agent strength accounts for the attrition rates and projected them to the first Quarter of FY 2009.

• If so, what steps is the Border Patrol taking to ensure that it can recruit a sufficient number of new agents to meet its goal?

Response: CBP has implemented several recruiting process improvements and new processes to augment the traditional methods of recruiting and hiring including:

- Revitalized national recruitment program
- Established Border Patrol Agent Sponsor Program
- Improved communication with applicants with "encouragement calls"
- Established a Military Transition Center Initiative
- Raised the maximum hiring age for Border Patrol Agents to 40 to open opportunities to military personnel
- Streamlined the Border Patrol application process
- Expanded the use of "one-stop" compressed testing sites
- Implemented E-Quip to automate submission of background investigation forms

• What steps is the Department taking to ensure that the Border Patrol has a sufficient number of supervisory level agents to properly manage and oversee its growing force size?

Response: CBP Border Patrol is conducting a comprehensive analysis concerning the impacts involved with the hiring of 6,000 additional Border Patrol agents. A portion of the analysis will provide CBP Border Patrol with a requisite number of supervisors to ensure an appropriate ratio for managerial oversight. A number of initiatives have been implemented to prepare CBP Border Patrol for the hiring of supervisory level agents in order to meet the growing force size, including:

- Identifying by region the appropriate supervisor to agent ratio;
- Evaluating and assessing the existing supervisory training program;
- Considering mentor programs that would prepare journeyman level agents for supervisory positions;
- Conducting an impact analysis of existing journeyman level agents being promoted to supervisory positions; and
- Developing a streamlined supervisory announcement and selection process.

8. On September 21, 2006, you announced the contract for the technology component of the Secure Border Initiative (SBI), referred to as SBI*net*. What criteria did DHS use to select the Boeing Team as the contractor for SBI*net*?

Response: The Government evaluated the offeror's capability and approach for achieving the SBI*net*'s Statement of Objectives against the following evaluation factors:

Factor 1 - Technical: The proposed technical solution, provided in writing and in the oral presentation, was evaluated for its quality and the extent to which it will achieve SBI*net*'s Statement of Objectives, including the program objectives as reflected in the solicitations scope of work.

Factor 2 - Performance Measures and Incentives / Disincentives and Quality Assurance Surveillance Plans (QASPs): The proposed performance measures and QASPs were evaluated for how comprehensive they were; how well they demonstrate how the proposed plans would achieve DHS's border security objectives; how well they will advance DHS toward achieving its goal of border control by the fourth year of contract performance; the extent they commit to the highest level of service, consistent with cost effectiveness and proposed performance thresholds; and several other elements.

Factor 3 - Management Plan: The management plan was evaluated for the degree to which it presents a sound partnering approach to the management of the SBI*net* program. Also evaluated was the degree to which it demonstrates the application of proactive and predictive management tools and techniques to reduce risk and provide a high degree of confidence that the offeror will meet the stated SBI*net* objectives in a timely and cost effective manner.

Factor 4 - Performance Risk: Performance risk was evaluated by the degree of confidence (risk assessment) that the Government has, based upon information in the offeror's SBI*net* Proposal, that the proposed technical and management approach will achieve the SBI*net* Statement of Objectives. Performance risk included an assessment of the probability that the technical

approach will perform as proposed and that the management structure will identify and overcome internal and external impediments to successful performance.

Factor 5 - Past Performance and Customer Satisfaction: The past performance evaluation focused upon the degree to which the offeror's past and present performance with programs similar in size, scope and complexity as SBI*net* adds to the Government's confidence in the offeror's ability to successfully deliver results that meet performance and customer satisfaction standards. The past performance evaluation examined the offeror's actual performance on similar efforts from January 2000 to May 2006.

Factor 6 - Subcontract Plan: The subcontract plan was evaluated for completeness and the strategy for meeting and/or exceeding CBP's goals in each socio-economic category.

Factor 7 - Offeror's Proposed Task Order: The offeror's proposed task order was evaluated for its technical approach and achievability, as well as the extent to which the proposed task order demonstrated the feasibility of the proposed overall solution.

Factor 8 - Cost/Price: The Program Management task proposal and the Tucson Sector task proposal were evaluated for reasonableness, realism and price risk, and the offeror's proposed task order was evaluated for realism and price risk. The Rough Order of Magnitude (ROM) and the basis of the estimate, with the work breakdown structure, were evaluated for realism (i.e., consistency with the proposed concept of operations) and price risk.

• What aspects of the contractor's proposal were most compelling?

Response: Boeing's proposal was evaluated against the source selection factors as outlined above in the previous question, and demonstrated an excellent understanding of border security requirements. Boeing presented an integrated solution that includes a comprehensive plan to optimize the mix of personnel, technology, and infrastructure on the border, at and between the ports of entry. Its proposal contained an approach and plans that provide a high degree of confidence that the proposed solution will achieve the SBInet objectives.

• What are your long-range objectives for SBI*net,* and how will you ensure that the contractor successfully meets those objectives?

Response: The long-range objectives for SBI*net* are discussed in the SBI*net* Strategic Plan and are summarized into three goals:

Goal 1: Ensure border security by providing resources and capabilities to gain and maintain control of the Nation's borders at and between the ports of entry.
The SBI Program Management Office (PMO) will guide the effort to determine the optimal mix of personnel, tactical infrastructure, response platforms and technology solutions required to gain and maintain control of the border between the ports of entry. Thecontractor can provide analysis

capabilities, demonstrations and operational models. The PMO will use all of these techniques to determine the best value solution prior to making investment decisions.

Goal 2: Lead development and deployment of a Common Operating Picture.
The PMO, in collaboration with CBP operational elements, Immigration and Customs Enforcement (ICE), Coast Guard and other Homeland Security stakeholders, will develop an integrated process and set of requirements that will provide capabilities to include friendly force identification, actionable intelligence, command and communications. The PMO will develop an open architecture that fulfills the requirements using reliable industry standard hardware and software to provide interoperability, commonality and information. The architecture will be available to Federal, State, local and tribal entities as identified by CBP.

Goal 3: Provide responsible acquisition management
The SBI PMO will use of competition, balance risk between CBP and the contractor, reflect the trade-offs between planning and budget and meet the needs of the stakeholders and customers.

• How will DHS ensure that this multi-billion dollar program is managed well and cost-effectively?

Response: DHS is taking several steps to ensure that the SBI*net* Program will be managed well. The first is staffing an SBI Program management Office (PMO) with appropriate numbers of skilled and trained personnel. Government officials filling major roles with the PMO are already or in the process of attaining/renewing their program management certifications. There is an appropriate number of certified Contracting Officer Technical Representatives (COTRs), warranted Contracting Officers, and Contract Specialists dedicated to the SBI PMO, and additional contracting specialists will be added as needed in the future.

The contractor will align its staff structure to the PMO's. The PMO developed a draft Program Management Plan that is being used by the Government staff. The cContractor has already submitted, and the PMO has already reviewed, the draft Program Management Plan. The PMO and the contractor will form Integrated Project Team to coordinate and finalize both plans to ensure that roles and responsibilities are clearly understood.

The SBI*net* Program is following the Systems Engineering Management Process (which is the foundation for DHS and CBP development lifecycles) to derive requirements, design the solution and implement the resulting technologies and infrastructure for SBI*net*. This process has several checkpoints that allow the Government to exercise its oversight responsibility with respect to the contractor's work products. The PMO will also hold monthly Program Management Reviews with the contractor to discuss the progress of the task orders under the contract. Earned Value Management (EVM) will be used to provide a standard measure of progress. Risks will also be reviewed and addressed on a regular basis. PMO plans call for weekly risk reviews as well as risk assessments at significant milestones in the projects.

The SBI PMO will include the DHS Investment Review Board (IRB) in all of its investment decision.

The contract for SBI*net* is a performance-based Indefinite Quantity, Indefinite Delivery (IDIQ) contract. This type of contract allows DHS great flexibility in awarding and managing individual task orders. The SBI*net* PMO intends to award only the number of task orders that can be effectively managed. The performance measures for the tasks will allow the Government to assess the extent to which the contractor's solution supports the attainment of DHS' operational goals.

Questions from Representative Bobby Jindal of Louisiana

1. In the Round 6 Homeland Security grant allocations, Louisiana received $26.3 million in port security funds. It is critical that the Department continues to employ criteria that are based on risk, vulnerability and consequences when assigning grants to ports. However, categorically excluding ports from applying for these grants sets a dangerous and misguided precedent. Specifically, the Louisiana Offshore Oil Port (LOOP) and Port Fourchon were not eligible to apply for Port Security Grants in the last three rounds. These Ports are key to ensuring a steady supply of imported and domestic oil is maintained in this country. One need only look at the devastating effects of Hurricanes Katrina and Rita to understand the importance of these facilities to our country.

• Why was LOOP, which is a deepwater port, and Port Fourchon denied eligibility to apply for port security grants?

Response: One hundred seaports, representing 95 percent of the foreign waterborne commerce of the United States, plus an additional port area eligible in 2005, were identified for inclusion into the Fiscal Year 2006 Port Security Grant Program. The eligibility list was developed by the United States Coast Guard (USCG) using commercial, demographic and geographic data from various sources. Factors including, but not limited to, cargo volume, passenger volume, the presence of critical infrastructure/key resources (CI/KR), and strategic importance were utilized in the determination. The purpose of the analysis was to identify ports that are essential to the viability of the Maritime Transportation System.

In regards to the LOOP and Port Fourchon, the data used to compile this list did not identify offshore platforms as ports; therefore, the LOOP was not considered for eligibility. In addition, As the criteria used to determine eligibility in FY 2006 was primarily focused on identifying the critical port areas importance to the National Maritime Transportation Sector, it was not reflective of Port Fourchon's primary importance in the support of the area's offshore energy sector.

As a result of further guidance from Congress in the SAFE Port Act, as well as the re-evaluation of the risks to the ports, we have made modifications to the list of critical ports.

- Incorporate enhanced technology and best practices to better identify fraudulent documents.

TSA has implemented this program at the smaller airports and/or checkpoints where additional staffing is not needed to perform this function and intends to expand the program as additional resources are made available for this purpose. TSA expects to assume this responsibility at most, if not all, passenger screening checkpoints by the end of 2007 as budget resources allow. TSA Travel Document Checkers will be trained in behavioral recognition and will be provided technology to assist them in identifying fraudulent documents. The new training and technology will increase TSA's ability to identify potential terrorists.

Every passenger who boards an aircraft is subjected to screening, and measures are in place to ensure that individuals who are on the No Fly list do not board an aircraft. Every person on the Selectee list is subjected to secondary screening before boarding an aircraft. The exact details of how this works are considered Sensitive Security Information. TSA would be happy to provide a briefing on this particular issue in an appropriate environment.

Additionally, Transportation Security Officers (TSOs) at our Nation's passenger screening checkpoints have implemented Unpredictable Screening Procedures to increase the likelihood of subjecting a potential terrorist to enhanced screening. TSOs have also been granted the ability to subject a passenger to enhanced screening and/or ask for law enforcement support if the TSO feels there is something suspicious about the individual.

The above systems and procedures significantly reduce the ability of a potential terrorist to get through the screening process.

Questions from Representative Bennie Thompson of Mississippi

1. Please provide a copy of the Catastrophic Incident Supplement (CIS).

Response: Copies are currently being printed and will be provided as soon as they are available.

2. Please provide a detailed chronology of the development of the CIS.

Response: The Catastrophic Incident Supplement Development Timeline

• Jan 9, 2004:	Established Catastrophic Incident Planning Group (CIPG)
• Mar 3, 2004:	Published first draft of NRP-CIS
• Mar 17, 2004:	Circulated updated version 3-1 of NRP-CIS
• Mar 22-23, 2004:	Held Catastrophic Incident Planning Workshop in D.C. involving Federal/State/Local participation
• Apr 1, 2004:	Published initial version of unclassified NRP-Catastrophic Incident Annex (NRP-CIA)
• Apr 11, 2004:	Circulated updated version 3-2 of NRP-CIS

- Apr 14, 2004: Published Planning Workshop After-Action Report
- Apr 30, 2004: Held Introductory Meeting in Charlotte, NC to kick-off venue-specific prototyping effort
- Jun 3, 2004: Circulated updated versions of NRP-CIS and NRP-CIA for interagency and intergovernmental review
- August 11, 2004: Hurricane Charley strikes Florida, followed soon after by Hurricanes Frances, Ivan, and Jeanne.
- Aug 29, 2004: Sent FINAL version of NRP-CIS to NRP Writing Team
- Jan 2, 2005: Circulated reformatted FINAL version of NRP-CIS
- Jan 27-28, 2005: Held Closeout Catastrophic Incident Planning Workshop and Hotwash in Charlotte, NC
- Apr 6, 2005: Revised FINAL draft prepared for final showstopper review/scrub
- Apr 28, 2005: Held final showstopper review with OFAs (DoD, HHS, etc.)
- May 16, 2005: Revised, post-showstopper review APPROVAL draft sent to interagency for approval
- May 27, 2005: Interagency meeting. Do not receive full concurrence.
- Jun 9, 2005: Revisit issue and still do not obtain full concurrence from interagency.
- August 29, 2005: Hurricane Katrina strikes Gulf Coast, followed shortly by Hurricanes Rita and Wilma.
- September 6, 2005: Receive full interagency concurrence for CIS.
- March 31, 2006: Both FEMA and the Defense Logistics Agency (DLA) signed an Interagency Agreement (IAA) for logistics support.
- May 25, 2006: FEMA signed an IAA with the Department of Transportation (DOT) to lease trailers for pre-positioning.
- May 31, 2006: The Department of Transportation (DOT) signed the IAA with FEMA.
- May 31, 2006: The first version of the revised NRP-CIS was sent from Director Paulison (memo signed by Admiral Johnson) to Secretary Chertoff.
- June 8, 2006: Revised NRP-CIS circulated to the interagency group for comments.
- August 14, 2006: The NRP-CIS version reflecting all additional comments (received since the May 31st version) was sent from FEMA to Secretary Chertoff.
- August 15, 2006: CIS approved by Secretary Chertoff
- August 16, 2006: CIS distributed to relevant Federal departments and agencies
- September 13, 2006: CIS placed on HSIN

3. When did you sign the CIS?

Response: I signed the CIS on August 15, 2006.

4. Has the CIS been distributed within the Department, and if so when and to whom?

Response: The CIS was distributed to the major DHS offices involved in its implementation as part of the inter-agency distribution that took place on August 16, 2006. It is also available on-line to DHS offices through the password protected Homeland Security Information Network

(HSIN) where it was posted on September 13 to the Emergency Management, Federal Operations, Catastrophic Planning and Law Enforcement portals.

5. If the CIS has distributed only partially within the Department, why has it not been fully distributed and when will this happen?

Response: As noted above, the CIS is available to all components of the Department through the HSIN. Further distribution through hard copies will take place as part of the additional distribution effort will take place shortly.

6. Has the CIS been distributed outside the Department, and if so when and to whom?

Response: The CIS was distributed to the Federal departments and agencies that have responsibilities under it on August 16, 2006. As noted above, it was also made available on the HSIN on September 13, at which point it became available to Federal, State and local officials who have been given access to the portals listed above on that system (list attached, "CIS Distribution List").

7. Has the CIS been distributed to all the federal departments and agencies that have responsibilities under it, and if so when and to whom?

Response: As noted above, the CIS was distributed to the Federal departments and agencies with responsibilities under it on August 16, 2006. It is also available to authorized officials in those agencies through the relevant portals on the HSIN system.

8. If the CIS has not been distributed to all the federal departments and agencies that have responsibilities under it, why has this not happened and when will it happen?

Response: As noted above, the CIS was distributed to those agencies on August 16, 2006.

9. Why, one year and one month after Hurricane Katrina, has the CIS not been fully distributed and implemented?

Response: A number of factors led to delays in the formal publication of the CIS including Hurricane Katrina itself. What is important now is that it is issued, it has been distributed to key Federal departments and agencies as well as made available to authorized Federal, State and local officials through the HSIN, and it will shortly be distributed to an exhaustive list of appropriate Federal, State, local and private sector officials (list attached, "CIS Distribution List").

10. Has the Department developed and signed off any agreements with other federal departments or agencies that are necessary for implementing its role under the CIS? If not, why not, and when do you expect this to happen?

Response: The Department has entered into a number of pre-scripted mission assignments (PSMAs) with other Federal departments and agencies that can be implemented as needed to support CIS responsibilities. The PSMAs have been developed to facilitate rapid response, standardize development of mission assignments during disaster operations, avoid "recreating the wheel" for each event, and encourage "thinking ahead." The PSMA statement of work and projected cost estimate serve as a general guideline or template. Current status of PSMAs is:

- 44 PSMAs have been formally approved and disseminated to the Regional offices for use in any incident: 28 to the US Army Corps of Engineers and 16 to the Department of Defense.
- A total of approximately 150 PSMAs are under development involving 18 other Departments and Agencies.
- Among the Department/Agencies involved are DOT, TSA, NCS, USACE, USFS, GSA, HHS, EPS, USCG, USDA, DOI, DOE, DOJ, OSHA, NOAA, DOD, TVA

11. Have all the other federal departments and agencies that have responsibilities under the CIS developed and signed off any agreements that are necessary for implementing it? If not, why not, and when do you expect this to happen?

Response: As can be seen above, DHS is already involved in development of PSMA's with many of the Federal Departments and Agencies that have responsibilities under the CIS so we are aware that those activities are underway. We are also aware that a number of these Departments and Agencies have efforts underway to coordinate further activities among themselves, but we do not have visibility on the full breadth of those activities. As we proceed with full implementation of the CIS as well as the review and revision of the NRP, we anticipate a number of additional interagency agreements will be developed to address needs identified through these processes.

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