

NINE YEARS AFTER 9/11: CONFRONTING THE TERRORIST THREAT TO THE HOMELAND

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

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NINE YEARS AFTER 9/11: CONFRONTING THE TERRORIST THREAT TO THE HOMELAND

WEDNESDAY, SEPTEMBER 22, 2010

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Levin, Akaka, Carper, Burris, Kaufman, Collins, McCain, Ensign, and Brown.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. The hearing will come to order. Good morning. And in particular, thanks to Secretary Janet Napolitano, Director Robert Mueller, and Director Leiter for being here.

This is an important hearing in the year of this Homeland Security and Governmental Affairs Committee. It is our third annual hearing at which we invite the three leaders of the three most involved and important agencies of our Federal Government in protecting to discuss where we are in the terrorist threat to our homeland, how has it evolved, and how have our defenses evolved against it. And it gives us an annual report, a snapshot picture, of where we are and what the facts of the past year say to us about what we can do together to continue to improve the security of the American people post-September 11, 2001.

Last week, we marked the ninth anniversary of the September 11, 2001, attacks, and we paid homage to the 3,000 people who were murdered that day by Islamist extremist terrorists.

I was struck yesterday by reading a Gallup poll in one of the newspapers that showed a significant decrease in concern about terrorism among the American people. Now, this is understandable, particularly because of the stress that the current economic conditions have put so many American families under.

But as the three witnesses know very well, the threat is still all too real. Our Committee knows that as well. It is our job and yours to be focused on protecting our homeland and our people from violent extremists and terrorists no matter what the state of public opinion is about it at the moment, and that is why, of course, we are so happy and grateful that you are here today.

The tragedy of September 11, 2001, is a daily reality for the three of you and the tens of thousands of men and women who work with you every single day to ensure that such an attack never

happens again. In some sense, the three of you oversee a mighty force of literally hundreds of thousands of people that have been re-organized or augmented in the aftermath of September 11, 2001, when the Islamist extremist terrorists declared war on us and we responded, taking us into two active fields of combat, of course, first in Afghanistan and the Iraq, but involving us on unconventional battlefields all across the world, and quite significantly, which is the focus of our attention today, our homeland and the extent to which this enemy, unlike any we have ever faced, threatens our security, our way of life, our freedom, and is prepared to do in extraordinarily inhumane ways right here at home.

Let me just share three observations about what I see over the last year, and I know that you will respond to this and other things in your opening statements.

Since our last threat assessment hearing a year ago, it is clear that there has been a marked increase in Islamist terrorist attacks against us here at home. Most incidents, thank God and thanks to you and all the work with you, have been thwarted, some really with extraordinary, almost miraculous work, taking a shred of evidence, building on it, developing it, and finding the people who were planning the attack, and stopping them, capturing them before they did.

But the fact that I know you know very well is that three of the attempted attacks in the last year by terrorists managed to break through our defenses, very different kinds of attacks; first, the Fort Hood shooting last November, the Christmas Day attack, and the Times Square bombing attempt. And, of course, in the Fort Hood case, 13 people died at the hands of Nidal Hasan. Fortunately, in the Christmas Day attempt and in Times Square, the explosives failed in both cases and no one was hurt.

These attacks and others show the full range of threats we now face from lone wolves, if you will, freely-operating terrorists like Hasan, who, nonetheless, was motivated by terrorist agitators from abroad to form homegrown terror cells, such as the so-called Raleigh 7 or the Fort Dix plotters, or to become inexperienced but potentially deadly operatives, including American citizens directly trained by al-Qaeda or its affiliates around the world, as Faisal Shahzad, the Times Square bomber, and Umar Farouk Abdulmutallab, the Christmas Day bomber.

So the first fact that comes out at me is that there is an increased pace of attacks against our homeland in this war in which we are involved, most thwarted, but three broke through. Second, since 2009, at least 63 American citizens have been charged or convicted for terrorism or related crimes. Now, to me, just stepping back and accumulating that number, that is an astoundingly high number of American citizens who have attacked or planned to attack their own country, our country.

In addition to this number, an increasing number of Americans are now actually in leadership positions in international terrorist groups. Most notable is Anwar al-Awlaki, who, through his writings and audiotapes, has inspired several plots against the West over the last 5 years; and in the case of the Christmas Day attack, apparently played a direct operational role.

Like Adam Gadahn, who continues to serve as a chief propagandist for al-Qaeda, these are all Americans with citizenship status. Omar Hammami from Alabama, convert to Islam, featured prominently in al-Shabaab recruiting videos and was identified as an operational commander. Adnan el Shukrijumah, who grew up in the United States and has legal permanent resident status, is now a senior al-Qaeda operative and apparently responsible for the planned attack last year—or involved in it—by Najibullah Zazi on the New York subway system.

So this is quite significant to me that we have this number of Americans playing an active role. I know it is an infinitesimal in proportion of the American public, but it is still a growing number of Americans and something to be concerned about in terms of homegrown terrorism and self-radicalization.

The third fact is the growing role of the Internet in self-radicalization and homegrown terrorism, which raises the question of what we can do to combat the use of the Internet for these purposes. Many of those arrested in the last year have been radicalized online, influenced by al-Qaeda's core narrative, that the United States is at war against Islam, which has been tailored to a Western, English-speaking audience by al-Awlaki and other online violent extremists. The fact is that al-Qaeda and other terrorist organizations have adapted their online media strategies to mainstream Web sites and social networking tools, and that has made it easier for people to access extremist material and has significantly raised the challenge to our counterterrorism agencies who we count on to discover and disrupt these terrorist plots.

So, those are three changing, evolving factors that jump out at me, and I look forward to your response to them. The bottom-line fact is that the fight against Islamist extremism and terrorism sure looks like it is going to go on for a long time to come. It is the great security challenge of our time. We must confront it with, in Lincoln's words, "energy and sleepless vigilance" until it is defeated. And again, I thank the three of you, and all who work with you, for the extraordinary work that you are doing, really 24/7, 365 days a year, to make sure that we do succeed in this fight. Thank you very much.

Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman.

Nine years after the attacks of September 11, 2001, our government is challenged today by the evolving nature of the terrorist threat. We know that terrorists revise their tactics to adapt to these security measures that we put in place. As we have made it more difficult for terrorists to come in from abroad, we are seeing the escalation of a significant new threat that takes advantage of radicalized violent Islamist extremists within our borders. Foreign terrorist organizations are aggressively targeting these homegrown terrorists to carry out attacks. These home-based terrorists could decide to act independently as lone wolves, motivated by terrorist propaganda but acting on their own. Others appear to be acting under the direction of foreign terrorist groups.

To be sure, overall, the United States is far better prepared to confront the terrorist threat than we were 9 years ago. Since September 11, 2001, we have created new security and intelligence systems to detect, deter, and defend against terrorism, most notably through the Intelligence Reform and Terrorism Prevention Act that Senator Lieberman and I coauthored. We have expanded our intelligence gathering and information sharing systems. We have erased bureaucratic barriers and dismantled silos. We have learned to fight an enemy that wears no official uniform, that has no borders, and that represents no State in the traditional sense of the word.

The results have been significant. Terrorists' plots both at home and abroad have been thwarted, but the threat has not been neutralized. Indeed, it is evolving and ever changing, and in some ways more dangerous than ever. It is a chameleon by design. Al-Qaeda has extended its tentacles into regional terrorist organizations causing threats to emanate from new locations, like Yemen, through the activities of al-Qaeda in the Arabian Peninsula (AQAP).

AQAP and the radicalized American who has ties to that terrorist organization were behind the attempt to detonate a bomb on a flight last Christmas Day and apparently were the inspiration for U.S. Army psychiatrist Major Hasan's murderous attack at Fort Hood.

This Committee has been sounding the alarm regarding home-grown terrorism since 2006 when we held our first hearing on the threat of violent radicalization within our prison system. In all, Senator Lieberman and I have held 11 hearings on this issue. Our investigation has predicted a potential wave of future terrorist activity in this country. We warned that individuals within the United States could be inspired by al-Qaeda's violent ideology to plan and execute attacks even if they do not receive direct orders from al-Qaeda.

Unfortunately, our warnings have proven to be prescient. In the past 2 years, our Nation has seen an escalation in the number of terrorist attacks with roots based in our own country. In fact, the Congressional Research Service found that since just May of last year, arrests have been made in 19 plots by U.S. citizens and residents compared to 21 plots during the 7½ years from September 11, 2001, to last May. That is an alarming, significant increase.

On the eve of our Nation's September 11, 2001, commemorations, the National Security Preparedness Group, led by Lee Hamilton and Tom Kean, issued a timely report entitled, "Assessing the Terrorist Threat." The report said that America continues to face serious threats from al-Qaeda affiliates around the world and from home-based terrorists. It warned of an increasingly wide range of U.S.-based jihadist militants who do not fit any particular ethnic, economic, educational, or social profile. It also sounded this grave warning. The American melting pot has not provided a firewall against the radicalization and recruitment of American citizens and residents, though it has arguably lulled us into a sense of complacency that homegrown terrorism could not happen in the United States. Initially, I remember we thought this was a problem that

Western Europe would have but that we would not have because of the differences in our culture.

The Kean-Hamilton report called 2009 a watershed year in terrorist plots in the United States. As the Chairman has been pointing out, the statistics are a call for alarm. In 2009 alone, at least 43 American citizens or residents, aligned with violent Islamist extremists, were charged or convicted of terrorism crimes in the United States or elsewhere. And this year to date, 20 have been similarly charged or convicted.

We also are seeing the terrorist threat morph into another stage of development. While we must still remain focused on the catastrophic or spectacular attack on the scale of September 11, 2001, I am convinced that terrorists are beginning to focus their efforts on smaller scale attacks with small arms and explosives, such as we saw at Fort Hood, in Arkansas, and in India.

We must see the disparate attacks and the changing tactics for what they are, separate parts of a more dangerous pattern. The past 2 years have taught us, through harsh lessons, that we simply must increase our efforts. As the Kean-Hamilton report observed, it is fundamentally troubling that there remains no Federal Government agency or department specifically charged with identifying radicalization and interdicting the recruitment of U.S. citizens or residents for terrorism.

We must redouble our efforts to better anticipate, analyze and prepare. We must address what is quickly becoming a daunting and highly challenging crisis. This dangerous reality must be met with better security measures, innovative community outreach, and enhanced information sharing. Most of all, we cannot risk another failure of imagination.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you very much, Senator Collins, for that excellent statement.

Secretary Napolitano, welcome, and let us begin with you.

**TESTIMONY OF JANET A. NAPOLITANO,¹ SECRETARY, U.S.
DEPARTMENT OF HOMELAND SECURITY**

Secretary NAPOLITANO. Well, thank you, Mr. Chairman, Senator Collins, and Members of the Committee for the opportunity to be here today to testify on the terrorist threat to the United States and what the Department of Homeland Security (DHS) is doing to combat it. I am very pleased to be here as well with my colleagues, the Director of the Federal Bureau of Investigations (FBI), and the Director of the National Counterterrorism Center (NCTC). We do a lot of this work together.

As was alluded to in your opening comments, the threat of terrorism is constantly evolving, and over the past years, it has become more and more diverse. It is diversifying in terms of sources. It is diversifying in terms of tactics. It is diversifying in terms of the targets being considered.

Now, in terms of sources, the threat of terrorism is now emerging from more places than it was on September 11, 2001. While al-Qaeda itself continues to threaten the United States, al-Qaeda also

¹ The prepared statement of Secretary Napolitano appears in the Appendix on page 44.

inspires an array of affiliated terrorist groups. Some of these, like al-Shabaab in Somalia, have not tried to attack the United States. They have carried out attacks elsewhere, but they have leaders that espouse violent anti-American ideology. Others, like Tehrik-i-Taliban (TTP) and AQAP, have attempted to attack the United States in the Times Square and Christmas Day bombing attempts, respectively.

In addition, a new and changing facet of the terrorist threat comes from homegrown terrorists, and by which I mean U.S. persons who are radicalized here, and received terrorist training either here or elsewhere, and bring knowledge of the United States and the West to terrorist organizations. A clear trend in recent attacks has been the role of English language and online propaganda from operatives like al-Awlaki, a U.S. citizen based in Yemen.

We are also seeing more diversity in terms of tactics. Recent events and intelligence show a trend toward, as you mentioned, Senator Collins, smaller, faster-developing plots rather than larger, longer-term plots like September 11, 2001. These plots may include the use of improvised explosive devices (IEDs) or teams who use small arms and explosives, both forms of attack have been used abroad. The results of these changing tactics are that there are fewer opportunities to detect and disrupt plots.

Now, we are also seeing greater diversity of targets. While some targets, like commercial aviation, remain constant, others, like mass transit systems and chemical facilities, are among critical infrastructure that terrorists could seek to strike.

These elements which make the terrorist threat more diffuse also make it more difficult for law enforcement and the intelligence community to detect and disrupt.

Accordingly, we are moving forward in a variety of ways to counteract these evolving threats. The steps we are taking are not a panacea. However, they are substantially strengthening our defenses against terrorism here at home. One step we are taking is getting information where it should be, when it should be there, and in its most useful format. In this threat environment, it could very well be a local police officer who detects or disrupts a threat rather than an intelligence analyst here in Washington, DC. That is why one of the top priorities for the department is to get information, tools, and resources out of Washington and into the hands of the men and women on the frontlines.

Our fusion centers, which connect Federal, State, and local enforcement to first responders on the ground, play a major role in identifying, preventing, and disrupting threats. We support these centers through DHS personnel who work side-by-side with State and local law enforcement.

We are also working with the Justice Department on the nationwide suspicious activity report (SAR) system, which standardizes ways for police to identify and report suspicious activities and report it back to Federal intelligence so that they can be analyzed against current threat information to identify broader trends.

We are supporting State and local law enforcement through Homeland Security grants, eliminating red tape so these grants can be used to sustain current programs rather than being forced to buy new equipment or technology each year, and also making it

easier to use these funds to rehire and retain experienced first responder personnel.

We are also working to raise public awareness through a campaign with the slogan "If you see something, say something," which was originally used by the Metropolitan Transit Authority (MTA) in New York with Homeland Security grant funds. As we all remember, it was a New York City street vendor who tipped off the police about the bombing attempt in Times Square and the passengers themselves who thwarted the attack on Flight 253.

We are working with police in communities to counter violent extremism in cities and towns across our country. Homeland Security, in fact, begins with hometown security, and we are working on a variety of recommendations made by a working group of our Homeland Security advisory council to aid local law enforcement in this effort. Specifically, DHS is using proven community-oriented policing techniques to develop training and hold regional summits for law enforcement to give them the tools they need to work with communities to combat sources of violence and detect threats when they arise.

We are also working to strengthen security in several specific sectors. For example—and this is not an exhaustive list, it is just examples. In terms of aviation security, next week, we expect the International Civil Aviation Organization (ICAO), which is part of the United Nations, to issue a historic international agreement on aviation security, strengthening security measures and standards around the globe. And, we continue to move forward to enhance surface transportation security, working closely with Amtrak and mass transit agencies around the country to integrate our information-sharing efforts.

These initiatives are only a small part of the ongoing work at the Department of Homeland Security. With the FBI and the NCTC, we are conducting initiatives every day to help secure the country. We are and will continue to do everything in our power to prevent attacks, but I want to emphasize that it is impossible to guarantee that there will never be another attack. We cannot simply put the country under a glass dome. What we can do is take every possible step to provide those on the frontlines with the information, the tools and resources they need to better secure our country. This is the homeland security architecture that we are building, and this is what the hardworking men and women of the Department of Homeland Security are devoted to every day.

Thank you again for the opportunity to be here. I look forward to answering the Committee's questions.

Chairman LIEBERMAN. Thank you very much, Secretary Napolitano. That was a really good statement to begin our discussion with.

Director Mueller, thanks for being here once again, and thanks for all the good work that you and everybody that works with you do every day.

**TESTIMONY OF HON. ROBERT S. MUELLER III,¹ DIRECTOR,
FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT
OF JUSTICE**

Mr. MUELLER. Thank you, Mr. Chairman, Senator Collins, and Members of the Committee.

As you know, the FBI's highest priority continues to be the prevention of terrorist attacks against the homeland, and since September 11, 2001, the threat from terrorism has evolved, as you pointed out, in ways that present new challenges for us and for our partners.

This morning let me focus on the most serious of these threats and give you some idea of how we are moving to counter them. Despite the significant counterterrorism pressure abroad, al-Qaeda continues to be committed to high profile attacks directed at the West, including plans against Europe as well as the homeland.

Recent investigations have revealed some shift in their strategy for these attacks. In the immediate aftermath of September 11, 2001, al-Qaeda plots and plans focused on using individuals from the Middle East or South Asia for their attacks. Since 2006, al-Qaeda has looked to recruit Americans or Westerners who are able to remain undetected by heightened security measures. For example, last year for the first time since September 11, 2001, al-Qaeda successfully trained and deployed an operative to the United States to carry out such an attack. That operative was Najibullah Zazi, a lawful U.S. permanent resident who was plotting to attack the New York subway system.

The threat from al-Qaeda affiliates has also evolved as other terror groups have developed greater intent and capability to strike at the homeland. We are increasingly concerned about the threats from these groups operating from Afghanistan, Pakistan, Yemen, Somalia, and Iraq. Their threats focus more on homeland attacks now, as we saw with the Christmas Day and Times Square attempted bombings.

Of course, these groups are also seeking to recruit extremists from the West. Cooperation between al-Qaeda and other terrorist groups has changed in the past year suggesting that this threat may increase. Sharing financial resources, training and recruits, these groups have been able to withstand significant counterterrorism pressure from the United States, coalition, and local government forces.

As both of you have pointed out, threats from homegrown violent extremists also pose a significant concern to the United States. These individuals may be inspired by the global jihadist movement or use the Internet to connect with other extremists even if they do not receive direct guidance or training from a terrorist group. Often, they have diverse backgrounds and life experiences, as well as differing motivations. Based on cases from the past year, homegrown extremists are more sophisticated, harder to detect, and better able to connect with other extremists. In certain cases, they are more operationally capable than what we have previously seen.

Moreover, the Internet has expanded as a platform for spreading extremist propaganda, a tool for online recruiting and a medium

¹ The prepared statement of Mr. Mueller appears in the Appendix on page 66.

for social networking with like-minded extremists, and this has contributed to the threat from homegrown radicalization in the United States.

We also face a continuing threat from U.S. persons traveling overseas to conflict zones, seeking terrorist training, or combat experience. While the motivations and backgrounds of these individuals vary, once Americans travel overseas and make connections with extremists on the ground, they become targets for use in plots to attack the homeland, as we saw with the attempted Times Square bombing. And in particular, Somalia has drawn the attention of American extremists, as more than two dozen Americans have made it there to train or to fight in the past few years. Recent disruptions inside the United States show that some Americans still desire to travel to Somalia for extremist purposes.

To counter these threats, the FBI has joined with our Federal partners and with State and local law enforcement in more than 100 Joint Terrorism Task Forces (JTTFs). These task forces operate nationwide to prevent and dismantle terrorist plots. Our partnerships are critical to our understanding of the threat environment and to protecting our Nation and its citizens. And the FBI, along with the Department of Homeland Security, and NCTC, is also committed to a nationwide approach for participating in State and local fusion centers.

The FBI, the National Counterterrorism Center, and DHS have also joined together on initiatives to enhance our understanding of homegrown violent extremism. And we also continue to work with DHS to issue joint intelligence products on radicalization for our Federal, State, and our local partners.

Since the September 11, 2001, attacks, the FBI has developed an extensive outreach program to the Muslim, South Asian, and Sikh communities in order to develop trust, address concerns, and dispel myths about the FBI and our government. In 2009, we established specialized community outreach teams composed of special agents, analysts, and community outreach specialists to assist our field offices, establish new contacts with key communities, and work with DHS to address these concerns.

Let me conclude by thanking this Committee for its service and its support. And on behalf of the men and women of the FBI, I look forward to working with you to continue to improve the FBI and to help keep America safe. I, of course, will be happy to answer any questions you might have, sir.

Chairman LIEBERMAN. Thank you, Director Mueller. At the beginning of your statement, you said something that is significant, which is that the FBI's No. 1 priority continues to be the prevention of terrorist attacks against the United States. And I know that is the truth, and your statement reminds us of how much our government has reorganized, refocused, and expanded in response to September 11, 2001, to prevent terrorist attacks against our homeland.

We have two agencies here who did not exist on September 11, 2001, DHS and NCTC. And in the case of the FBI, we have an agency that obviously was somewhat involved in counterterrorism but has greatly increased its role, involved with not only law enforcement but prevention. So I hope that is something that is no-

ticed not only by the American people but by those who would think of attacking us.

Michael Leiter is the Director of the National Counterterrorism Center, which was one of the most significant results of the 9/11 Commission report and the Intelligence Reform Act that began in this Committee and passed Congress, signed by President Bush. Thanks for being here, Mr. Leiter.

TESTIMONY OF HON. MICHAEL E. LEITER,¹ DIRECTOR, NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Mr. LEITER. It is my pleasure. Thank you, Chairman Lieberman, Senator Collins, and distinguished Members. It is always good to be here, especially with Director Mueller and Secretary Napolitano. I can tell you that there is virtually no terrorist event or issue that comes up when the three of us do not work in a very close partnership.

Chairman Lieberman, Senator Collins, as you have already noted, the past year has noted the most significant developments in terrorism since September 11, 2001. The three attempted homeland attacks during the past year from overseas-based groups and the two lone-wolf attacks here in the United States, by Carlos Bledsoe in Arkansas and Nidal Hasan, surpass the number and pace of attacks during any year since September 11, 2001. The range of al-Qaeda core-affiliated and allies plotting against the homeland during the past year suggests the threat has, in fact, grown far more complex and underscores the challenges of identifying and countering a more diverse array of threats to the homeland.

Al-Qaeda's affiliates' and allies' increasing ability to provide training, guidance and support for attacks against the United States makes it very difficult to anticipate the precise nature of the next attack and from where it might come. The regional affiliates and allies that have grown have been able to compensate, to some extent, for the decreased willingness of al-Qaeda and Pakistan to accept and train new recruits. And additional attempts by al-Qaeda affiliates and allies to attack the United States, particularly attempts in the homeland, could attract the attention of even more Western recruits, thereby increasing those groups' threat to the homeland.

Even failed attacks, such as AQAP's and TTP's attempts this past year, do, to some extent, further al-Qaeda's goal of fomenting terrorist attacks against the West and demonstrate that some affiliates, allies, and homegrown terrorists are embracing their vision.

Now, today al-Qaeda in Pakistan is at one of its weakest points organizationally, but I would stress a significant however, that the group has time and time again proven its resilience and remains a very capable and determined enemy.

The threat to the homeland is, as you have noted, compounded significantly by operationally distinct plotting against the United States by its allies, affiliates, and sympathizers. Now, with respect

¹The prepared statement of Mr. Leiter appears in the Appendix on page 73.

to regional affiliates, I think it is worth highlighting four of particular concern. First and most notably is AQAP in Yemen and we assess that it continues to pose significant threats to U.S. interests in Yemen and that it continues to plot against the homeland.

Of additional note, as both Senator Lieberman and Senator Collins noted, dual Yemeni-American citizen, Anwar al-Awlaki, who played a significant role in the attempted airliner attack over Detroit, continues to be a key concern given his familiarity with the West and his participation in AQAP external operations.

In addition, East Africa remains a key locale for al-Qaeda associates, and Somalia-based terrorists associated with the insurgent group, al-Shabaab. Some al-Shabaab leaders share al-Qaeda's ideology and publicly have praised Osama bin Laden and asked for further guidance from the group. And as Director Mueller noted, more than two dozen Americans, most ethnic Somali but not all, have traveled to fight in Somalia since 2006. Now, of course, the potential for those trainees to return to the United States or elsewhere in the West remains a very significant concern. And I think it is also worth noting that al-Shabaab has vividly illustrated its commitment to attacking outside Somalia, most tragically in the waning days of Africa's first-ever World Cup with a deadly attack, a series of coordinated deadly attacks in Kampala, Uganda.

In North Africa, al-Qaeda and the Islamic Maghreb remains a persistent threat to the U.S. and Western interests primarily in the form of kidnapping and ransoms, but we are, of course, concerned with their potential to reach beyond North Africa.

Finally, in Iraq, although the counter terrorism successes have greatly diminished al-Qaeda in Iraq's effectiveness, we continue to see them as a key al-Qaeda affiliate and having continued interest in attacking beyond Iraq.

Now, as this Committee has very effectively noted, the spike in homegrown violent extremism is indicative of a common cause that has undoubtedly rallied some individuals within the United States to al-Qaeda's banner. In plots disrupted in New York, North Carolina, Arkansas, Alaska, and Texas, all of these were operationally distinct but are indicative again of a collective subculture and common cause that has rallied these independent extremists. And undoubtedly, the Internet, as you noted, has been a significant factor in many of these attacks or plots.

Now, although we are focusing on al-Qaeda today, I do believe it is important to note, we continue to try to keep our eye on groups like Lashkar-e-Taiba, Hamas, and Hezbollah that threaten U.S. interests abroad and potentially within the United States.

Now, given this very diverse landscape, and especially the failed attack over Detroit on Christmas Day, at your instruction and at the President's direction, we have implemented several changes to try to address the diversity of this threat. As you know, NCTC led the Director of National Intelligence Master Action Plan to make sure that analytic resources were appropriately aligned with this new threat and to appropriately allocate additional resources that the Congress generously gave the counterterrorism community.

Second, we created pursuit groups which focus at a very granular level on those issues which might not immediately appear to be threats to the homeland but can, as in cases like Christmas Day,

manifest themselves in tragic ways. In addition, we have worked with the entire interagency, especially DHS and FBI, to review watchlisting protocols and improve our watchlisting effort.

Finally, we have spent significant time, effort, and leadership on developing an improved information technology infrastructure to better meet the demands of increased information sharing with this diverse threat.

Now, finally, as this Committee knows, NCTC has both an intelligence and a policy responsibility for coordinating across the U.S. Government. And on that front, although I do not want to speak about all of those areas, I would like to briefly speak to our efforts to coordinate combating violent extremism, especially here in the homeland.

Senator Collins, you noted the quote from the Kean and Hamilton group that we were somehow lulled into a sense of complacency about homegrown extremism. I will take the liberty of speaking for everyone at this table and tell you that none of us, nor anyone in our organizations, were lulled into any sense of complacency. And to the extent there was complacency, I think it occurred outside, not inside the counterterrorism community.

But I would note, there is some truth to the idea that no one single organization is responsible for countering radicalization. But from my perspective, that is actually a good thing. In fact, there is centralized policy oversight of combating violent extremism at the National Security Council; there is, in fact, centralized coordination of those efforts at NCTC; and there is also centralized assessment of the effectiveness of those programs at NCTC, providing that to the White House.

What there is, though, is decentralized execution of programs related to countering violent extremism in the homeland. And from my perspective, I think that is particularly important because the issue is so complex that no one organization, FBI, Department of Justice, or DHS, is in a position to address all of the factors of violent extremism. So I think it can be somewhat misleading to suggest that no one is in charge. I think, in fact, there is centralized coordination and decentralized execution of the programs, which have to be very varied to combat a varied threat. And, of course, I am very happy to discuss this more in your questions.

In conclusion, I, again, want to thank this Committee. This Committee was instrumental in the creation of NCTC and the Department of Homeland Security. This Committee has helped us keep our eye on the ball for violent extremism, both domestically and abroad, and I look forward to continuing to work with this Committee as the challenges do change and we hope we get on top of this threat.

Chairman LIEBERMAN. Thank you very much, Director Leiter. We will do 7-minute rounds of questioning.

Let me begin with a current situation and ask you to respond to the extent that you can. And I am going from public sources here. There have been public statements over the last month by Homeland Security officials in Europe, particularly France, England, and Germany, about heightened threat levels. And I wonder if you would care to comment at all, particularly whether the statements

and actions taken in Europe suggest the same for—that is to say a heightened threat level for the U.S. homeland as well.

Secretary NAPOLITANO.

Mr. Chairman, thank you. There have been a number of activities in Europe. We are in constant contact with our colleagues abroad. Indeed, I will be at a meeting next week on this topic. I think in an open setting, suffice it to say that we are all seeing increased activity by a more diverse set of groups and a more diverse set of threats, and that activity, much of which is Islamist in nature, is directed at the West generally.

Chairman LIEBERMAN. Director Leiter, do you want to add anything to that?

Mr. LEITER. Mr. Chairman, I would largely echo what the Secretary said. One thing I would note is that these levels, although they are only apparent to the public sometimes, are constantly up and down for us. We track a lot of things that never become public and we do not want them to become public because that would undermine our ability to disrupt those threats.

September 11, 2001, and the period around that is always a time of elevated threat, and I think we have worked quite closely with our European counterparts on some specific issues because we do not see any particularly focused on the homeland, but we have to assume that any threat against the West can also implicate the homeland.

Chairman LIEBERMAN. I appreciate that response and the fact that the three of you are on top of it.

Let me go to one of the conclusions that we have all drawn, which is that the pace of Islamist terrorist attacks, or attempted attacks against the United States in the last year, has gone up. The number is greater. And I hear at least two causes that I think explain that from your testimony. One is the increase in attempted attacks by foreign terrorist organizations, other than al-Qaeda, who were created for more local foreign purposes, al-Shabaab in Somalia, other groups related to problems in Kashmir or Pakistan. So that is one. The second is the increase in homegrown radicalization.

Are those the two that explain this increase that we are seeing in attacks against the U.S. homeland or is there something more? Has there been a judgment made at the top of the al-Qaeda, for instance, that it is time to sort of build back in attacking the U.S. homeland?

Maybe, Director Mueller, you should start first on that one.

Mr. MUELLER. Let me start, if I could then, and say that the third factor quite probably is the examples of Mumbai and Hasan in Fort Hood and the ability to undertake terrorist attacks with very few people, but launched pursuant to the ideology and the desire to expand jihadist extremism, and understanding that launching a larger, perhaps more devastating attack, is not worth the additional effort when you can get substantial coverage and impact with smaller attacks.

Chairman LIEBERMAN. Understood. So that a large sophisticated September 11, 2001, is always possible, but that for now, the direction of the enemy is on a smaller scale, more individual attacks, as they have seen nonetheless, even when they fail, as they did on

Christmas Day and the Times Square, it unsettles our country and receives a lot of attention.

So what about the question of why there are more Americans involved? Is this just the obvious, that the process of homegrown radicalization and the use of the Internet is growing greater, or is there something else happening here?

Secretary Napolitano.

Secretary NAPOLITANO. Mr. Chairman, I think that we do not yet have a complete understanding of what would cause a person to become radicalized to the extent of violence, to the extent of traveling to the Federally Administered Tribal Areas to train, and then returning to the United States. But as Director Leiter said, we are looking at what is the continuum of activity, where the best place that we could possibly intervene is.

What we are doing at the Department of Homeland Security is really working with the community policing strategy, and that is to say really educating local police departments, arming them with intelligence, products that we jointly develop so they can watch for tactics and trends to prevent one of those persons from being actually able to carry out an attack. So, we have really focused on acknowledging the phenomenon exists, and figure out what do we do from a law enforcement perspective to minimize the risk an attack can be successful.

Chairman LIEBERMAN. Director Leiter, you responded in your opening statement to Senator Collins' reference to the Kean-Hamilton report. They said in their report, "There remains no Federal Government agency or department specifically charged with identifying radicalization and interdicting the recruitment of U.S. citizens or residents for terrorism."

But I heard you to say in your opening statement that the National Counterterrorism Center is that agency. Am I right?

Mr. LEITER. We are the organization responsible, in conjunction with the National Security Council, for helping to coordinate what different departments and agencies are doing. I think in terms of identifying people who are radicalized and the factors that go into that radicalization, our closest partners in that are the FBI and DHS. Director Mueller can address what they do, but the basic idea is the FBI is the investigative piece, DHS is working with State, local, tribal officials, private sector and awareness, and working with the communities. NCTC is trying to piece together the foreign perspective and the domestic perspective into one cohesive picture of where we see that radicalization.

Chairman LIEBERMAN. We have heard from leaders in the Muslim-American community that different Federal Government agencies have their own outreach efforts to the community, which at times do not appear to be closely coordinated. And obviously, this community—I will state for the record, we all know it—is overwhelming made up of patriotic, law-abiding Americans, but the problem is coming from a small group of people in that community who can cause our country terrible damage. And so in some sense, they are within the community the first line of defense in noticing potential trouble.

Are we adequately coordinating our outreach to the Muslim-American community and their cooperation with us in this counter-terrorism effort?

Mr. MUELLER. Let me start, if I could, by saying that since September 11, 2001, we have 56 field offices, 400 resident agencies in the FBI. Since September 11, 2001, every one of those entities in the United States has been engaged in an outreach effort with the Muslim community, from the bottom all the way to the top. My message to the Muslim community is the worst thing that could happen to the Muslim community is another attack. We need your help.

Chairman LIEBERMAN. Right.

Mr. MUELLER. Law enforcement cannot do it itself. And through a variety of mechanisms, whether it be citizen academies or other mechanisms, we have to bring the community in so that they understand the FBI. We have been doing this since September 11, 2001.

There are additional areas of activity that have grown over a period of time, and I do believe that the coordination is successful with NCTC. Inevitably, there will be particular areas where the coordination does not go as well as you would like, but I think generally it is good.

The other thing to remember is that we also have the responsibility for investigating civil rights offenses, and we want to make certain that the Muslim community understands that whenever there is an offense that falls within that purview, that we are out there investigating that and making certain the persons responsible are brought to justice.

So I do believe we have substantial outreach, have had it for a number of years, does not mean that it cannot be improved, but that it is moving in the right—I hate to say moving in the right direction, but it is contributing substantially and in coordination with the other partners.

Chairman LIEBERMAN. I think I should leave it at that because I am over my time.

Secretary NAPOLITANO. I was just going to add, Mr. Chairman, that if the comment is there is too much outreach, not too little, it seems to me we cannot do enough outreach in this setting.

Chairman LIEBERMAN. Yes, I agree. I mean, the comment was that it is not coordinated.

Maybe I will come back to you, Director Leiter, on that on the next round. Thank you.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

I want to ask each of you a basic question. We have seen a dramatic spike in the number of attempted and successful attacks during the past year and a half. Do you believe this is an aberration or is this likely to continue?

Madam Secretary, we will start with you.

Secretary NAPOLITANO. I think that caution would dictate that we assume it is not an aberration, that we are going to see increased diversification of groups, tactics, and targets, and that means we have to continue to work on keeping State and locals prepared and informed. It means information sharing is at a pre-

mium. It means we need to involve the entire U.S. citizenry. This is why we have campaigns like "See something, say something." And, we must be very resilient should an attack actually succeed.

Senator COLLINS. Director Mueller.

Mr. MUELLER. As the Secretary says, we have to assume it is not an aberration. I do think it is, in part, contingent on what happens overseas, whether it be in Yemen, Somalia, or Pakistan, and that the seriousness, the effectiveness of the threat will grow or be reduced in some part with our success overseas.

Most of the individuals who have been radicalized in the United States have been radicalized by influences outside the United States as opposed to being radicalized by influence in the United States. And to the extent that we can address those radicalizing influences, whether it be in Yemen, Somalia, Pakistan, Afghanistan, or elsewhere, I also think it is important to reduce the level of the threat.

Senator COLLINS. Director Leiter.

Mr. LEITER. I would agree with Director Mueller that the outside influences are very important here. Right now, we do not see any great likelihood of those diminishing any time in the future, nor do we see any indicators within the United States of a significant drop-off in radicalization.

What I would say is the silver lining, I hope, that through greater awareness and engagement with these communities of the risks to their children traveling overseas to Somalia or Yemen, that the community engagement will over time reduce the likelihood of radicalization.

Senator COLLINS. Director Mueller, several years ago, I held hearings on terrorism financing, and I recognize that the Department of Treasury, as well as the FBI, play the critical lead role in trying to block money from flowing from this country to terrorist groups overseas. A means of funneling that money is often the hawalas, and indeed, there was a recent indictment which indicated that there was a money transfer to the Times Square attempted attacker.

How big a problem do you believe it is with funds from groups, such as Somalian immigrants in this country, going to terrorist groups like al-Shabaab?

Mr. MUELLER. I would say it is a significant problem, and it is a difficult problem to know fully how extensive it is, principally, because while we can often track funds from the United States, many of those funds are going overseas for legitimate purposes to support families and the home countries of the individuals sending the funds, and the inability of our investigations to identify the funding stream all the way to the pocket of the terrorists.

It is a substantial problem, difficult to address. We have a number of ways of doing that, whether it be through looking at it through technology, the money transfers, or most particularly, the use of sources but there is a substantial problem with challenges to being successful in turning it off.

Senator COLLINS. Should there be greater regulation of hawalas?

Mr. MUELLER. I would have to look at exactly what that regulation might be, but, yes, additional recordkeeping that gives us in-

sight into the purpose of the transfers is always beneficial to our abilities to stop that stream of funding.

Senator COLLINS. Mr. Leiter, in the wake of the Christmas Day attempted bombing, we held hearings at which your deputy, Mr. Travers, talked about the problems with linking databases, and he testified that had information been linked with the cable from the embassy in Nigeria with information in other databases, it would have supported a watchlisting nomination that would have stopped Abdulmutallab from flying into the United States. He went on to say that the government needs to improve its ability to piece together this partial information that is in various databases.

What was disturbing to me, however, is Mr. Travers went on to say that there were policy limitations and legal limitations that must be addressed to enable effective information sharing. We have asked, over and over and over again, what are those policy and legal limitations because we want to address them. We want this information sharing, which is so vital, to be improved, so that the vital information can be linked while protecting, obviously, the privacy and civil liberty rights. And we have heard from technology experts that a federated search capability across multiple agencies and platforms is possible, that this is not a technical problem.

So what is the problem? What are the legal and policy constraints?

Mr. LEITER. Well, Senator Collins, I am happy to come up and spend time with the Committee and walk through them in great detail. I will tell you that, given the multitude of databases that exist, hundreds of databases that might be relevant to some of these challenges, there are a multitude of challenges. I will give you some specific examples.

There are some issues that I have written a letter to the Senate Intelligence Committee about regarding the Freedom of Information Act (FOIA) and ways in which FOIA, as currently structured, reduce the incentive for the Central Intelligence Agency (CIA) to provide NCTC certain data. As Secretary Napolitano well knows, there are significant policy issues with the European Union and their provision of passenger name record information to the U.S. Government and retention periods, which can inhibit effective use of this data in counterterrorism operations investigations. Similarly, as I know you are well aware, the complexities of the Foreign Intelligence Surveillance Act (FISA) and the various amendments to FISA have significant limitations on how—and I need to stress, some very appropriate limitations—U.S. persons' information can be handled.

Each of these are examples as to how, although we can have a federated search, it is sometimes difficult to fully integrate databases in a way that the computers connect information prior to an individual having to dive into a specific database and find that information.

Senator COLLINS. Thank you, Mr. Chairman. I think this is an issue that we do need to work further on. We have talked about it for months, but we have never received the specifics from the Administration.

Chairman LIEBERMAN. I absolutely agree with you, Senator Collins, and we will do that.

I just want to pick up on one comment, the response to Senator Collins' questions about the threat to our homeland. And you said that the extent of the threat really depends a lot on what is happening in places far away, like Yemen, Somalia, or Pakistan. And it reminds us of what I suppose is obvious to all of you, which is that this war with Islamist extremism is really a world war, so that what happens far away really affects our security here at home. And therefore, the ongoing U.S. and allied efforts in countries like Yemen, Somalia, and Pakistan against extremists groups is critically important to the work that you are doing here at home.

In order of appearance among the Senators present, Senator McCain is next.

OPENING STATEMENT OF SENATOR MCCAIN

Senator MCCAIN. Mr. Chairman, thank you.

Mr. Leiter, if the United States captures a terrorist tomorrow outside the U.S., Iraq, or Afghanistan, where would we detain that person for purposes of interrogation?

Mr. LEITER. Senator, I think it would obviously depend, in part, on the circumstances of the capture, but I believe that he can be detained by U.S. military forces or potentially detained by the country in which he was captured.

Senator MCCAIN. He would be detained where?

Mr. LEITER. Or potentially he could be turned over to the country in which he was captured or his home country.

Senator MCCAIN. A terrorist that is apprehended in attempting to inflict a act against the United States of America would be turned over to the host country?

Mr. LEITER. Senator, as I said, it depends on many factors. He could be detained—I am not an expert on law of war and Department of Defense (DOD) authorities, but obviously, if he were captured by the U.S. military, there is an ability to detain there, or, in some circumstances, in host nations or the individual's host country if they were a willing partner with the United States.

Senator MCCAIN. Well, maybe you can look into it and give us a better answer. That is not a good answer.

Mr. Leiter, recently, Secretary Hillary Rodham Clinton said that the situation and violence in Mexico is now comparable to that of Colombia in the 1980s.

Do you agree with that assessment?

Mr. LEITER. Senator, I would actually have to defer to both Director Mueller and Secretary Napolitano, who are much closer to the Mexico issue.

Senator MCCAIN. Let me ask then both of them. Mr. Mueller.

Mr. MUELLER. Senator, I am in no position to equate what happened in Colombia 5 or 6 years ago to what is happening in Mexico now.

Senator MCCAIN. You have no ability to do that?

Mr. MUELLER. Well, I am somewhat familiar with what happened in Colombia and what has changed in Colombia since then, but the structure of the feuding factions in Colombia is different than the types of feuding factions that you have in Mexico today. You had the Revolutionary Armed Forces of Columbia (FARC) that

was involved in narcotics trafficking with an infrastructure that I would say is far different from the colliding cartels today.

So I am not certain how you would compare what happened 5, 6, or 7 years ago in Colombia with what is happening in Mexico today, although I do believe that some of the mechanisms that contributed to the successes in Colombia should be adopted by Mexico.

Senator MCCAIN. You do agree that there has been a dramatic increase in violence in Mexico in all areas, ranging from assassination and kidnapping of journalists, and murder of 72 immigrants from other countries, including 14 women.

Would you agree that the violence in Mexico has dramatically escalated in, say, the last 3 or 4 years?

Mr. MUELLER. Yes.

Senator MCCAIN. And would you say that increases the threat of national security on the other side of our border?

Mr. MUELLER. Yes.

Senator MCCAIN. Secretary Napolitano.

Secretary NAPOLITANO. I think that is right, and particularly in some of the states of northern Mexico, Chihuahua and Tamaulipas, for example, homicide rates are up dramatically as are attacks on government. And, of course, we saw the paper in Juarez just a few days ago on a front page editorial saying what do we need to do.

Senator MCCAIN. So wouldn't that lead one to the concern that with still hundreds of thousands of people crossing our border illegally, that a terrorist act could be committed on the United States of America since there have been threats by the cartels alone to do so?

Secretary NAPOLITANO. That goes to all of the efforts that are going on with Mexico in Mexico and along the Southwest Border. But to the extent, yes, we see groups in Mexico, the large drug cartels.

Now, the plain fact of the matter is that illegal immigration, while still too high, is down significantly. It is the plain fact that drug seizures, cash seizures, and gun seizures are up significantly. It is the plain fact that there is more manpower and more technology at the border than ever before and more is going to the border. But it is also true that the situation in Mexico is very serious and we have seen it escalate in the past several years.

Senator MCCAIN. And does that mean that the situation in Mexico has worsened over the last couple of years or improved?

Secretary NAPOLITANO. I think in terms of the violent crime in Mexico, it has worsened.

Senator MCCAIN. Secretary Napolitano, there is an old saying about, in your duties, on a policy, it is not where you stand, it is where you sit. In 2008, you sent a letter to Secretary Chertoff saying, "arguing for more help on the border." You said then, "Human and drug smuggling rings continue to thrive in Arizona, crossing our border and using our elite cities as major hubs to transport crossers throughout the country. We wait for real progress on the virtual fence, and we know there has not been progress on the virtual fence. Border communities in Arizona will continue to be strained by the millions of dollars in costs they must absorb to the state of border security."

Then, of course, just last week you said, "He is a governor. He always has the ability, in a way, to bring up National Guard if he is willing to pay for them. That is always an option available to a governor." At the same time, suing the State of Arizona for trying to get its border secure by enacting legislation to try to address the issue of illegal immigrants in our State, which is a Federal responsibility, all that in the backdrop of, apparently, that there will be new policy by Immigration and Customs Enforcement (ICE) according to a Fox News report, "ICE proposes new policy that would let illegal immigrants go free."

According to a news report and other news reports, proposed ICE changes in ICE policy state, "Immigration officers should not issue detainers against an alien charged only with a traffic-related misdemeanor unless or until the alien is convicted. The ICE proposal would prevent law enforcement officers from reporting illegal immigrants identified during the course of a traffic-related stop or arrest to Federal authorities unless they are a convicted felon, they are wanted for a felony, they are part of an existing investigation, they were involved in an accident involving drugs or alcohol, or they fled the scene." Apparently, the draft proposal was posted on ICE's Web site last month.

Could you testify as to what in the world is going on here?

Secretary NAPOLITANO. Yes, sure can.

Senator MCCAIN. Good.

Secretary NAPOLITANO. And I would be happy to. First of all, where I sit has not changed my position.

Senator MCCAIN. Clearly, you have.

Secretary NAPOLITANO. No, I disagree, Senator.

But what we have done in the past 2 years is put more resources at the Southwest Border than ever before, both in terms of Federal and providing resources to the States. I am not going to get into the tit for tat with Governor Rick Perry of Texas. I think that is not worthy of this Committee.

ICE has put out guidance that we are going to focus on criminal aliens, and, in fact, we have removed, and will be removing, more criminal aliens from this country than ever before. And I think that is the right policy, criminal aliens, felony fugitives, those in our country illegally also endangering public safety. However, ICE has not said in any formal policy that others will not be detained.

So I would be happy to respond in writing. I think the ICE comments that you have just made are misconstrued, misinterpreted, and just wrong. I would also be happy to put in the hearing record, the entire record of DHS on the border.¹

Senator MCCAIN. So it is not true that the ICE has proposed that it would enact a policy that would prevent law enforcement officers from reporting illegal immigrants identified during the course of a traffic-related stop or arrest to Federal authorities unless they are a convicted felon, wanted for a felony, etc.? That is not true?

Secretary NAPOLITANO. No. ICE has issued guidance to prioritize those who are convicted felons, those who have committed violent crimes, those who are felony fugitives, and those who are gang

¹The Document for the Record from Secretary Napolitano to Senator McCain's request appears in the Appendix on page 59.

members. And our removals of those individuals are at record numbers.

Senator MCCAIN. Would that prevent law enforcement officers from reporting illegal immigrants identified during the course of a traffic-related stop?

Secretary NAPOLITANO. No.

Senator MCCAIN. It would not?

Secretary NAPOLITANO. No.

Senator MCCAIN. That proposal, as posted on the Web site of ICE, is not true?

Secretary NAPOLITANO. That is not the policy of ICE.

Senator MCCAIN. I thank you. I know that you are very busy, but from my visits to the southern part of our State, they do not see this dramatic improvement, Madam Secretary. In fact, they are more worried than they have ever been. They see continued home invasions. They see continued requirement for our government to put up signs that say "warning" to our citizens that they are in a "drug smuggling area and human smuggling area." They do not have the same security that people do in other parts of our country. Our wildlife refuges continue to be trashed. The treatment and horrible abuses that are committed by these coyotes and human and drug smugglers, who are basically the same now—at least in the view of the citizens I represent—they have not actually seen any improvement. They have seen conditions worsen, and they live there.

Secretary NAPOLITANO. Senator, again, I would be happy to come and brief you personally, because we are in constant contact with those very citizens, at least in law enforcement. And all I can do is say, look, I measure what we are doing by the results and by the numbers, and what should be going up is going up, what should be going down is going down. However, the situation in Mexico is very serious, and it does demand our utmost attention. You are correct about that.

Senator MCCAIN. Could I just finally respond then? Well, let us get Sheriff Larry Dever and the sheriffs that Secretary Napolitano says she is in contact with, and they will tell you, they are the law enforcement people. They are down there on the front line, and they will tell you, they have not seen improvement.

Secretary NAPOLITANO. Well, we will add Sheriff Tony Estrada, Sheriff Ralph Ogden, and some of the other sheriffs, as well.

Senator MCCAIN. Would be more than happy to. They are on the front lines and they are the citizens that—

Secretary NAPOLITANO. Let us get them all up here.

Senator MCCAIN. Things are not improving at all, Secretary Napolitano.

Chairman LIEBERMAN. Thank you both.

Let us go to Senator Brown, who can bring some sheriffs from Massachusetts. [Laughter.]

OPENING STATEMENT OF SENATOR BROWN

Senator BROWN. Thank you, Mr. Chairman.

Just as a follow-up to Senator McCain, do you consider people who cross our border without proper authority or paperwork to be here illegally?

Secretary NAPOLITANO. Yes.

Senator BROWN. And if that is the case, especially in Arizona and surrounding areas, what is your policy and the Administration's policy with regard to when you, in fact, stop somebody, whether it is through a traffic stop or some other means? What actually happens to those individuals? What is your policy and recommendation and the Administration's?

Secretary NAPOLITANO. Well, it depends on the circumstances of the stop and it depends on the——

Senator BROWN. Well, assuming the stop is illegal and they are stopped properly——

Secretary NAPOLITANO. Correct.

Senator BROWN [continuing]. And all that legal stuff which we all know. But what happens? What is the position? Are they then subjected to being deported or does it depend on whether they are a violent offender?

Secretary NAPOLITANO. No. They will be recorded. They will be put into the immigration system. They may or may not be detained, which is——

Senator BROWN. Well, that is where I am a little confused—may or may not. They are either here illegally or they are not. If they are here illegally, are they supposed to be detained or are they not? I mean, what are the factors?

Secretary NAPOLITANO. Well, it depends on, quite frankly, the seriousness of the offender and the availability of bed space. And this is a real problem along the border. We do not have enough beds, as senators who are from the border recognize, and we have testified before. There are not enough beds to detain everybody who crosses the border, and so what happens is some of them who are here illegally—and that is their offense; they have crossed illegally, but they have committed no other crime—they will be put into an administrative procedure. If, however, if somebody has crossed illegally and they have a felony record, or they are a gang member, they are somebody who is a fugitive, then we will be able to seek detention and removal.

Senator BROWN. And is there a plan to ultimately secure the border, as Senator McCain, Senator Kyl, and others have tried? I remember when I was down there visiting, I was surprised. One section of the country that has a double fence and is secure, and another part of the State is somewhat porous.

Is there a plan? Do you have a plan? I know when you were the governor you had the very same concerns.

Secretary NAPOLITANO. Those concerns have been the concerns that I have been acting on as the Secretary, and we have built a fence. I think the Congress has appropriated enough money for 700 miles of fence, roughly, and we have built all but a few miles. But you cannot just rely on a fence. You must have technology. You must have manpower. And as I told Senator McCain, there is more of that at the border than ever before and more is on the way.

Senator BROWN. Great. Thank you.

Further, let me start out by just saying, I appreciate all the efforts of all of you and all of our law enforcement and other officials trying to battle daily to try to keep our country safe, and aside from our economic problems that we are having, our national secu-

rity and international security is the No. 1 threat that faces us. And, quite frankly, if we do not get our economy squared away, we are going to have some difficulty, I feel, dealing with a lot of the national security obligations that we have not only locally but throughout the world in helping our international friends.

Director Leiter, 8 months ago, after the Christmas Day bombing, you announced the creation of pursuit teams who were charged with chasing leads and connecting the dots by freeing up some of your analysts.

Have you seen any benefits? Are these teams in place? Are there any benefits, in fact, because of that, that you have seen, and have we caught any intelligence links that we might otherwise have missed?

Mr. LEITER. Senator, they are in place. There are more than 50 analysts working on them. I would also note that something we added since that last testimony, some of them are merged components with FBI investigative groups to further increase the information sharing. We have seen benefit. We have FBI cases that have been opened because of pursuit group leads that otherwise would not have been uncovered. We have enhanced numerous watchlisting records that otherwise would not have been enhanced.

So I think we have done a better job since Christmas Day of identifying new cases, domestically and overseas, and enhancing our understanding of individuals who may pose a threat to the United States.

Senator BROWN. Would you suggest that DHS and FBI would benefit from adopting that model as well or are they?

Mr. LEITER. I think for the FBI, again, the jointness of the groups, from my perspective, that is the FBI doing it with us, and I think that is the optimal way to do it. We are also co-locating members from DHS operational intelligence components to enhance the transfer of information as we uncover something immediately into Secretary Napolitano's area of responsibility, setting screening standards and the like.

Senator BROWN. And could you give me an assessment of what you feel Hezbollah's terrorist capabilities are as to how they affect the United States?

Mr. LEITER. Hezbollah remains a highly effective terrorist and political organization, with quite incredible capability, both within the Levant, but also elsewhere. They have a global network of individuals, and within the Levant, they have highly sophisticated weaponry that they, in the past, used against Israel.

The big question mark for us has always been not their capability but their intent. Currently, we do not assess there to be a clear intent to attack the United States, but should that intent change, they undoubtedly have the capability to launch attacks against the United States and the West on a relatively global scale.

Senator BROWN. Now, I know Iran is obviously the chief sponsor of their money and weaponry.

Mr. LEITER. Yes.

Senator BROWN. That is still the case?

Mr. LEITER. That is still the case.

Senator BROWN. Do you think if there is an escalation between Iran and Israel, that we will see more of a threat here in the United States?

Mr. LEITER. Yes.

Senator BROWN. And then to shift gears a little bit, how have you noticed that the coordination between the State and local intelligence shops, how closely does the NCTC work with, for example, the Boston Police Department, the New York Police Department, and those local authorities, because I know the Secretary said it needs to be a local effort, almost like a neighborhood watch on a statewide basis.

What have your experiences been?

Mr. LEITER. First and foremost, everything we do with State and locals is really done in conjunction or through DHS and the FBI. We think that is critical because, honestly, what we have heard from State and local is that they do not want more places to connect in the U.S. Government. They want to understand who is doing what and having another organization deal with them directly is not what they seek.

What we try to do is take that national-level intelligence and work with DHS and the FBI to get it down to a level where it is actually useful to State and local officials either through JTTFs or through the fusion centers. I would simply note, though, Boston and New York are two organizations that we have always had a very close relationship with. I have a New York City detective who is an analyst in our organization, and I also have a Boston Police Department lieutenant who leads an organization that is led by DHS but is within NCTC to provide information back to State and local organizations. And, in fact, in conjunction with the FBI and DHS several months back, we ran an exercise on information sharing and terrorist threats with the City of Boston.

Senator BROWN. And if I could just, Mr. Chairman, follow up with the remaining two folks that are testifying with that same question. How are you noticing the relationship between the State and local governments? And also, I would just like to convey, when we do know of an issue that is happening in our State, it is important, I think, to let us know—the senators or congressman that are dealing with it—so we can work with you in concert, with the public relations to get the word out in a respectful, responsible manner.

So if you two could comment on that same question, which is, between the State and local intelligence shops, how do they work with you?

Then I would be done, Mr. Chairman, thank you.

Mr. MUELLER. We have a very successful Joint Terrorism Task Force in Massachusetts. We also have branches in States to the north in which the Boston Police Department, State police, other police departments and organizations contribute. The persons who work on the Joint Terrorism Task Forces are given top secret clearances. They have access to everything we have. And whenever there is a threat, the information running the threat is distributed to those who will be responsible for that threat. And if it is at the secret or top secret level, we get it out so that it could be more widely disseminated.

But I ask you to go and sit down and talk with the Joint Terrorism Task Force and perhaps be briefed by not only what the composition of the task force is but what they are currently looking at in that area.

Senator BROWN. I have, and I will again. Thank you.

Secretary NAPOLITANO. Likewise, Senator, fusion centers are somewhat different than JTTFs. They have a different function. They complement each other, and we would be happy to get you briefed up on what is happening in Massachusetts.

Senator BROWN. That would be wonderful. Thank you.

Chairman LIEBERMAN. Thank you, Senator Brown. Senator Levin.

OPENING STATEMENT OF SENATOR LEVIN

Senator LEVIN. Thank you very much, Mr. Chairman, and thank you for holding these hearings as you have so consistently.

During a similar hearing last year, I asked the question whether or not someone who is on local law enforcement who arrests somebody for suspicion of commission of a crime could call a single place or find out from a single location whether or not there is any information that this person may be engaged in terrorist activities.

Secretary Napolitano, I think at that time you testified that the ability to fuse that information and get it available to the officer on the street was a work in progress. And I am wondering whether or not progress has been made on that in the last year.

Secretary NAPOLITANO. Yes, I think significant progress has been made, and if there were arrests on that basis and the person were to run a name and any other identifiers through either the JTTF or the fusion center, there would be the ability to cross-check against a number of databases.

Senator LEVIN. And how many databases are not included in that information and how many are? Is it the majority of sources of information, two-thirds, three-quarters, and are we improving that number?

Secretary NAPOLITANO. We are definitely improving that number. There are a lot of databases, and I think the search engines have been improved as well. I know at DHS, for example, there are at least 47 different databases against which such information could be run. It is easier to say how many as opposed to what is out there in other agencies that we do not yet have.

Senator LEVIN. Well, how many are you seeking that you have not yet gotten?

Secretary NAPOLITANO. Let me provide you with that information after this hearing, Senator.

Senator LEVIN. Would you do that for the record?

Secretary NAPOLITANO. Absolutely.

Senator LEVIN. The 50 states now form nearly two million corporations and limited liability companies each year without knowing who actually owns them. The failure to collect ownership information invites wrongdoers to misuse U.S. companies for terrorism, money laundering, tax evasion, or other crimes. It is a subject which this Committee has been examining for a number of years now.

Just one example, of how corporations are being misused by terrorists. A man named Victor Bout is a Russian arms dealer who has been indicted in the United States for the following: Conspiracy to kill U.S. nationals, to acquire and use anti-aircraft missiles, and to provide material support to terrorist organizations. He carried out his activities in part by using shell companies, including a number of them, about 10, right here in the United States. We are trying to extradite Mr. Bout right now from Thailand.

In a Government Accountability Office (GAO) report 4 years ago, the FBI was quoted as saying that U.S. shell companies with hidden owners had been used to launder as much as \$36 billion from the former Soviet Union and were involved in most of over 100 stock market manipulation cases, and many other reports have followed since them.

Corporations have been misused for drug trafficking, financial crime and more. Yet we continue to have a corporation formation regime in this country that does not require people forming corporations to provide information about the real owners. You have to provide more information to a State in order to get a driver's license in this country than to form a new corporation. We properly criticize tax havens who create these shell corporations as mechanisms which frustrate law enforcement. And yet, we ourselves have not taken the action that is so important to law enforcement, as law enforcement has testified here consistently.

Secretary Napolitano, your predecessor, Michael Chertoff, testified to this Committee about law enforcement problems caused by U.S. companies with hidden owners. Here is what he said. "In countless investigations where the criminal targets utilize shell corporations, the lack of law enforcement's ability to gain access to true beneficial ownership information slows, confuses or impedes the efforts of investigators to follow criminal proceeds. This is the case in financial fraud, terrorist financing, and money laundering investigations." And he went on, "It is imperative that states maintain beneficial ownership information while the company is active and to have a set time frame for preserving those records. By maintaining records not only of the initial beneficial owner but of the subsequent beneficial owners, the states will provide law enforcement, the tools necessary, to clearly identify the individuals who utilize the company at any given period of time during the company's history."

So let me start with you, Director Mueller. Do you agree with Mr. Chertoff's assessment that it is imperative that states obtain beneficial ownership information?

Mr. MUELLER. I certainly agree with Mr. Chertoff's assessment of the problem.

Senator LEVIN. And you believe that the lack of beneficial ownership information for corporations creates a problem for law enforcement?

Mr. MUELLER. Yes.

Senator LEVIN. Secretary Napolitano, would you give your answer to those same two questions?

Secretary NAPOLITANO. I would concur on both, yes.

Senator LEVIN. Now, we have a bill, as I think both of you know, S. 569 that I introduced with Senators Grassley, McCaskill, and I

believe others. It is a bipartisan bill to give law enforcement access to beneficial ownership information and to require states to obtain and maintain that information. We have been working with the Administration and with law enforcement to improve and strengthen that bill.

Let me ask you both, do your agencies support enacting legislation to require states to obtain beneficial ownership information for U.S. corporations? Secretary Napolitano.

Secretary NAPOLITANO. Senator Levin, I think we may have actually seen some draft language on that bill, but, yes, we support that concept.

Mr. MUELLER. And I would have to defer to the Department of Justice and whatever views that are being put together on that particular legislation.

Senator LEVIN. Do you know what views they have expressed on it?

Mr. MUELLER. I do not.

Senator LEVIN. Could you check it out?

Mr. MUELLER. Yes, sir.

Senator LEVIN. I think it is important. Well, I know that they have expressed support, and frankly, I am surprised you do not know that they have expressed support. But in any event, you are the FBI and you are the law enforcement agency that would be helped by this information, and I would hope you would weigh in with the Department of Justice. They have indicated support, but to translate that support into real action so that we can get this done is something else. And your help would be very much valued, and I hope you would take a look at that.

Mr. MUELLER. I understand, Senator.

Senator LEVIN. Will you do that?

Mr. MUELLER. Yes, sir.

Senator LEVIN. I think my time is up.

Chairman LIEBERMAN. Thanks, Senator Levin. Senator Akaka.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Thank you very much, Mr. Chairman, for holding this hearing.

I would also like to thank our witnesses for being here today.

In the 9 years since September 11, 2001, the United States has become better prepared to confront a wide variety of terrorist threats. However, the Times Square bomb plot and also the plot to bring down an airliner traveling to Detroit remind us that we must stay vigilant. In particular, the United States must confront the threat of homegrown terrorist attacks.

An ongoing concern of mine, that I'd like to address to the panel, has been about how well the United States communicates its core values, national identity, and policies to people around the world. How are your agencies working with the Department of State and other agencies to ensure that our public diplomacy offers a compelling narrative and an array of programs that challenge the messages offered by al-Qaeda and its affiliates?

Secretary NAPOLITANO. We work very closely, Senator, across the interagency and internationally. I think one of the things that has surprised me most, as the Secretary of Homeland Security, is how

much international reach there needs to be to give full effectiveness to the job. And so we work, as I mentioned earlier, with the International Civil Aviation Organization (ICAO) on international aviation standards. We work with the G-6. We work with the European Union on the exchange of information. We work very closely with Canada and Mexico, our two neighbors.

So there is a huge amount of interaction at the international level but all designed to minimize the risk that a terrorist could either enter the United States or be plotting somewhere else to injure U.S. interests.

Senator AKAKA. Director Mueller.

Mr. MUELLER. Senator, we have realized for any number of years, certainly before my time, that our success is in large part dependent on working with our counterparts overseas. We have over 60 legal attache offices now in the embassies around the world, which we use as a liaison bridge to our counterparts. We have had since the 1970s the national academy in which we bring in State and local law enforcement for a 10-week period for training. We have for many years included our foreign counterparts, whether they be from Iraq, Pakistan, or Afghanistan, as part of those classes in an effort to educate persons as to what the FBI does but also how the FBI does it and what we do not do. And in those relatively small ways, but I think important ways, we have developed persons that provide the relationships that are necessary to operate in a global environment.

Senator AKAKA. Director Leiter.

Mr. LEITER. Senator, one of our closest partners is the Under Secretary for Public Diplomacy at the State Department, Judith McHale. We work quite closely with her and also, of course, the White House to ensure that U.S. messaging and outreach that occurs overseas is consistent with the same message we are also trying to convey to our Muslim-American communities.

We really do not think all that much of a foreign audience and domestic audience. In many cases, these audiences are one. In the age of the Internet, that information is moving across boundaries far faster than we can sometimes keep up. So we have worked closely with the White House. We are working with them on follow-up from the President's speech in Cairo and also Istanbul to make sure that the programs follow up from those pledges that the President made. And again, we work quite closely with the State Department to ensure that our diaspora communities are well connected with their communities in their home countries to convey American values and the experience of American Muslims, which are often skewed by al-Qaeda's propaganda.

Senator AKAKA. Thank you.

At this Committee's hearing on the failed plot to bring down an airliner traveling to Detroit, a former Director of National Intelligence, Dennis Blair, testified that the Privacy and Civil Liberties Oversight Board would provide a valuable service. To date, it is not in place. As you know, this Board was created by the 2004 Intelligence Reform Act to protect Americans' privacy and civil liberties.

What is the status of this Board being formed and how do government-wide counterterrorism efforts currently incorporate privacy and civil liberty protections?

Secretary Napolitano.

Secretary Napolitano. Senator Akaka, I think the membership of that board is currently being looked at by the White House, but I would share with you that we have within the Department of Homeland Security, an Office of Privacy. It is fully staffed, and they are fully incorporated in our policy decisionmaking, not as an afterthought, but at the outset to make sure that we are taking those values into account.

Senator AKAKA. Director Mueller.

Mr. MUELLER. We have both internally but also through the Department of Justice individuals that look at our undertakings from the perspective of assuring the sanctity of privacy and civil liberties.

Senator AKAKA. Director Leiter.

Mr. LEITER. Senator, we have a similar structure. We have a civil liberties protection officer who is involved not after the fact but during the construction of policies and operations. In addition, we have an inspector general within the Director of National Intelligence. And finally, the President's Intelligence Advisory Board also does reviews of our work often relating to civil liberties.

Senator AKAKA. If I may, Mr. Chairman, just ask this final question.

I have always been interested in language skills. How are your agencies coordinating to ensure that our language skills for homeland security and intelligence meet the needs of our counterterrorism mission?

Secretary NAPOLITANO. Senator, we are constantly looking to hire individuals with a variety of language skills. It is a high demand area, and I would hope that over time our universities will produce even more. But we do that primarily in the hiring process—identify those areas where we need more language expertise, particularly for intelligence and analysis, and we go and recruit.

Senator AKAKA. Thank you. Director Mueller.

Mr. MUELLER. To a certain extent, we recruit from the same cadre of individuals. There are too few with the particular languages that we need. I know in the wake of the 1950s and during the Cold War, there were governmental efforts to encourage development of language capabilities. I have seen, I think, in the last 2 or 3 years emphasis in universities and around the country on languages as important, whether it be Arabic or Chinese, just to name two off the top of my head. And so I think that the pool is growing but not growing as fast as we need it to.

Senator AKAKA. Thank you. Director Leiter.

Mr. LEITER. I would echo my colleagues' points and simply add that it remains a challenge, especially in hard-to-find languages. I think we have done a better job over the past several years of being more flexible in providing resources from one government entity to another during times of crises to cover critical areas. That being said, we absolutely need them not just for the language but for the cultural literacy, which is often associated with understanding a foreign language.

Senator AKAKA. Thank you very much. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Akaka.

We will do another round and move as quickly as we can.

Director Leiter and others have responded in testifying on what lessons we learned from the Christmas Day bombing attempt and what we are doing to implement those lessons. I want to focus the three of you on the Times Square bombing and ask you to do a similar sort of post-event analysis of how did Shahzad break through and what lessons did we learn. What have we changed, to the extent you can say in open session, since that attempt?

Madam Secretary, you want to begin?

Secretary NAPOLITANO. Yes, Mr. Chairman. And we had a belt-and-suspenders approach really to finding Shahzad. It involved both the Transportation Security Administration (TSA) and the Customs and Border Protection (CBP). CBP ultimately was able to pull him off the plane. To prevent him from getting on the plane, however, we have now made sure that we have converted all the watchlist vetting from the airlines themselves. We have accelerated the cut-over so that TSA actually does that vetting.

Chairman LIEBERMAN. How about before? In other words, I mean, obviously, you can build on that, but is there anything that we think we should have done or could have done to have stopped him from actually getting—put that car in Times Square with the bombs in it?

Mr. MUELLER. I think there are areas that we subsequently learned about in the debriefing of Shahzad and others that have enabled us to look at certain investigative techniques and tools and the like, but they are better discussed in closed session.

Chairman LIEBERMAN. Director Leiter.

Mr. LEITER. Senator, at a very broad level for the same reasons as Director Mueller noted, I will just give you two areas of successes and challenges. On the success front, as Senator Brown asked before, pursuit worked. Pursuit in conjunction with DHS and the FBI, I believe, helped accelerate the investigation, so that sort of activity. And not just that investigation but making sure we did not have other things going on, so pursuit worked in that context.

Second, and we cannot talk about these in open session, but much of what DHS and FBI does on a preventative side, I think increased the likelihood that his bomb-making skills would lead to failure. There were things in place that made it less likely that the IED would be effective.

Chairman LIEBERMAN. That is very interesting and encouraging to hear.

Mr. LEITER. On the challenges of even when we know someone is there and traveling back and forth to Pakistan, how far can investigations go on so many individuals who have similar profiles. That is an ongoing challenge.

Chairman LIEBERMAN. The profile of just going back and forth from the United States to Pakistan?

Mr. LEITER. Exactly.

Chairman LIEBERMAN. Obviously, we have a lot of Pakistani-Americans who are going back to see their families.

Mr. LEITER. And respecting individuals' civil liberties, what kind of investigative steps you want to take in that scenario? And I think that continues to be a challenge for us and one that, obviously, you are well aware of.

Chairman LIEBERMAN. Let me go back to the coordination of what I would call the counter-homegrown radicalization effort. I just want to be clear about this because this is really important now, based on the statistics we see, with more and more Americans being radicalized over the Internet and through other influences, still personal influences on them.

Do you feel that you have enough authority and resources at NCTC to effectively coordinate across the Federal Government the counter-radicalization effort, Mr. Leiter?

Mr. LEITER. I think as a government bureaucrat, my answer to those are always supposed to be no. But I do not want to go down that easy path.

Chairman LIEBERMAN. But it is clear to you that your authority is recognized that as across the government. I know everybody always would like more resources. I want to just be clear that in the Federal Government, when people ask who is in charge of trying to run a counteroffensive to homegrown radicalization that they say it is the director of the NCTC.

Mr. LEITER. I think saying "in charge" would probably be too strong a term. Who is responsible for coordinating across multiple departments in conjunction with the National Security Council or the NCTC?

I do think your prior question to Secretary Napolitano and Director Mueller about are there ways to improve outreach coordination—

Chairman LIEBERMAN. Yes.

Mr. LEITER [continuing]. I think there undoubtedly are, and it is one of the reasons that we have had discussions at the Deputies Committee at the White House, to institute some sort of improved coordination function that would still be interagency led. That sort of coordination can be done better, but the important thing is Washington having a light hand of coordination and then enabling a coordinated face among the Federal, State, and local officials in the field so they can adjust their strategies for outreach and engagement at a local level because local circumstances differ very significantly.

Chairman LIEBERMAN. Right. So now let me focus in, in the counter-homegrown radicalization effort on the reality that the war against terrorism, Islamist terrorism, is a war of ideas and values, because underneath all these brutal acts, there is an ideology, an extreme theology that is totally inconsistent with our values. And as we have said here before, we assumed at the outset of this that—and I like to think, for most Muslim-Americans it is still true that they are much more accepted, integrated, free, and successful here than in other countries of their diaspora. And yet, there clearly is a group, particularly younger people, younger males, but not exclusively males, who are vulnerable to the jihadist approach about ideas that they get, particularly on the Internet, but also from individuals they run into.

So how do we coordinate—I know what we are doing with public diplomacy abroad. This is very different in its way. How do we figure out how to target and get that message out to what is a relatively small group of Americans who can nonetheless cause very large damage, pain, and death in our country?

Mr. LEITER. Mr. Chairman, I think you have clearly identified the challenge, and I would say it is a different challenge than what we have seen overseas, because unlike the population of the United Kingdom, it is not easily isolated to a single demographic group.

Chairman LIEBERMAN. Right.

Mr. LEITER. It is quite varied here. But I think the key point I would make is the Federal Government will be able to do some of this. State and local governments will be able to do a lot of this.

Chairman LIEBERMAN. Who does it? Is it the Department of Education? I mean, I was surprised, as I have said before at these hearings, that when we have asked leaders in the Muslim-American community who do you have most contact with in the Federal Government—this was 2 or 3 years ago—and they said the FBI.

Mr. LEITER. Well, my last point there, and then I am going to come to your question, specifically Muslim-American communities are key in this. And I think we have seen, since September 11, 2001, Muslim-American mainstream communities condemn terrorism and al-Qaeda. I think over the past year, with the growth of radicalization, we have seen a corresponding growth in mainstream Muslim communities condemning this. We have to as the Federal Government help enable that and amplify that.

Now, your point about who in the Federal Government should be the face of this, my answer is lots of people, including ones who are not sitting at this table. We helped coordinate, about a month ago now, a roundtable effort in Minneapolis through the Department of Education—

Chairman LIEBERMAN. Good.

Mr. LEITER [continuing]. With various educators from communities that have significant Somali-American populations to talk to them about the radicalization issues and get their input. Health and Human Services, Citizenship and Immigration Services, all of these are critical partners, because Director Mueller's folks do a great job, but every once in a while, people react, in a way you do not want them to, when the FBI shows up.

Chairman LIEBERMAN. Well, sure. That was what was surprising about the answer. I mean, it was a positive answer, that they had the most constructive interaction with the FBI.

Do either of you want to add to that, about the counter-home-grown radicalization effort?

Secretary NAPOLITANO. Yes, first of all, I think there is no one way of counter-messaging. Second, I think that we are learning a lot about counter-messaging. Third, as I mentioned earlier, Mr. Chairman, our focus has been on sharing information and empowering local first responders, whether they are police, or other first preventers, and to empower them on kind of a community policing theory to be working with specific communities, building those strong relationships, recognizing that they will be more effective locally than anything we can do from Washington.

That being said, both our Civil Rights and Civil Liberties group and others, have been actively out around the country having town halls and sessions similar to what Director Leiter mentioned. Some of them are co-scheduled, by the way. I mean they are done together. In addition, Citizenship and Immigration Services is part of the Department of Homeland Security, and they have a lot of

outreach into communities. So there is a lot of that that goes on, but I think our key strategy here is to really work through the local first responders.

Chairman LIEBERMAN. You want to say anything, Director, in defense of the FBI?

Mr. MUELLER. No, not in defense. I would say, however, that a success, whether it be law enforcement or intelligence, is generally dependent upon relationships.

Chairman LIEBERMAN. Right.

Mr. MUELLER. And the agencies have probably better coverage around the United States. We have the 400 resident agencies in many of the communities and our 56 field offices. And it is the development of relationships, and from those relationships comes the trust and understanding and the ability to see things together. And what we strive to do is build up those relationships in a variety of ways. And we are a piece of it, but there are other aspects of it, the war of ideas versus identifying radicalization, and moving to prevent persons from being radicalized to the point that they are willing to undertake extremist events. But it is very important for us and I think we play a strong role in it.

Chairman LIEBERMAN. Well, I agree, of course. It is very important to be proactive and, to the extent that you can, to coordinate those efforts. Thank you.

Senator Collins.

Senator COLLINS. Mr. Chairman, when I hear the witnesses describe the outreach efforts, I cannot help but think that we have a lot of good people, a lot of good agencies, a lot of activity, but there still does not seem to be an overall strategy, nor accountability built in, nor a means of assessing the success. And I think that is what the Kean-Hamilton report was trying to say. It is not that there are not great efforts going on in various cities by all of your people, but how are we assessing the success and who is accountable for determining if this approach works versus that approach, whether there are best practices that should be shared?

Director Mueller, you and I had an interesting conversation about the British approach, the Prevent Strategy, which has been criticized in some ways and may not work well in our country for constitutional and cultural reasons. But I am concerned that this is too diffuse, that it is too nebulous. And I do not know to whom to direct this.

Mr. Leiter, since you responded to me in your opening statement, if you would like to start and maybe I will ask all three of you to comment.

Mr. LEITER. Well, Senator, I would offer you six prongs of activity that I think do encompass the overall approach to this strategy and the effort here. And I want to stress that, again, NCTC is not in charge of this. NCTC has a coordinating function in this.

Senator COLLINS. That is my point. Who is in charge?

Mr. LEITER. I understand, Senator, and what I tried to stress at the opening was I think there is a coordinated policy which comes from the White House. There is a coordination of efforts in conjunction with the White House through NCTC, and then there is an assessment role that NCTC has to provide those assessments back to the White House. And that final prong is that the White House is

requiring monthly updates, not just on domestic countering violent extremism but global countering violent extremism to measure the effectiveness of programs.

Senator COLLINS. Director Mueller, do you have anything to add to that?

Mr. MUELLER. The problem itself is multifaceted with radicalization occurring from persons overseas—there are a number of areas in the Federal Government where I would like to say, put somebody in charge. Often, it takes a representative of the White House, who has a coordinating activity, whether it be in foreign policy or sometimes in military policy and the like, and which a number of entities and institutions play a particular role. I am not certain that this is not one of those areas in which National Security Council, through NCTC, is able to coordinate and direct and identify whatever gaps there may be, as opposed to identifying one person in that hierarchy and saying, OK, you are in charge. I throw that out as sort of a reflection on the challenge and the issue that we have in something like this that is so complex.

Senator COLLINS. Mr. Leiter, let me go back to you for a moment. Do you think it would be helpful to have a strategy?

Mr. LEITER. I think it is helpful to ensure that the entire inter-agency is on the page of what needs to get done. I think that could be done through a written strategy. I think there are additional disadvantages of a strategy, though. Sometimes people can get wrapped around the axle trying to write that strategy rather than to do the work that we know has to be done.

Senator COLLINS. Secretary Napolitano.

Secretary NAPOLITANO. I think I would concur with both Directors Leiter and Mueller. I believe that we know and have had a number of meetings and discussions on countering violent extremism (CVE). We know that each of our departments and others are all doing important work. We know there is communication that is occurring between those departments. We know that NCTC has some coordinating role that is a very important one. And perhaps the only thing that is missing out of that is an overarching written strategy, and it may be that at some point we want to invest in that. But I do not think the lack of a single document on CVE should be mistaken for a lack of activity in that area. There has been a tremendous amount.

Senator COLLINS. Madam Secretary, I want to go back to an answer that you gave to the Chairman because I felt it was incomplete. And it had to do with the actions that we had taken to catch the Times Square would-be bomber on the airplane. You said that TSA now vets the list, but, in fact, isn't TSA doing that vetting only for U.S. carriers?

Secretary NAPOLITANO. Senator, actually, they have moved and cut over a large number of international carriers as well, and have prioritized flag carriers from countries of particular interest. And I would be happy to give you that list.

Senator COLLINS. So are they doing—let me pin you down on this. Is TSA doing the vetting for all carriers whether domestic or foreign?

Secretary NAPOLITANO. They will complete the cut over for international carriers, I believe, by the end of the calendar year. I will

get you that list, but they have completed it for all domestic and international carriers that carry the great majority of passengers, but there are a few airlines left that have not yet cut over.

Senator COLLINS. Let me switch to another issue. Our country has welcomed many people from Somalia. Somalia has been a failed state. We have had many people come into our country and seek status as refugees. Given that we very generously welcome people from failed states like Somalia, how do we ensure that a Somali who presents himself at our borders is not a member of al-Shabaab seeking entrance into our country through our refugee system?

Secretary NAPOLITANO. Senator, we run names and identities of those seeking refugee status across a number of databases when applications are made. We are working on a system to be able to apply after acquired derogatory information; if someone, for example, has lied on their refugee application, we would be able to go backwards as well as looking at what we have at the time of application. That is a project that is underway. It is not complete.

Senator COLLINS. I think it is a real problem and something that we need to take a closer look at.

Secretary NAPOLITANO. Indeed.

Senator COLLINS. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you, Senator Collins. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Director Mueller, there is a loophole in Federal law that prevents the Federal Government from stopping the sale of firearms or explosives to a person who is on the terrorist watchlist, unless that individual falls into some other category, like having a criminal record. But being on the terrorist watchlist in and of itself is not sufficient to prevent the sale.

According to a May 2010 GAO report, individuals on the terrorist watchlist were able to purchase firearms and explosives from licensed dealers about 1,120 times between 2004 and 2010. To close that loophole, Senator Lautenberg has introduced legislation, which I have cosponsored, that would give the attorney general the authority to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist and the attorney general has a reasonable belief that the purchaser may use the firearm in connection with terrorism.

Do you believe that the Department of Justice should have the authority to block guns and explosives sales to suspected terrorists, and do you believe they should be able to block the sale of guns to persons who are on the terrorist watchlist?

Mr. MUELLER. I would defer to the department in responding on the policy questions inherent in what you are asking, sir, with regard to that legislation. I can say, needless to say, we share a common interest in keeping guns out of the hands of terrorists. In the meantime, what we do is when a person's name shows up on the Terrorist Screening Center watchlist, we take what time is necessary to do an immediate investigation as to why that person was on the watchlist and what the impact of selling a gun would be to

that individual, and we will take what steps are necessary to protect the American public in the meantime.

Senator LEVIN. And you have certain number of hours, I believe, 72 hours, is that right, to react?

Mr. MUELLER. I believe it is. I would have to check on that.

Senator LEVIN. And have you been asked by the Department of Justice for your opinion as to whether or not persons on the terrorist watchlist should be able to buy guns and explosives?

Mr. MUELLER. This would be a particular issue, and versions of the legislation have been around for a couple of years. I may have been, but I would have to go back and check and get back to you, sir.

Senator LEVIN. Well, do you have an opinion? I know that the Department of Justice makes the policy decisions, but do you have an opinion on the subject?

Mr. MUELLER. As I have said before, I think all of us would want to keep weapons out of the hands of terrorists.

Senator LEVIN. And/or persons on the terrorist watchlist?

Mr. MUELLER. And/or persons on the terrorist watchlist, yes.

Senator LEVIN. And what about maintaining the records? Now, the FBI is required to destroy the National Instant Criminal Background Check System, generated and approved firearm transfer records after 90 days, for those persons who are on the terrorist watchlist.

Would you like to be able to keep those records for longer than 90 days for persons on the terrorist watchlist?

Mr. MUELLER. I am generally in favor of records retention whether it comes to communication carriers records or records relating to the purchase and sales of guns because the retention of records gives us an ability to go back when we identify some person to determine whether or not there is additional information we would have in those records that would enable us to conduct a more efficient investigation.

Senator LEVIN. And does your general view in that matter apply specifically to transfers to persons who are on the terrorist watchlist?

Mr. MUELLER. It applies generally to records retention across the board.

Senator LEVIN. Does that include those persons?

Mr. MUELLER. I would generally be in favor of records retention, yes.

Senator LEVIN. Have you determined how many firearm transactions by suspected terrorists, or persons on the terrorist watchlist, between 2004 and 2010 involved purchasers who were subsequently charged with a crime?

Mr. MUELLER. I do not know that. I do not dispute the GAO figures that you listed, but I do not know the breakdown of those figures and I would have to get back to you as to how many of those were subsequently convicted of a crime.

Senator LEVIN. Would you see if you can determine? That is a very specific number of cases and could you tell us how many were subsequently prosecuted, charged with crimes?

Mr. MUELLER. It is probably much easier to find out how many were arrested, but to follow it through the court system would be——

Senator LEVIN. That is OK. Arrest would be fine.

Mr. MUELLER. OK.

Senator LEVIN. And finally, there was a question which we asked for the record. We had a hearing in this Committee on May 5 entitled, "Terrorists and Guns: The Nature of the Threat and Proposed Reforms" that looked at the issue you and I have just been discussing. Mr. Roberts, the assistant director of the FBI Criminal Justice Information Services Division, testified at that hearing. I submitted questions for the record.

Following the hearing, answers to those questions were supposed to be received a long time ago. They would have helped a great deal, frankly, in preparing for this hearing. Can you check out the reasons why those answers have not been forthcoming?

Mr. MUELLER. Yes, I believe we completed those some time ago. I will see where they are in the process.

Senator LEVIN. Thank you so much. Thank you all.

Chairman LIEBERMAN. Thanks, Senator Levin.

Thanks very much to the three of you. This has been a very informative, constructive and, of course, as always, unsettling hearing. But I appreciate very much your testimony and what you are doing. The obvious fact is that the war that began on September 11, 2001—although it was actually being conducted by Islamist extremists against us before, but it certainly began in our response to it after September 11, 2001—goes on across the world on many battlefields. And increasingly, we can see, from your testimony today and what we know, that our enemies in the war with Islamist extremism are bringing the fight to the homeland in the United States with greater frequency. And while this started, clearly, as a war of foreign nationals against us, and it is still primarily that, they are working increasingly to build alliances or essentially recruit soldiers for their army against us from within the United States.

So the threat is evolving and in some sense increasing to the homeland, but so is our defense evolving and increasing. And it certainly gives me, and I hope will give the American people, some sense of confidence in the midst of this unconventional conflict that has come home within the continental United States in an unprecedented way.

I was thinking as I was listening in the most simplistic terms, we are in a fight that we did not start. But now that we are in it, we are damn sure not going to lose it. And I am confident, based on everything you and all the people working with you are doing, that we will be successful in that regard. It is not going to happen tomorrow. It is going to go on for a period of years. But in the end, we are going to triumph.

Senator COLLINS.

Senator COLLINS. Thank you, Mr. Chairman.

I just want to echo your thanks to our witnesses and also to the thousands of Federal employees who work for them and with them each and every day to try to detect, deter, and defend our country against terrorist attacks. The focus tends always to be on the fail-

ures, and we all know from our classified briefings that there are so many successes that the public never hears about. And I just want to acknowledge that publicly here today.

I am going to, for the record, follow up on some issues that we did not get into today. For example, in the *Washington Post* today, there is a story about Bob Woodward's new book that says that a classified exercise in May showed that the government was "woefully unprepared to deal with a nuclear terrorist attack in the United States."

I chose not to go into this today because I have a feeling this is something we would need to deal with in a classified setting in any event. But obviously, that is very troubling. We have had on this Committee repeated hearings on our ability to deal with a nuclear attack, whether it is a full-scaled weapon or a dirty bomb, as well as looking at chemical and biological attacks. We know the warning from the Graham-Talent Commission of an attack somewhere in the world by the year 2013 using a nuclear, chemical, or biological weapon, still rings in my ears. And so, I do believe this is an issue that we need to pursue as well.

Finally, in my private meeting with Director Mueller, I asked him, "What do you need from us?" And I would invite all of you, for the record, to tell us what changes in laws, what different allocation and resources, what you need from Congress in order to more effectively carry out the counterterrorism mission with which you have been charged and which is so critical to our Nation's security.

But again, I thank you very much for your hard work, dedication and commitment.

Chairman LIEBERMAN. Thanks, Senator Collins, very well done.

Do any of you want to say a final word? Madam Secretary.

Secretary NAPOLITANO. No, except I really appreciate thanking the men and women who work in our departments. To go back to a comment you made in your opening, Mr. Chairman, a lot of them work very hard—and do not get a lot of sleep sometimes. So I really want to express my appreciation to them, and I will try to get some additional information to Senator McCain.

Senator LEVIN. And I am sure you would want to add, as we all feel, that they do this at great risk, frequently, to their own well-being and to their families' well-being, and that is true in all of your cases.

Chairman LIEBERMAN. Right.

Secretary NAPOLITANO. Indeed.

Senator LEVIN. And we are doubly grateful for that risk that they take.

Mr. MUELLER. Nothing to add. Thank you.

Chairman LIEBERMAN. Thank you.

So that phrase was from Abraham Lincoln, who is always a great source of wisdom, said, obviously, at a different time of conflict in our country, at home, too, of course, but that we would fight with "energy and sleepless vigilance." And I thank all of you for doing exactly that.

The record will stay open for 15 days for the submission of additional statements or questions. The hearing is adjourned.

[Whereupon, at 12:17 p.m., the Committee was adjourned.]

A P P E N D I X



United States Senate
Committee on Homeland Security and Governmental Affairs
Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement for Chairman Joseph Lieberman
"Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland"
Homeland Security and Governmental Affairs Committee
Sept. 22, 2010

Good morning. I offer a particular thanks to Secretary Napolitano, Director Mueller and Director Leiter as well. Thank you to the three of you for being here. This is an important hearing. It's the third annual hearing to which we invite the leaders of the three most involved and important agencies in our federal government in protecting us to discuss where we are in defending the American homeland. This includes how the threat has evolved and how our defenses have evolved against it.

And it gives us a kind of annual report—a snapshot, picture—of where we are and what the attacks of the past year say to us about what we can do together to continue to improve the security of the American people post 9/11.

Last week, we marked the 9th anniversary of the 9/11 terrorist attacks and we paid homage to the 3,000 people who were murdered that day by Islamist extremist terrorists.

I was struck yesterday by reading a Gallup poll in one of the newspapers that showed a significant decrease in concern about terrorism among the American people. Now this is understandable, particularly because of the stress that current economic conditions have put on so many American families. But, as the three witnesses know well, the threat is still all too real, as we on this Committee and the witnesses know well, because it is our job to be focused on protecting our homeland and our country from violent Islamist extremists and terrorists, no matter what the state of public opinion is about it at the moment. That's why, of course, we're so happy and grateful that you're here today.

The tragedy of 9/11 is a daily reality for the three of you and the hundreds of thousands of men and women who work with you every single day to ensure that such an attack never happens again. In some sense, the three of you oversee a mighty force of hundreds of thousands of people who have been reorganized and augmented in the aftermath of 9/11. When the violent Islamist extremists declared war on us, we responded, taking us into two active fields of combat—first in Afghanistan, then Iraq—but also taking us onto unconventional battlefields all across the world and quite significantly, and the focus of our attention today, our homeland and the extent to which this enemy is unlike any we've ever faced. It threatens our security, our way of life, our freedom, and is prepared to do so in extraordinarily inhuman ways right here at home.

Let me just share three observations about what I have seen over the past year.

Since our last threat assessment hearing a year ago, there has been a marked increase in Islamist terrorist acts against us here at home. Most incidents, thank God and thanks to you and all the work you do, have been thwarted - some through extraordinary, almost miraculous work—taking a shred of evidence, building on it, developing it and finding the people who were planning the attack and stopping and capturing them before they did.

But the fact, which I know you know very well, is that in three of the attempted attacks in the last year terrorists managed to break through our defenses. They were different kinds of attacks. First the Fort Hood shooting last November, then the Christmas Day attack and the Times Square bombing attempt. Of course in the

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Fort Hood case, 13 people died at the hands of Major Nidal Hasan. Fortunately in the Christmas Day and Times Square attempts, the explosives failed in both cases, and no one was hurt.

These attacks and others show the full range of threats we now face – from lone wolves, freely operating terrorists who may be motivated by terrorist agitators abroad – as was the case of Hasan – to homegrown terror cells such as the so-called Raleigh Seven or the Fort Dix plotters, to inexperienced but potentially deadly operatives – including American citizens – directly trained by al Qaeda or its affiliates around the world as were Faisal Shahzad, the Times Square bomber, and Umar Farouk Abdulmutallab, the Christmas Day bomber.

So the first fact that stands out for me is the increased pace of attacks against our homeland in this war—most were thwarted, but three broke through.

Second, since 2009, at least 63 American citizens have been charged or convicted for terrorism or related crimes. Now to me that is an astoundingly high number of American citizens who have attacked – or planned to attack – their own country, our country.

In addition to this number, an increasing number of Americans are now actually in leadership positions in international terrorist groups. Most notable is Anwar al-Awlaki, who through his writings and audiotapes has inspired several plots against the West over the last five years, and in the case of Christmas Day attack, apparently played a direct operational role. Adam Gadahn continues to serve as a chief propagandist for al-Qaeda. They are both Americans with citizenship status. Omar Hammami, from Alabama, a convert to Islam, is featured prominently in al-Shabaab recruiting videos and is identified in the press as an operational commander. Adnan el Shukrijumah, who grew up in the U.S. and has legal permanent resident status, is now a senior al Qaeda operative apparently responsible for the planned attack last year by Najibullah Zazi on the New York subway system.

So this is quite significant to me, that a number of Americans are playing an active role. I know it's a infinitesimal proportion of the American public, but it involves a growing number of Americans and is something to be concerned about in terms of homegrown terrorism and self-radicalization.

The third fact is the growing role of the internet in self-radicalization and homegrown terrorism, which raises the question of what we can do to combat the use of the Internet for these purposes.

Many of those arrested in the last year have been radicalized online, influenced by al Qaeda's core narrative – that the U.S. is at war against Islam – which has been tailored to a western, English-speaking audience by al-Awlaki and other online violent extremists.

The fact is that Al Qaeda and other terrorist organizations have adapted their online media strategies to mainstream websites and social networking tools. And that's made it easier for people to access extremist material, and has significantly raised the challenge to our counterterrorism agencies who we count on to discover and disrupt these terrorists' plots.

Those three changing and developing factors jump out at me and I look forward to your response to them. The bottom line fact is that the fight against Islamist extremism and terrorism sure looks like it's going to go on for a long time to come. It is the great security challenge of our time, we must confront it with – in Lincoln's words – "energy and sleepless vigilance" until it is defeated. Again, I thank the three of you and all who work with you for the extraordinary work that you're doing, really 24/7, 365 days a year to make sure that we do succeed in this fight.

Thank you very much. Senator Collins.

Opening Statement of
Ranking Member Senator Susan M. Collins

"The Future Terrorist Threat: An Evolving Landscape, A Determined Enemy"

Committee on Homeland Security and Governmental Affairs
September 22, 2010

Nine years after the attacks of September 11, 2001, our government is challenged today by the evolving nature of the terrorist threat.

We know that terrorists revise their tactics to adapt to the security measures we have put in place. As we have made it more difficult for terrorists to come from abroad, we are seeing the development of a significant new threat that takes advantage of radicalized violent Islamist extremists within our borders. Foreign terrorist organizations are aggressively targeting these home-grown terrorists to carry out attacks. These homebased terrorists could decide to act independently – as "lone wolves" – motivated by terrorists' propaganda but acting on their own.

To be sure, overall the United States is better prepared to confront the terrorist threat. Since 9/11, we have created new security and intelligence systems to detect, deter, and defend against terrorism – most notably through the Intelligence Reform and Terrorism Prevention Act that Senator Lieberman and I co-authored.

We expanded our intelligence gathering and information sharing systems. We erased bureaucratic barriers and silos. We learned to fight an enemy that wears no official uniform, that has no borders, and that represents no state in the traditional sense of the word.

The results have been significant. Terrorist plots, both at home and abroad, have been thwarted. But the threat has not been neutralized. Indeed, it is evolving and ever-changing. It is a chameleon by design.

Al Qaeda has extended its tentacles into regional terrorist organizations, causing threats to emanate from new places, like Yemen through the activities of al Qaeda in the Arabian Peninsula.

AQAP and the radicalized American who has ties to that terrorist organization, Anwar al-Awlaki, were behind the attempt to detonate a bomb on a flight last Christmas Day and allegedly were the inspiration for U.S. Army psychiatrist Major Nidal Hasan's attack at Fort Hood.

This Committee sounded the alarm regarding homebased terrorism in 2006, when it held its first hearing on the threat of violent radicalization in our prison system. In all, Senator Lieberman and I have held 11 hearings on the issue.

Our investigation has predicted a potential wave of future terrorist activity in this country. We warned that individuals within the United States could be inspired by al Qaeda's violent ideology to plan and execute attacks, even if they do not receive direct orders from al Qaeda.

Unfortunately, our warnings proved to be prescient. In the past two years, our nation has seen an escalation in the number of terrorist attacks with roots based in our own country. In fact, the Congressional Research Service found that since May of last year, arrests were made in 19 plots by U.S. residents, compared to 21 plots during the seven and a half years from 9/11/01 to last May. That is an alarming increase.

On the eve of our nation's 9/11 commemorations, the National Security Preparedness Group, led by Lee Hamilton and Tom Kean, issued a timely report, "Assessing the Terrorist Threat."

The report said America continues to face serious threats from al Qaeda affiliates around the world ... and from homebased terrorists.

It warned of an increasingly wide range of "U.S.-based jihadist militants," who do not fit "any particular ethnic, economic, educational, or social profile."

It also sounded this grave warning:

"The American 'melting pot' has not provided a firewall against the radicalization and recruitment of American citizens and residents, though it has arguably lulled us into a sense of complacency that homegrown terrorism couldn't happen in the United States."

The Kean-Hamilton report called 2009 a watershed year in terrorist plots in the United States. In 2009 alone, at least 43 American citizens or

residents aligned with violent Islamist extremists were charged or convicted of terrorism crimes in the U.S. or elsewhere. And this year, to date, 20 have been similarly charged or convicted.

We also are seeing the terrorist threat morph into another stage of development. While we must still remain focused on catastrophic, spectacular attacks on the scale of 9/11, I am convinced that terrorists are beginning to focus their efforts on small-scale attacks with small-arms and explosives, as we saw at Fort Hood, in Arkansas, and in Mumbai, India.

We must see the disparate attacks and changing tactics for what they are – separate parts of a more dangerous pattern.

The past two years have taught us, through harsh lessons, that we must increase our efforts. As the Kean-Hamilton report observed: “It is fundamentally troubling” that there remains no federal government agency or department specifically charged with identifying radicalization and interdicting the recruitment of U.S. citizens or residents for terrorism.

We must redouble our efforts to better anticipate, analyze, and prepare. We must address what is quickly becoming a daunting and highly challenging crisis. This dangerous reality must be met with better security measures, innovative community outreach, and enhanced information-sharing. Most of all, we cannot risk another failure of imagination.



**Statement of Janet A. Napolitano
Secretary**

U.S. Department of Homeland Security

before

**United States Senate
Committee on Homeland Security and Governmental Affairs**

on

Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland

Wednesday, September 22, 2010

**342 Dirksen Senate Office Building
Washington DC**

Chairman Lieberman, Senator Collins, and members of the Committee: Thank you for this opportunity to testify on the continuing and evolving terrorist threat to the United States.

Today I would like to highlight the main ways in which the terrorist threat to our country is changing – ways that increasingly challenge law enforcement and the intelligence community. I would also like to highlight some specific – though not exhaustive – ways that the Department of Homeland Security is moving to address this evolving threat.

The Evolving Terrorist Threat to the Homeland

The terrorist threat changes quickly, and we have observed important changes in the threat even since this Committee convened a similar hearing last year. The threat is evolving in several ways that make it more difficult for law enforcement or the intelligence community to detect and disrupt plots.

One overarching theme of this evolution is the diversification of the terrorist threat on many levels. These include the sources of the threat, the methods that terrorists use, and the targets that they seek to attack.

Sources of the threat

It is clear that the threat of al Qaeda-style terrorism is not limited to the al-Qaeda core group, or organizations that have close operational links to al Qaeda. While al Qaeda continues to threaten America directly, it also inspires its affiliates and other groups and individuals who share its violent ideology and seek to attack the United States claiming it is in the name of Islam – a claim that is widely rejected.

Some of these affiliates, like al-Shabaab in Somalia, have not yet attempted to attack the homeland, though al-Shabaab has committed acts of terrorism elsewhere and some al-Shabaab leaders have espoused violent, anti-American beliefs. Other al-Qaeda affiliates have actually attempted to attack the homeland in recent months. These include Tehrik-e Taliban (TTP) and al Qaeda in the Arabian Peninsula (AQAP) – which, until their respective claims of responsibility for the attempted Times Square and Christmas Day terrorist attacks, had only conducted attacks in their regions.

Homegrown terrorists represent a new and changing facet of the terrorist threat. To be clear, by “homegrown,” I mean terrorist operatives who are U.S. persons, and who were radicalized in the United States and learned terrorist tactics either here or in training camps in places such as the Federally Administered Tribal Areas of Pakistan. Terrorist organizations are increasingly seeking operatives who are familiar with the United States or the West. In their roles as terrorist planners, operational facilitators, and operatives, these individuals improve the terrorist groups’ knowledge of Western and American culture and security practices, which can increase the likelihood that an attempted attack could be successful. In recent attacks, we have also seen the influence of violent extremist messages and propaganda spread by U.S.-born, English-speaking individuals operating from abroad, including the U.S.-born, Yemen-based Anwar al-Awlaki.¹ Skillfully contrived publications, persuasive messages in idiomatic English, and skillful use of the Internet may be helping to increase the number of homegrown violent extremists.

¹ In addition to this role, Al-Awlaki has also taken on an operational role in attack planning.

Diversified tactics

Terrorist tactics continue to evolve and diversify. Recent attempted terrorist attacks have proceeded quickly, with less extensive pre-operational planning than previous attempts and with fewer linkages to international terrorist organizations. They have been executed on a smaller scale than the catastrophic attacks of 9/11.

There is a rising threat from attacks that use improvised explosives devices (IEDs), other explosives, and small arms. This type of attack has been common in hotspots around the world for some time, but we have now experienced such attempted attacks in the United States. Other countries, from Afghanistan to Somalia to Russia, have also experienced attacks where small teams of operatives storm a facility using small arms. Unlike large-scale, coordinated, catastrophic attacks, executing smaller-scale attacks requires less planning and fewer pre-operational steps. Accordingly, there are fewer opportunities to detect such an attack before it occurs.

Potential targets

Last, let me address targets. We must recognize that virtually anything is a potential target. Consequently, our thinking needs to be “outside the box” while we simultaneously focus our planning on targets that intelligence forecasts to be most at risk. Many of the targets that terrorists seek to strike are familiar – especially commercial aviation, which continues to be a favored target. Most public places and critical infrastructure face some risk of attack in today’s environment. Potential targets include mass transit and passenger rail, which serve thousands of people every day, operate on predictable schedules, and have many access points, all of which are appealing characteristics to terrorists. We also see a threat to the kinds of places that are

easily accessible to the public. Among these kinds of targets, hotels were notably attacked during the Mumbai terrorist attacks of 2008. There also continues to be a general risk to our critical infrastructure such as ports and chemical facilities.

The increasing number of terrorism sources, terrorist tactics, and terrorist targets make it more difficult for law enforcement or the intelligence community to detect and disrupt plots. The threats come from a broader array of groups and regions. It comes from a wider variety of harder-to-detect tactics. And it is aimed at harder-to-secure places than before.

DHS is moving swiftly to address the current threat landscape. Through the state and major urban area fusion centers, we have been working closely with state, local, tribal, and territorial (SLTT) law enforcement in our overall efforts to combat terrorism, because in an environment where operatives may not have close links to international terrorist organizations – and where they may, in fact, be based within this country – these levels of law enforcement may be the first to notice something suspicious. We have established programs that facilitate a strong, two-way flow of threat-related information, where SLTT officials communicate possible threat information to federal officials, and vice-versa. As discussed earlier, pre-operational activity – such as target selection, reconnaissance, and dry runs – may occur over a very short time period, or in open and crowded places. Informing federal authorities of suspicious activities allows this information to be compared with information in other law enforcement and intelligence databases and to be analyzed for trends, increasing the likelihood that an attack can be thwarted. This also allows federal authorities to better inform communities of the threats they face. The nation's fusion centers have been a hub of these efforts, combined with other initiatives DHS has instituted to better partner with SLTT law enforcement. Today I will focus on a few of these

actions.

Providing Law Enforcement Personnel the Information and Resources They Need

Information sharing

In today's threat environment, preventing terrorist attacks means creating a unified effort across all levels of government, and ensuring that law enforcement officers on the front lines at all levels have everything necessary to do their jobs.

We are strengthening the networks and relationships necessary to get information where it should be, when it should be there, and in the most useful format. At the heart of this effort are fusion centers, which serve as focal points for information sharing among federal and SLTT law enforcement. Starting with just a handful in 2006, there are 72 fusion centers today. They analyze information and identify trends in order to effectively share timely intelligence with local law enforcement and DHS. In turn, DHS shares this information with others within the Intelligence Community. By doing this, the Department facilitates two-way communication among our federal partners and state and local emergency management and public safety personnel, including the first responders on the ground.

My goal is to make every fusion center a center of analytic excellence that provides useful, actionable information about threats to SLTT law enforcement and first responders. To support this vision, we have deployed experienced DHS intelligence officers to fusion centers across the country. We have provided 64 personnel at last count and are committed to having an officer in each fusion center. We support fusion centers in our grants process and are looking for ways to support them through adding technology and personnel, including the deployment of

highly trained experts in critical infrastructure protection. As fusion centers become fully operational, we deploy the Homeland Security Data Network so that fusion center personnel with appropriate federal security clearances have access to classified homeland security threat information.

Strengthening fusion centers is not the only way we are improving the flow and quality of information and getting it to where it needs to be. We are also working closely with the Department of Justice to expand the Suspicious Activity Reporting (SAR) Initiative into a national resource for SLTT law enforcement. As I mentioned earlier, today's diffuse threat landscape means that a police officer on the beat, rather than an intelligence analyst in Washington, D.C., may have the best opportunity to detect an attack or attack planning. The SAR Initiative creates a standard process for law enforcement in more than two dozen states and cities to identify and report suspicious incidents or behaviors associated with specific threats or terrorism. It makes first responders first preventers, as well. The system allows the information to be shared nationally so that it can be used to identify broader trends. We are working with our partners at DOJ to expand this program to every state to make it as comprehensive and effective as possible. By next month, the system will be implemented in an additional 17 locations in addition to the 12 operational, and will cover nearly 70 percent of the American population. We plan for it to be fully implemented on a national scale by the end of 2011.

Grants and grand guidance

Another important way we push tools and resources from Washington and into local hands is through grants. Currently, state and local governments across America are struggling to pay their bills and fund vital services. As a former two-term Governor, I know the hard

budgetary choices they are facing. But it is critical to our national security that local communities maintain and continue to strengthen their public safety capabilities. To help ease the burden on state and local governments, we awarded \$3.8 billion in grants this past year to states, cities, law enforcement, and first responders, and are helping localities stretch these dollars even further. We have eliminated red tape by streamlining the grant process. We have expanded grants to fund maintenance and sustainability, enabling local jurisdictions to support previous investments, rather than buying new equipment or technology each year. We have also bolstered first responders across the country by making it easier for fire grants to be put to work quickly and to enable fire departments to rehire laid-off firefighters and protect the jobs of veteran firefighters. Keeping experienced first responders on the job is critical to our ability to recognize threats and take action.

Public awareness

As recent events have underscored, each and every person has a role to play in keeping our communities and country safe. For example, take the New York street vendor who tipped off a policeman about the bombing attempt in Times Square, or the group of passengers on Flight 253 who intervened to stop the bombing attempt on Christmas Day.

That is why we have taken an effective public awareness campaign with a familiar slogan – “If You See Something, Say Something,” developed by New York City's Metropolitan Transit Authority with support from DHS, and are expanding it across the country, throughout various sectors. Over the summer, we launched this campaign in partnership with Amtrak, the general aviation community, and local and regional law enforcement in the National Capital Region and

across the Southern states. We are also working with professional and collegiate sports leagues to launch this effort at stadiums across the country this fall.

The goal of the "If You See Something, Say Something" campaign is to raise awareness of potential indicators of terrorism, crime and other threats and emphasize the importance of reporting suspicious activity to law enforcement. We see this as a way both to empower Americans to take part in our nation's security and to build important relationships between citizens and SLTT law enforcement in order to ensure local authorities have the information they need to stop terrorist attacks.

Empowering Communities and Police to Combat Violence

We also are empowering local jurisdictions and communities to work together to address violent extremism. The potential threat of homegrown violent extremism is very clear. Some two dozen Americans have been arrested on terror charges since 2009. While it is not clear if this represents an actual increase in violent radicalization, versus a rise in the mobilization of previously radicalized individuals, it is nonetheless evident that over the past 12 months, efforts by violent extremist groups and movements to communicate with and recruit individuals within the United States have intensified. And the profiles of Americans who have been arrested on terror charges, or who we know are involved in terrorism overseas, indicate that there is no "typical" profile of a homegrown terrorist. While we work to address violent extremism, we must acknowledge that there is much we do not know about how individuals come to adopt violent extremist beliefs.

All of this was noted in a detailed report by the Bipartisan Policy Center's National Security Preparedness Group co-chaired by Lee Hamilton and Tom Kean. It is important to

emphasize, though, the actions are currently underway to address the threat of homegrown violent extremism, including our regular consultations with international partners. We know that information-driven, community-oriented approaches led by local police departments in close partnership with community members have been very successful in reducing violence in many American communities. The Homeland Security Advisory Council's (HSAC) Countering Violent Extremism Working Group – comprised of security experts, elected officials, law enforcement leaders, community leaders, and first responders from around the country – has provided DHS with a number of recommendations on how to support local law enforcement and community-based efforts to identify and combat sources of violent extremism.

Based on the HSAC Working Group's recommendations, and in conjunction with the Major Cities Chiefs Association, the International Association of Chiefs of Police, the Department of Justice, the Counter Terrorism Academy, and the Naval Postgraduate School, we are developing a curriculum for state and local law enforcement focused on community-oriented policing, to enable frontline personnel to identify activities that are indicators of criminal activity and violence. This training will be available through a number of venues, including regional community policing institutes and DHS' Federal Law Enforcement Training Center.

We are producing a series of unclassified case studies that examine recent incidents involving terrorism. These will inform state and local law enforcement personnel, as well as members of communities, about common behaviors and indicators exhibited by the suspects in these cases. DHS is also creating a series of intelligence products for the fusion centers and law enforcement personnel that will discuss tactics, techniques and plans of terrorist organizations, including the recruitment and training of individuals living in the United States.

In addition, DHS is convening a series of regional summits with state and local law enforcement, government, and community leaders this fall to focus on best practices. These summits will allow all participants to provide and receive feedback on successful community-oriented policing and other programs aimed at preventing violence and crime. DHS will gather these case studies and best practices and share them with law enforcement nationwide, employing the widely used platforms that the Department has already established.

Finally, DHS continues to work with the Department of Justice to leverage grant programs to support training and technical assistance for SLTT law enforcement. The Department is working to incorporate community-oriented policing concepts into our broader preparedness efforts. And at the same time – because these new initiatives and policies are inherently relevant to DHS’ local community partnerships – the Department is expanding the cultural training and engagement activities performed by the Office for Civil Rights and Civil Liberties. These activities will help both DHS personnel and SLTT law enforcement to better understand, identify, and mitigate threats to American communities.

Community leaders play a vital role in countering violent extremism. Many have helped disrupt plots and have spoken out against violent extremism. They play a central role in addressing this issue, and we are committed to continuing to work closely with them.

Strengthening Specific Sectors

All of what I have described today helps to create a strong foundation for preventing acts of terrorism. But I would also like to talk about some steps we have taken to address terrorist threats to specific economic sectors. These are hardly the only sectors we are focused upon, but there are a few I would like to highlight for the purpose of this testimony.

Commercial aviation

Despite many improvements to aviation security since 9/11 that have made flying very safe, there are still vulnerabilities that need to be addressed. The attempted terrorist attack on Northwest Flight 253, bound to Detroit, on December 25, 2009, illustrated the global nature of the threat to aviation. That incident involved a U.S. plane flying into a U.S. city, but it endangered individuals from at least 17 foreign countries. The alleged attacker, Umar Farouk Abdulmutallab, is a Nigerian citizen educated in the United Kingdom. He received training in terrorist tactics in Yemen, purchased his ticket in Ghana, and flew from Nigeria to Amsterdam before departing for Detroit. And as Canadian officials have pointed out, the plane was over Canadian airspace at the time of the incident.

After this attempted terrorist attack, the U.S. government moved quickly to do more to strengthen security. We took immediate steps to bolster passenger screening, while addressing larger systemic issues on a global scale. I personally traveled to numerous foreign capitals in the aftermath of the attack to work with our allies to ensure our international aviation security efforts were stronger, better coordinated, and redesigned to meet the current threat environment. Since January, we have worked closely with the International Civil Aviation Organization (ICAO), the United Nations body responsible for air transport, on five regional aviation security summits that I have participated in along with elected leaders, security ministers, and airline officials. We have also worked closely with U.S. and international airline and airport trade associations and airline CEOs on a coordinated, international approach to enhancing aviation security.

Next week, at the ICAO General Assembly meeting, we expect the international community to ratify four key elements of global aviation security. These elements are: developing and deploying new security technologies that better detect dangerous materials;

strengthening security measures and standards for airport inspections and cargo screening; enhancing information sharing about threats between countries within the international aviation system; and coordinating international technical assistance for the deployment of improved technologies. These reforms represent a historic advancement for the safety and security of air travel.

DHS has coupled these international efforts with significant advances in domestic aviation security. We have deployed additional behavior detection officers, air marshals, and explosives-detection canine teams, among other measures, to airports across the country. Through the President's fiscal year 2011 budget request and the Recovery Act, we accelerated the purchase of 1,000 Advanced Imaging Technology machines for deployment to airports around the country, and are purchasing and deploying more portable explosive detection machines, Advanced Technology x-ray systems, and bottled liquid scanners. The United States implemented new, enhanced security measures for all air carriers with international flights to the United States that use real-time, threat-based intelligence to better mitigate the evolving terrorist threats. In June, DHS achieved a major aviation security milestone called for in the *9/11 Commission Report* by assuming responsibility for terrorist watchlist screening of all passengers on domestic and international flights on U.S. airlines.

Surface transportation

I would also like to discuss specific actions we have taken to strengthen security for surface transportation, such as passenger rail and mass transit. Many of the steps I have already described are especially important in that environment. We conducted the initial launch of the national "If You See Something, Say Something" campaign at Penn Station in New York, in

conjunction with Amtrak. The SAR Initiative is also geared toward detecting signs of terrorism in public places like train stations, buses, or rail cars. This initiative includes the Amtrak Police Department as a law enforcement partner and allows Amtrak officers to use the upgraded reporting system to refer suspicious activity reports to DHS and the Federal Bureau of Investigation. This is in addition to the intelligence sharing that the Transportation Security Administration (TSA) conducts with Amtrak on an ongoing basis, and the information-sharing work done by the Public Transportation Information Sharing Analysis Center. The expansion of the SAR Initiative will continue to work directly to secure rail transportation.

There are also a number of operational activities underway focused on surface transportation. We are continuing to augment local anti-terrorism efforts by deploying TSA officers at train stations to screen passengers with Amtrak police, and in New York subway stations to work alongside New York and MTA Police. TSA special operation teams, known as VIPR teams, work with local partners to support several thousand operations every year. We are moving forward on risk-based implementation plans for each of the 20 recommendations (of which DHS has the lead on 19) made in the Surface Transportation Security Assessment, released in April as part of an Administration-wide effort to address surface transportation security. We are also in the rulemaking process to require background checks and security training for public transit employees, and to require vulnerability assessments and security plans for high-risk public transportation agencies, railroads, and bus operators. All of these will help to address a landscape where the threats to these systems are distinct.

Conclusion

The terrorist threat against the United States continues to evolve in ways that present more complicated and dangerous challenges than we have faced in the past. We cannot guarantee that there will never be another terrorist attack, and we cannot seal our country under a glass dome. But we can do everything in our power to prevent attacks, confront the terrorist threat head-on, and secure our country.

The efforts that I have described today are only a small part of the work that the hundreds of thousands of men and women, at DHS and at law enforcement agencies across the country, do every day to secure our nation. And I want to emphasize that the Department is focused on many other threats, as well – in particular, the growing threat to our cyber networks and the threat from chemical, biological, radiological, and nuclear weapons. In everything I have described today – and in everything we do to combat terrorism – DHS is focused on providing those on the front lines with the technology, training, and information they need to do their jobs and keep our country safe.

Chairman Lieberman, Senator Collins, and members of the Committee: Thank you for inviting me to testify today. I can now answer any questions you may have.



Homeland Security

Strengthening Border Security and Enforcement of our Immigration Laws

BORDER SECURITY

Strengthening Security at the Border with Additional Personnel and Resources

In March 2009, the Obama Administration announced the Southwest Border Initiative—a series of unprecedented steps to crack down on Mexican drug cartels by deploying additional personnel and technology, increasing information sharing, working closely with the Mexican government, and improving federal coordination with state, local and tribal law enforcement authorities.

Over the past seventeen months, DHS has dedicated historic levels of personnel, technology, and resources to the Southwest border. Today, the Border Patrol is better staffed than at any time in its 86-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,000 today. Immigration and Customs Enforcement (ICE) has increased the number of federal agents deployed to the Southwest border from 3,034 in FY 2008 to approximately 3,300 in FY 2010. Currently, ICE has a quarter of all its personnel in the Southwest border region—the most ever. Since March 2009, DHS has doubled the number of personnel assigned to Border Enforcement Security Task Forces; tripled the number of ICE intelligence analysts working along the U.S.-Mexico border; and begun screening 100 percent of southbound rail shipments for illegal weapons, drugs, and cash – for the first time ever. DHS has also deployed additional canine teams trained to detect drugs and weapons and non-intrusive inspection technology that helps to identify anomalies in passenger vehicles at the Southwest border. Furthermore, DHS has completed 649 miles of fencing out of nearly 652 miles mandated by Congress, including 299 miles of vehicle barriers and 350 miles of pedestrian fence, with the remaining construction scheduled to be complete by the end of the calendar year.

These initiatives and investments have yielded impressive results. Seizures of contraband along the Southwest border have increased across the board and illegal crossings continue to decline. In 2009, DHS seized over \$39.2 million in southbound illegal currency—an increase of more than \$29.4 million compared to 2008. In total, we seized more than \$103 million, 1.7 million kilograms of drugs, and 1,400 firearms in 2009—an increase of more than \$47 million, 450,000 kilograms of drugs, and 300 firearms, respectively, compared to 2008. Additionally, nationwide apprehensions of illegal aliens decreased from 723,825 in FY2008 to 556,041 in FY2009, a 23 percent reduction, indicating that fewer people are attempting to illegally cross the border.

ICE made over 10,732 criminal arrests along the Southwest border in FY 2009 – including 7,173 drug smugglers and 1,316 human smugglers – an approximately 21% increase in criminal arrests compared to 2008.

Southwest Border Security Bill

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The recent passage and signing of Southwest border security supplemental legislation will provide additional capabilities to secure the Southwest border at and between our ports of entry and reduce the illicit trafficking of people, drugs, currency and weapons. Specifically, this bill provides \$14 million for improved tactical communications systems along the Southwest border and \$32 million for two additional CBP unmanned aircraft systems – in addition to \$176 million for an additional 1,000 Border Patrol agents to be deployed between ports of entry; \$68 million to hire 250 new Customs and Border Protection (CBP) officers at ports of entry and to maintain 270 officers currently deployed to ports of entry; and \$6 million to construct two forward operating bases along the Southwest Border to improve coordination of border security activities. Further, President Obama has begun deploying up to 1,200 National Guard troops to the Southwest border to contribute additional capabilities and capacity to assist law enforcement agencies.

Enhanced Information Sharing and Coordination with Federal, State, Local, Tribal, and International Partners

In addition to the increased resources on the Southwest border, DHS has made great strides in strengthening information sharing and coordination with state, local and tribal law enforcement agencies and Mexican authorities.

Interagency Efforts

In June 2009, the Obama Administration released its Southwest Border Counternarcotics Strategy, which provides the Administration's overarching framework to address the threats posed by the illicit narcotics trade along the Southwest border. DHS has also forged historic agreements with the Department of Justice (DOJ), and increased coordination between ICE and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Drug Enforcement Administration (DEA) on important Southwest border issues such as combating arms trafficking, bolstering information sharing and providing ICE agents the authority to work on important drug trafficking cases.

In addition, DHS and the Office of National Drug Control Policy (ONDCP) are partnering to develop and implement Project Roadrunner, an integrated license plate reader recognition system which will target both north- and southbound drug trafficking and associated illegal activity along the Southwest border. Under this partnership, ONDCP will provide DHS with previously-purchased fixed and mobile cameras—expanding DHS' existing capabilities at minimal cost.

Collaboration with State, Local, and Tribal Law Enforcement

The federal government has worked closely with state and local law enforcement along the border—leveraging the resources and capabilities of over 50 law enforcement agencies to crack down on transnational criminal organizations.

DHS has increased the funds state, local, and tribal law enforcement can use to combat border-related crime through Operation Stonegarden—a DHS grant program designed to support state, local, and tribal law enforcement efforts along the border. Based on risk, cross-border traffic and border-related threat intelligence, nearly 83 percent of 2009 and 2010 Operation Stonegarden funds went to Southwest border states, up from 59 percent in 2008.

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DHS is also forging a new partnership with the major law enforcement organizations to create the "Southwest Border Law Enforcement Compact"—designed to boost law enforcement at the border by enabling non-border state and local law enforcement agencies to detail officers to Southwest border state and local law enforcement agencies to focus on criminal networks operating along the border.

Additionally, DHS is strengthening the analytic capability of fusion centers across the Southwest border to receive and share threat information, and is working with the Department of Justice to create a new system that will better link the information systems of all state, local and tribal law enforcement entities operating along the Southwest border with federal law enforcement. Further, DHS is establishing a suspicious activities reporting program for the Southwest border. This will help local law enforcement officers on the front lines recognize and track incidents related to criminal activity by drug traffickers, integrate disparate information from across the border to identify trends and utilize this information for targeted law enforcement operations on both sides of the border.

Increased Cooperation with Mexico

Secretary Napolitano and her Mexican counterparts have signed numerous bilateral agreements and declarations to bolster cooperation in the areas of enforcement, planning, information and intelligence sharing, joint operations and trade facilitation along the Southwest border.

For the first time in history, U.S. Border Patrol agents are coordinating joint operations along the Southwest border with Mexican Federal Police, and working together to combat human trafficking and smuggling. In addition, the Department is increasing joint training programs with Mexican law enforcement agencies—focusing on money laundering and human trafficking investigations. ICE will begin training Mexican customs investigators in August 2010, enabling Mexican Customs to support ICE investigations. CBP is working together with the Mexican government on a variety of training initiatives, including training on non-intrusive inspection equipment and fraudulent documents and visa recognition, as well as training canine detection teams.

Further, in October 2009, ICE launched the Illegal Drug Program in Nogales, Arizona to refer narcotics smuggling cases declined for prosecution in the United States to the Mexican Office of the Attorney General for prosecution. In April 2010, ICE expanded this program to El Paso, Texas. DHS is expanding the program to four additional Southwest border ports of entry—for a total of six locations. Additionally, ICE and the Government of Mexico have entered into a Criminal History Information Sharing Agreement in which ICE provides serious felony conviction information on Mexican nationals being repatriated to Mexico.

Finally, to increase information sharing, the United States and Mexico are establishing a new cross-border communications network which will improve incident response and coordination among participating federal, state, local, and tribal law enforcement and public safety personnel along the border.

INTERIOR ENFORCEMENT

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DHS has fundamentally reformed immigration enforcement, focusing on identifying and removing criminal aliens who pose a threat to public safety and targeting employers who knowingly break the law and drive demand for illegal immigration.

Targeting Criminal Aliens Who Pose a Threat to Public Safety

So far this fiscal year, DHS has removed a record more than 188,000 criminal aliens. DHS has expanded the Secure Communities initiative – which uses biometric information and services to identify and remove criminal aliens in state prisons and local jails – from 14 to 617 jurisdictions, including all jurisdictions along the Southwest border. DHS expects to expand this program nationwide by 2013. This year alone, Secure Communities has resulted in the initiation of removal proceedings against more than 300,000 aliens, including more than 47,000 charged with or convicted of major violent offenses like murder, rape, and the sexual abuse of children.

ICE's Criminal Alien Program—which focuses on identifying criminal aliens who are incarcerated within federal, state, and local facilities thereby ensuring that they are not released into the community by securing a final order of removal prior to the termination of their sentence—charged nearly 232,800 illegal aliens arrested by other law enforcement agencies in FY 2009, a 5 percent increase from 2008. Moreover, under Operation Community Shield, which identifies, arrests, and removes alien gang members from the U.S., ICE arrested more than 3,738 gang members in FY 2009.

Section 287(g) of the Immigration and Nationality Act of 1996 authorizes the federal government to give specially trained local law enforcement officers authorization to perform immigration enforcement duties under the oversight and supervision of ICE. In July 2009, ICE redrafted its 287(g) agreement to strengthen public safety and ensure consistency in immigration enforcement across the country by prioritizing the arrest and detention of criminal aliens. ICE has signed redrafted 287(g) agreements with law enforcement agencies in 71 jurisdictions in 26 states. In FY 2009, 287(g) officers identified over 60,000 foreign nationals eligible for removal, 69.5 percent of which have been removed or returned to their home countries (many of those remaining are in custody pending resolution of criminal cases). In 2009, the number of criminal aliens identified by state and local officers participating in 287(g) partnerships increased approximately 78% compared to 2008.

ICE is also expanding the Joint Criminal Alien Removal Task Forces, comprised of ICE officers and local law enforcement agents who work together to identify and arrest convicted criminal aliens and deploying additional officers to work with state and local jails that are within 100 miles of the Southwest border to ensure the identification of all removable convicted criminal aliens who pose a danger to public safety.

Combating Immigration Fraud

In June 2009, DHS successfully implemented the Western Hemisphere Travel Initiative (WHTI) for land and sea travel to the U.S., requiring that U.S. and Canadian citizens present a passport or other secure travel document that denotes identity and citizenship when crossing the border. As of the end of July, 96.7% of people queried nationwide were compliant with WHTI requirements.

In May 2010, U.S. Citizenship and Immigration Services (USCIS) launched a new card personalization system with state-of-the-art technology that enhances the verification and sharing

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of electronic records. USCIS redesigned all of its secure identity documents to comply with the latest DHS and International Civil Aviation Organization (ICAO) standards, as well as best practices in industry and government. The new Permanent Resident Card ("green card") includes a radio frequency identification tag that allows CBP to quickly access the electronic records of travelers seeking to enter the United States and includes new security features that reduce the risks of counterfeiting, tampering, and fraud. Additionally, USCIS updated the Employment Authorization Document by adding a machine-readable zone that for the first time enables the automated reading of the document by CBP and automatically populates both US-VISIT and CBP databases.

Finally, under DHS's Driver's License Grant Security Grant Program, states have made substantial progress in improving the security and integrity of their driver's licenses and issuance processes. Over the past three years, this program has provided \$176.4 million to states to assist with implementing these security procedures.

Detering Illegal Employment

In terms of workplace enforcement, ICE remains focused on criminally investigating and prosecuting employers who exploit or abuse their employees and have a history of knowingly employing an illegal workforce. ICE focuses on companies that work at sites of critical infrastructure or key resources. Instead of focusing on high-profile worksite enforcement actions, or "raids," the Obama Administration has already audited more companies to check their compliance with federal law than the last Administration did during its entire time in office – pursuing criminal and civil penalties against employers who are violating the law. Since January 2009, DHS has audited more than 3,200 employers suspected of hiring illegal labor, compared to just 500 in 2008, leading to the disbarment of 200 companies and individuals and \$40 million in financial sanctions.

Additionally, DHS has improved and expanded the E-Verify system, adding new features to monitor for fraud and redesigning the system to ensure compliance and ease of use. The Administration also announced the 'I E-Verify' initiative to let consumers know which businesses are working to maintain legal workforces by using E-Verify. Since September 2009, the Obama administration has required certain federal contracts to use E-Verify to determine employment eligibility for all new hires and for existing employees who will work on federal business. Employer enrollment in E-Verify has more than doubled since January 2009, with more than 223,000 participating companies representing more than 795,000 hiring sites. More than 1,400 new employers join the program each week, and more than 15 million queries have been run in E-Verify so far this fiscal year.

HUMANITARIAN EFFORTS

Detention Reform

In August 2009, Secretary Napolitano and Assistant Secretary of Immigration and Customs Enforcement John Morton announced a major overall of the nation's immigration detention system—prioritizing health, safety and uniformity among detention facilities while ensuring security, efficiency and fiscal responsibility. Reform efforts include initiatives to centralize contracts under ICE headquarters supervision; develop an assessment tool to identify aliens suitable for alternatives to detention; house non-criminal non-violent populations at facilities

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commensurate with risk; expand legal support services programs; devise and implement a medical classification system to enhance detainee medical care; launch a public, Internet-based detainee locator tool to assist attorneys, family members, and other relevant parties in locating detained individuals in ICE custody; and more than double the number of federal personnel providing onsite oversight at the facilities where the majority of detainees are housed to ensure accountability and reduce reliance on contractors.

Relief for Widows and Children of American Citizens

DHS implemented legislation allowing USCIS to approve immigrant petitions for permanent resident status in the United States filed by or on behalf of widows and widowers of U.S. citizens and their unmarried children under 21 years old. Previously, a widow(er) had to be married to a U.S. citizen for at least two years in order to qualify as an immediate relative eligible to apply for permanent resident status. The new legislation enables all widows and widowers of U.S. citizens to apply regardless of how long the couple was married.

Combating Human Trafficking

DHS is vastly expanding its efforts to combat human trafficking. In FY 2009, ICE initiated 566 human trafficking investigations, leading to 388 arrests, 148 indictments, and 165 convictions. Additionally, in July 2010, ICE, CBP, USCIS and the Federal Law Enforcement Training Center launched the "Blue Campaign"—a Department-wide initiative to combat human trafficking through enhanced public outreach, victim assistance, and law enforcement training and initiatives. The Blue Campaign includes new, computer-based training for state and local law enforcement officers; enhanced victim assistance materials for distribution at ports of entry; and a new DHS website, www.dhs.gov/humantrafficking, a one-stop shop for anti-human trafficking resources for human trafficking victims, law enforcement officers, concerned citizens, NGOs, and the private sector.

Supporting Members of the Military

Since January 2009, USCIS has naturalized over 15,000 military personnel. In August 2009, USCIS and the United States Army launched the Naturalization at Basic Training Initiative, a program that gives non-citizen enlistees an opportunity to naturalize before the completion of basic training.

BY THE NUMBERS

Investing in Additional Personnel, Technology, and Infrastructure

- 649 miles of fencing completed out of nearly 652 miles mandated by Congress, including 299 miles of vehicle barriers and 350 miles of pedestrian fence.
- The Border Patrol is better staffed today than at any time in its 86-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,000 in 2009.
- ICE has deployed a record number of federal agents to the Southwest border; currently, ICE has a quarter of all its personnel in the Southwest border region – the most ever.
- ICE has doubled the number of personnel assigned to BESTs.
- ICE has tripled the number of intelligence analysts along the Southwest border focused on cartel violence.

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- CBP has deployed additional dual detection canine teams, which identify firearms and currency, as well as additional narcotics detection canine teams.
- CBP has deployed additional Z-Backscatter Van Units, Mobile Surveillance Systems, Remote Video Surveillance Systems, thermal imaging systems, radiation portal monitors, and license plate readers to the Southwest border.

Increased Apprehensions and Interdicting Drugs, Weapons, and Currency

- In 2009, DHS seized over \$39.2 million in southbound illegal currency – an increase of more than \$29.4 million compared to 2008.
- In 2009, DHS seized more than \$103 million in illegal currency, more than 1.7 million kilograms of drugs and more than 1,400 firearms – increases of more than \$47 million, more than 450,000 kilograms of drugs and more than 300 firearms compared to 2008.
- Overall Border Patrol apprehensions of illegal aliens decreased from 723,825 in FY 2008 to 556,041 in FY 2009, a 23% reduction, indicating that fewer people are attempting to illegally cross the border.
- In 2009, ICE made over 10,732 criminal arrests along the Southwest border, a 21 percent increase compared to 2008. Over 7,173 were drug smugglers and over 1,315 were human smugglers.

Targeting Criminal Aliens Who Pose a Threat to Public Safety

- So far this fiscal year, DHS has removed a record 170,000 criminal aliens.
- ICE's Criminal Alien Program—which focuses on identifying criminal aliens who are incarcerated within federal, state, and local facilities thereby ensuring that they are not released into the community by securing a final order of removal prior to the termination of their sentence—charged nearly 232,800 illegal aliens arrested by other law enforcement agencies in FY 2009, a 5% increase compared to 2008.
- DHS has expanded the Secure Communities initiative – which uses biometric information and services to identify and remove criminal aliens in state prisons and local jails – from 14 to 617 jurisdictions, including all jurisdictions along the Southwest border. DHS expects to expand this program nationwide by 2013. This year alone, Secure Communities has resulted in the initiation of removal proceedings against more than 300,000 aliens, including more than 47,000 charged with or convicted of major violent offenses like murder, rape, and the sexual abuse of children. Overall, so far this fiscal year, DHS has removed a record more than 188,000 criminal aliens.
- Under Operation Community Shield, which identifies, arrests, and removes alien gang members from the U.S., DHS arrested more than 3,738 gang members in FY 2009.

Penalizing and Deterring Illegal Employment

- Since January 2009, DHS has audited more than 3,200 employers suspected of hiring illegal labor, compared to just 500 in 2008, leading to the disbarment of 200 companies and individuals and \$40 million in financial sanctions.
- Employer enrollment in E-Verify has more than doubled since January 2009, with more than 223,000 participating companies representing more than 795,000 hiring sites. More than 1,400 new employers join the program each week, and more than 15 million queries have been run in E-Verify so far this fiscal year.

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Department of Justice

STATEMENT OF

**ROBERT S. MUELLER III
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS
UNITED STATES SENATE**

AT A HEARING ENTITLED

**"NINE YEARS AFTER 9/11:
CONFRONTING THE TERRORIST THREAT TO THE HOMELAND"**

PRESENTED

SEPTEMBER 22, 2010



**Statement of
Robert S. Mueller III
Director
Federal Bureau of Investigation**

**Before the
Committee on Homeland Security and Governmental Affairs
United States Senate**

**At a Hearing Entitled
"Nine Years after 9/11: Confronting the Terrorist Threat to the Homeland"**

September 22, 2010

Good morning, Chairman Lieberman, Senator Collins, and members of the Committee. Thank you for the opportunity to appear before you today to discuss the terrorist threats facing our nation and the efforts of the FBI to protect the United States from future terrorist attacks.

The FBI's number one priority continues to be the prevention of terrorist attacks against the United States. To meet this mission, we have undergone a paradigm shift in the way we collect and use intelligence. Intelligence drives our investigative strategies, enhancing our understanding of national security threats and our ability to address these threats. Today, the FBI is a stronger organization, combining our national security and law enforcement capabilities while upholding the Constitution and protecting civil liberties.

Since 9/11, many of the terrorist threats facing the United States endure, but some are also evolving and transforming in ways that present new challenges. Despite significant counterterrorism pressure abroad, al-Qa'ida remains committed to advancing attack plans directed at the West, including plans against Europe and the Homeland. The group's efforts to recruit, train, and deploy operatives to execute attacks worldwide, but specifically in the United States, were demonstrated with the arrest of Najibullah Zazi, who was plotting to attack the New York City subway system. Groups affiliated with al-Qa'ida are now actively targeting the United States and looking to use Americans or Westerners who are able to remain undetected by heightened security measures—as seen with the attempted airline bombing on Christmas Day 2009 and the failed car bombing in New York's Times Square in May. In addition, it appears domestic radicalization and homegrown extremism is becoming more pronounced, based on the number of disruptions and incidents.

Recent National Security Threats

The FBI has faced and disrupted an extraordinary range of national security threats since the Committee's hearing last year on the terrorist threat. We structure all of our investigations to maximize the intelligence that can be gained from them. Drawing on our intelligence and law enforcement tools, we strategically decide where and when to disrupt and dismantle these threats. Intelligence, in turn, drives investigative strategies to ensure our resources are targeting and collecting on the most pressing threats. The investigation of Najibullah Zazi is an example of how the FBI used its intelligence and law enforcement tools to collect valuable intelligence on a subject's network. Zazi was arrested in September 2009 and on February 22, 2010 pleaded guilty to terrorism charges related to his plans to attack the New York City subway system. His two New York-based associates were indicted in January 2010.

Also in September of last year, FBI Special Agents arrested Michael C. Finton in Illinois and Hosam Smadi in Texas for unrelated bomb plots. The FBI used online undercover FBI agents and confidential human sources who continuously monitored the activities of these violent extremist subjects up to the time of their arrests.

U.S. citizen David Headley was arrested in October 2009 in Chicago for planning terrorist attacks against a Danish newspaper and two of its employees. During the course of this investigation, the FBI collected intelligence that uncovered Headley's operational role in the 2008 attacks in Mumbai, India, and connected him to a separate plot to kill an individual in Denmark. On January 14, 2010, a superseding indictment was filed against Headley relating to his conspiring with others to plan and execute attacks in both Denmark and India, and in March 2010, he pleaded guilty on all counts.

In January 2010, Umar Farouk Abdulmutallab was charged in a six-count criminal indictment for his alleged role in the attempted Christmas Day bombing of Northwest Airlines flight 253 from Amsterdam to Detroit. Within days of the Christmas Day attack, the FBI established a Yemen fusion cell to coordinate intelligence and counterterrorism assets in response to al-Qa'ida in the Arabian Peninsula's (AQAP's) threat to the United States homeland and United States interests overseas. The FBI gained critical intelligence from the questioning of Abdulmutallab and shared all relevant information with our partners in the intelligence and law enforcement communities.

In May 2010, Faisal Shahzad attempted to detonate a car bomb in Times Square, an attack for which Tehrik-e-Taliban in Pakistan (TTP) claimed responsibility. The FBI forensics and technical experts developed crucial evidence aiding this fast-moving terrorism investigation. Equally important, the intelligence gained from this investigation was voluminous and significant, and shared expeditiously with our domestic and foreign partners.

Threats to the Homeland

These threats are merely a sampling of the intelligence we collected and terrorist plots the FBI disrupted during the past year. But they underscore the diversity of the threats facing the

Homeland and a troubling trend: the rise in U.S.-specific threats. In the past year, the United States has been center stage as the focus for a number of terrorist plots that primarily come from three sources: core al-Qa'ida, al-Qa'ida's affiliates, and homegrown extremists.

Al-Qa'ida

Since the 2001 terrorist attacks, al-Qa'ida's intent to conduct high-profile attacks inside the United States has been unwavering. Recent investigations reveal that the group has adapted its strategy for conducting such attacks. In the immediate aftermath of 9/11, al-Qa'ida's plots and plans primarily focused on using individuals from the Middle East or South Asia for such attacks. More recent plots—beginning in August 2006 with the attempted plan to commit attacks against U.S.-bound aircraft using improvised explosives devices—suggest al-Qa'ida is also putting more emphasis on finding recruits or trainees from the West to play key roles for these Homeland-specific operations.

The 2009 plot led by Najibullah Zazi to attack the New York subway was the first known instance since 9/11 that al-Qa'ida had successfully deployed a trained operative into the United States. The fact that Zazi and his associates had access to the United States and were familiar with the environment here from an operational security and targeting perspective demonstrates how al-Qa'ida can leverage Americans. The potential exists for al-Qa'ida to use and train other Americans for additional Homeland attacks. Identifying these individuals is among the FBI's highest counterterrorism priorities.

Al-Qa'ida Affiliates and Allies

We are also concerned by the growing threat to the West posed by al-Qa'ida affiliates and allies. Al-Qa'ida continues to exert its influence over these extremist organizations around the world, and we are increasingly concerned about the potential for some of these groups—operating in countries like Afghanistan, Pakistan, Yemen, Somalia, and Iraq—to focus more on Homeland attacks in the coming years. Several changes this past year suggest this Homeland-specific agenda may be rising in prominence: collaboration and cooperation between some groups; two attempted attacks on the U.S. Homeland; and the number of American extremists who have traveled, or sought to travel, overseas to fight or train with such groups.

The level of cooperation among al-Qa'ida and other terrorist groups has changed in the past year, suggesting that this collaboration and resulting threat to the Homeland will increase. By sharing financial resources, training, tactical and operational expertise, and recruits, these groups have been able to withstand significant counterterrorism pressure from United States, coalition, and local government forces.

The failed attempt by Faizal Shahzad to detonate a vehicle rigged with explosive devices in Times Square in May 2010 was the first time we had seen TTP, a Pakistan-based terrorist group, expand its operational focus from attacks within its immediate region to plotting attacks against the U.S. Homeland.

The attempted Christmas Day bombing of the Northwest flight to Detroit also represented the first time AQAP attempted an attack against the United States already having demonstrated its ability to target U.S. interests in Yemen. Much like al-Qa'ida, AQAP was able to identify a willing recruit who was committed to attacking the United States and whose background did not raise traditional security scrutiny. Like core al-Qa'ida's use of Zazi, TTP's use of Shazhad—a naturalized U.S. citizen who had lived for years in the United States—to attempt to attack the Homeland underscores the operational roles Americans can play for al-Qa'ida and its affiliates.

The number of persons from the United States who attempted to travel overseas to various conflict zones to receive terrorist training or combat experience during the past year also poses a challenge. While the motivations for such travel are diverse, as are the backgrounds of the individuals we see interested in such opportunities, we remain concerned about this development. Once Americans are able to travel overseas and make the right connections with extremists on the ground, they could be targeted for participation in Homeland-specific attack plans, as happened in the cases of Zazi and Shazhad.

In particular, Somalia has garnered the attention of many American extremists, as at least two dozen Americans have successfully made it there to train or fight over the past few years. Recent disruptions inside the United States show that some Americans still desire to travel there to receive training or even fight on behalf of al-Shabaab, a designated terrorist organization.

Homegrown Extremism and Radicalization

Threats from homegrown violent extremists—those who have lived primarily inside the United States and commit acts of violence in furtherance of objectives promoted by a foreign terrorist organization, but who acts without direction from a foreign terrorist organization—remain a concern. Like Finton and Smadi, these individuals are inspired by the global jihadist movement to commit violent acts in the United States and may use the Internet to connect with other extremists, but do not necessarily receive direct guidance from terrorist groups overseas.

During the past year, the threat from radicalization has evolved. A number of disruptions occurred involving extremists from a diverse set of backgrounds, geographic locations, life experiences, and motivating factors that propelled them along their separate radicalization pathways. Beyond the sheer number of disruptions and arrests that have come to light, homegrown extremists are increasingly more savvy, harder to detect, and able to connect with other extremists overseas.

Although no single factor helps to explain why the radicalization phenomenon now may be more pronounced inside the United States, several factors may be important in assisting our efforts to understand the current dynamic. The attraction of foreign conflict zones to American extremists is significant, and we have already seen a number of Americans travel overseas for extremist purposes. While difficult to measure, it is possible more American extremists are feeling increasingly disenchanted with living in the United States or angry about U.S. and Western

foreign policy, making their decision to leave for extremist opportunities abroad all the more appealing. The increase in extremist propaganda in English may also have an impact.

Moreover, as the Internet continues to shape the way American society engages in so much of our daily lives and routines, so too has it had a profound impact on the radicalization dynamic. The Internet has expanded as a platform for spreading extremist propaganda, a tool for online recruiting, and a medium for social networking with like-minded violent extremists, all of which may be contributing to the pronounced state of radicalization inside the United States.

Addressing the Threat

Addressing our most critical threats requires a holistic picture and understanding of the threat environment at home and abroad. To enhance this understanding, the FBI issued 24 threat priorities, designed to help the FBI focus its resources on the development of a uniform national domain awareness and intelligence collection strategy. These priorities do not replace the eight operational priorities that have been in place since 2002; instead, they focus on sub-program threats that will help the FBI prioritize intelligence activities within each of the operational priorities.

Input from FBI field offices on the threats within their domain will continue to inform the national picture of these threats—their presence, intent and capabilities, our source penetration and liaison contacts who can provide intelligence—and the focus and potential impact of our current investigations.

A key focus in the coming year will be using this understanding to develop national operational strategies to stay ahead of trends and protect our nation from the threat of terrorist radicalization in the United States.

Partnerships and Outreach

Our partnerships with local law enforcement are critical in gaining an understanding of the threat environment and protecting our nation and its citizens. In more than 100 locations nationwide, our Joint Terrorism Task Forces (JTTFs)—composed of members from local, state, tribal, and federal law enforcement and intelligence agencies—share information and conduct operations to prevent and dismantle terrorist plots. The FBI, in coordination with the Department of Homeland Security (DHS), is committed to having a nationwide approach to participating in state and local fusion centers.

The FBI, the National Counterterrorism Center (NCTC), and DHS have joined together on an initiative to enhance our collective understanding of homegrown violent extremism in the United States. The effort leverages the key capabilities of the law enforcement community and includes enhanced information sharing, training, and analysis.

The FBI is also collaborating with DHS to issue joint intelligence products on radicalization to federal, state, local, and tribal law enforcement personnel.

Intelligence-driven investigations also require a unity of effort with our partners overseas. Global cooperation is necessary to combat terrorism, and through more than 60 Legal Attaché offices around the world, the FBI has strengthened relationships with our international partners and expanded our global reach. The FBI's assistance in investigating the recent bombings in Uganda provided greater insight and understanding of international terrorist networks that pose a threat to the United States.

Finally, the FBI understands that protecting America requires the cooperation and understanding of the public. Since the 9/11 attacks, the FBI has developed an extensive outreach program to Muslim, South Asian, and Sikh communities to develop trust, address concerns, and dispel myths in those communities about the FBI and the U.S. Government. As part of this effort, in 2009 the FBI established the Specialized Community Outreach Team (SCOT), composed of Special Agents, Analysts, Community Outreach Specialists, and personnel with language or other specialized skills. This team assists field offices with establishing new contacts in key communities.

Events in Minneapolis, involving U.S. persons being recruited in Somali-American communities to travel overseas and fight with the Somali-based terrorist group al-Shabaab, provided the opportunity to implement a pilot SCOT program. Representatives of the SCOT deployed to a select number of cities that have a high ethnic Somali population. These personnel bring a cultural awareness and sensitivity to the community and a professionalism that facilitates the first steps of engagement with local leaders, who have welcomed the opportunity. SCOT also provides recommendations to the field office for engagement strategy within the community. This program's methodology can be implemented proactively with all communities.

Conclusion

Chairman Lieberman and Ranking Member Collins, I would like to conclude by thanking you and this Committee for your service and support. The FBI is in a better position to understand the threats facing the Homeland than we were even a year ago. Since 9/11, the FBI has evolved to meet the shifting terrorist threat. We must never stop evolving, but we can say that nine years later, our analysis is deeper, our operations more sophisticated, and our knowledge more three-dimensional.

For 100 years, FBI employees have dedicated themselves to safeguarding justice, to upholding the rule of law, and to defending freedom. On behalf of the men and women of the FBI, I look forward to working with you to enhance the capabilities needed to protect the United States.

**Statement for Record
Senate Homeland Security and Government Affairs
Committee**

**“Nine Years after 9/11: Confronting the Terrorist
Threat to the Homeland”
22 September 2010**



**Michael Leiter
Director of the National Counterterrorism Center**

**Statement for the Record
Senate Homeland Security and Governmental Affairs Committee**

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Introduction

Chairman Lieberman, Ranking Member Collins, distinguished Members of the Committee, thank you for the opportunity today to discuss the current state of the terrorist threat to the Homeland and the U.S. Government’s efforts to address the threat. I am pleased to join Secretary of Homeland Security Janet Napolitano and Director of the Federal Bureau of Investigation (FBI) Robert Mueller—two of the National Counterterrorism Center’s (NCTC) closest and most critical partners.

Nature of the Terrorist Threat

During the past year our nation has dealt with the most significant developments in the terrorist threat to the Homeland since 9/11. The three attempted Homeland attacks during the past year from overseas-based groups—including Pakistan-based al-Qa’ida’s plan to attack the New York City subway one year ago, its regional affiliate al-Qa’ida in the Arabian Peninsula’s (or AQAP’s) attempt to blow up an airliner over Detroit last Christmas, and al-Qa’ida’s closest ally Tehrik-e-Taliban Pakistan’s (or TTP’s) attempt to bomb Times Square in May—in addition to two lone actor attacks conducted by homegrown extremists Carlos Bledsoe and Nidal Hassan, surpassed the number and pace of attempted attacks during any year since 9/11. The range of al-Qa’ida core, affiliated, allied, and inspired US citizens and residents plotting against the Homeland during the past year suggests the threat against the West has become more complex and underscores the challenges of identifying and countering a more diverse array of Homeland plotting.

Al-Qa’ida’s affiliates’ and allies’ increasing ability to provide training, guidance, and support for attacks against the United States makes it more difficult to anticipate the precise nature of the next Homeland attack and determine from where it might come. Regional affiliates and allies can compensate for the potentially decreased willingness of al-Qa’ida in Pakistan—the deadliest supplier of such training and guidance—to accept and train new recruits. Additional attempts, even if unsuccessful, by al-Qa’ida’s affiliates and allies to attack the US—particularly attempts in the Homeland—could attract the attention of more Western recruits, thereby increasing those groups’ threat to the Homeland. Even failed attacks, such as AQAP’s and TTP’s attempts, further al-Qa’ida’s goal of fomenting global jihad against the West and demonstrate that some affiliates and allies are embracing this vision. The impact of the attempted attacks during the past year suggests al-Qa’ida, and its affiliates and allies, will attempt to conduct smaller-scale attacks targeting the Homeland but with greater frequency.

Today al-Qa’ida in Pakistan is at one of its weakest points organizationally. We have restricted their freedom of movement and reduced their sense of security in the Federally Administered Tribal Areas (FATA). However, the group has proven its resilience over time and remains a capable and determined enemy, harnessing most of its capabilities and resources on plotting attacks against the West. The threat

to the Homeland is compounded by the ideologically similar but operationally distinct plotting against the US by al-Qa'ida's Pakistan-based allies, regional affiliates, and sympathizers worldwide, including radicalized US persons, who may not receive training, direction, or support from al-Qa'ida senior leaders in the FATA but embrace al-Qa'ida's global violent extremist vision.

The spike in homegrown violent extremist activity during the past year is indicative of a common cause that rallies independent extremists to want to attack the Homeland. Key to this trend has been the development of a US-specific narrative that motivates individuals to violence. This narrative—a blend of al-Qa'ida inspiration, perceived victimization, and glorification of past plotting—has become increasingly accessible through the Internet, and English-language websites are tailored to address the unique concerns of US-based extremists. However, radicalization among US-based extremists remains a very unique process based on each individual's personal experiences and motivating factors.

Pakistan: The Current Threat from al-Qa'ida and its Allies

Al-Qa'ida in Pakistan is weaker today than at any time since the late 2001 onset of Operation Enduring Freedom in Afghanistan. Sustained US-Pakistani counterterrorism (CT) pressure against al-Qa'ida and its militant allies in the FATA during the past nine years have reduced the group's safehaven and forced it to adapt to mitigate personnel losses.

- During the past 19 months, al-Qa'ida's base of operations in the FATA has been restricted considerably, limiting their freedom of movement and ability to operate. At the same time, nearly a dozen al-Qa'ida leaders—and hundreds of their extremist allies—have been killed or captured worldwide. Perhaps most significantly, al-Qa'ida lost its general manager, Shaykh Sa'id al-Masri, and its chief of operations for Afghanistan.

Despite these CT successes, al-Qa'ida in Pakistan remains intent on attacking the West and continues to prize attacks against the US Homeland and our European allies above all else. Al-Qa'ida is persistently seeking, training, and deploying operatives to advance attacks against targets in the West, while at the same time encouraging sympathizers worldwide—including radicalized US citizens and residents—to do what they can to further al-Qa'ida's violent extremist agenda.

Al-Qa'ida's senior-most leaders—Usama bin Ladin and Ayman al-Zawahiri—maintain al-Qa'ida's unity and strategic focus on US targets, especially prominent political, economic, and infrastructure targets.

- Europe is a primary focus of al-Qa'ida plotting. Five disrupted plots during the past four years—including a plan to attack airliners transiting between the UK and US, a credible plot in Germany, disrupted cells in the UK and Norway, and the disrupted plot to attack a newspaper in Denmark—demonstrate Pakistan-based al-Qa'ida's steadfast intent to attack the US and our allies.
- Al-Qa'ida's propaganda efforts are meant to inspire additional attacks by motivating sympathizers worldwide to undertake efforts similar to Nidal Hassan's attack on Fort Hood last fall. Al-Qa'ida will continue to use propaganda to encourage like-minded extremists to conduct smaller-scale independent attacks that are inspired, but not overseen or directed, by the group.

One of al-Qa'ida's key allies in the FATA, **Tehrik-e- Taliban Pakistan (TTP)**, is an alliance of militant groups that formed in 2007 with the intent of imposing its interpretation of shari'a law in Pakistan and expelling Coalition troops from Afghanistan. TTP leaders maintain close ties to senior al-Qa'ida leaders,

providing critical support to al-Qa'ida in the FATA and sharing some of the same global violent extremist goals.

- TTP since 2008 has repeatedly threatened to attack the US Homeland, and the failed attack on Times Square in May by Faisal Shahzad—an American who trained with and received financial support from TTP in Pakistan—demonstrated the group's capability to move a Homeland attack to the execution phase.
- Following the attempted attack on Times Square, TTP warned that operatives were located in the US and threatened continued attacks against US facilities in Pakistan. TTP also played a significant role in the suicide bombing in Khowst, Afghanistan that killed seven Americans and also was responsible for a complex attack conducted against the US Consulate in Peshawar earlier (April) this year.

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

- The Haqqani network is based in the FATA and claimed responsibility for the January 2008 attack against a hotel in Kabul that killed six, including one American, and has coordinated and participated in cross-border attacks against US and Coalition forces in Afghanistan.
- HUJI has collaborated with al-Qa'ida on attacks and training for HUJI members. In January 2009, a federal grand jury indicted HUJI commander Mohammad Ilyas Kashmiri in absentia for a disrupted terrorist plot against a newspaper in Denmark. The group also has been involved in multiple, high-casualty attacks, including an operation against a mosque in Hyderabad, India in May 2007 that killed 16, and an attack against Pakistani intelligence and police facilities in Lahore in 2009 that killed 23.

Pakistan-based Sunni extremist group **Lashkar-e-Tayyiba (LT)** poses a threat to a range of interests in South Asia. Its attacks in Kashmir and India have had a destabilizing effect on the region, increasing tensions and brinkmanship between New Delhi and Islamabad. The group's attack two years ago in Mumbai resulted in US and Western casualties, and the group continues to plan attacks in India that could harm US citizens and damage US interests. LT's involvement in attacks in Afghanistan against US and Coalition forces and provision of support to the Taliban and al-Qa'ida extremists there pose a threat to US and Coalition interests. Although LT has not previously conducted attacks in the West, LT—or LT-trained individuals—could pose a direct threat to the Homeland and Europe, especially should they collude with al-Qa'ida operatives. We also are concerned that next month's Commonwealth Games in New Delhi will be an appealing target for LT due to their political and economic significance for India, as well as the heightened media exposure that will accompany the event.

The Increasing Threat from al-Qa'ida's Regional Affiliates

Al-Qa'ida in the Arabian Peninsula. We witnessed the reemergence of AQAP in early 2009 and continue to view Yemen as a key battleground and potential regional base of operations from which AQAP can plan attacks, train recruits, and facilitate the movement of operatives.

- AQAP has orchestrated many attacks in Yemen and expanded external operations to Saudi Arabia and the Homeland, including the assassination attempt on a Saudi Prince last August and the attempted airliner attack last Christmas—representing the first regional affiliate’s Homeland attack that moved to the execution phase.
- Dual US-Yemeni citizen and Islamic extremist ideologue Anwar al-Aulaqi played a significant role in the attempted airliner attack and was designated in July as a specially designated global terrorist under E.O. 13224 by the United States Government and the UN’s 1267 al Qa’ida and Taliban Sanctions Committee. Aulaqi’s familiarity with the West and role in AQAP remain key concerns for us.
- AQAP’s use of a single operative using a prefabricated explosive device to conduct a Homeland attack limited their resource commitments and visible signatures that often enable us to detect and disrupt plotting efforts.

Al-Qa’ida Operatives in Somalia and Al-Shabaab. East Africa remains a key locale for al-Qa’ida associates and the Somalia-based terrorist and insurgent group al-Shabaab. Some al-Shabaab leaders share al-Qa’ida’s ideology and publicly have praised Usama bin Ladin and requested further guidance from the group, although Somali nationalist themes are also prevalent in their public statements. Al-Shabaab leaders have cooperated closely with a limited number of East Africa-based al-Qa’ida operatives and the Somalia-based training program established by al-Shabaab and now-deceased al-Qa’ida operative Saleh Nabhan, continues to attract hundreds of violent extremists from across the globe, to include dozens of recruits from the United States. At least 20 US persons—the majority of whom are ethnic Somalis—have traveled to Somalia since 2006 to fight and train with al-Shabaab. In the last two months, four US citizens of non-Somali descent were arrested trying to travel to Somalia to join al-Shabaab. Omar Hammami, a US citizen who traveled to Somalia in 2006 and now is one of al-Shabaab’s most prominent foreign fighters, told the New York Times in January that the United States was a legitimate target for attack. The potential for Somali trainees to return to the United States or elsewhere in the West to launch attacks remains of significant concern.

- Al-Shabaab claimed responsibility for its first transnational attack—the July suicide bombings in Kampala, Uganda, which killed 76 people including one American. Al-Shabaab leaders have vowed additional attacks in the region. Al-Shabaab was also likely responsible for five coordinated suicide car bombings—using its first known US suicide bomber—in October 2008, which targeted the United Nations and local government targets in northern Somalia, further demonstrating its capabilities and expanded regional threat.

Al-Qa’ida in the Lands of the Islamic Maghreb. AQIM is a persistent threat to US and other Western interests in North and West Africa, primarily conducting kidnap for ransom operations and small-arms attacks, though the group’s execution in July of a French hostage and first suicide bombing attack in Niger earlier this year punctuate AQIM’s lethality and attack range. Disrupted plotting against France and publicized support of Nigerian extremists reveal the group’s continuing aspirations to expand its influence. Sustained Algerian efforts against AQIM have significantly degraded the organization’s ability to conduct high-casualty attacks in the country. While AQIM remains a threat in the northern Kabylie region, those efforts have compelled AQIM to shift its operational focus from northern Algeria to the vast, ungoverned Sahel region in the South. Multi-national CT efforts—including a joint French-Mauritanian raid in July against an AQIM camp—will increase regional pressure to disrupt the group.

Al-Qa'ida in Iraq. Ongoing CT successes against AQI—to include the deaths of the group's top two leaders this year in a joint Iraqi/US military operation—have continued to pressure the organization and hinder its external ambitions. Despite these ongoing setbacks, AQI remains a key al-Qa'ida affiliate in the region and has maintained a steady attack tempo within Iraq, serving as a disruptive influence in the Iraqi Government formation process and continuing to threaten Coalition Forces. While AQI's leaders continue to publicly threaten to attack the West, to include the Homeland, their ability to do so has been diminished, although not eliminated.

Homegrown Sunni Extremist Activity Spikes

Homegrown Sunni extremists pose an elevated threat to the Homeland. Plots disrupted in New York, North Carolina, Arkansas, Alaska, Texas, and Illinois during the past year were unrelated operationally, but are indicative of a collective subculture and a common cause that rallies independent extremists to want to attack the Homeland. Key to this trend has been the development of a US-specific narrative that motivates individuals to violence. This narrative—a blend of al-Qa'ida inspiration, perceived victimization, and glorification of past homegrown plotting—addresses the unique concerns of US-based extremists.

- Nidal Hassan's killing of soldiers at Fort Hood and Carlos Leon Bledsoe's attack targeting a recruiting station in Little Rock, Arkansas in 2009 serve as stark examples of lone actors inspired by the global violent extremist movement who attacked without oversight or guidance from overseas-based al-Qa'ida elements.
- Homegrown violent extremists continue to act independently and have yet to demonstrate the capability to conduct sophisticated Homeland attacks.
- Increasingly sophisticated English-language jihadist propaganda remains easily downloadable via the Internet and provides young extremists with guidance to carry out Homeland attacks. English-language discussion for a also foster a sense of community and further indoctrinate new recruits, both of which can lead to increased levels of violent activity.
- The rising profiles of US citizens within overseas terrorist groups—such as Omar Hammami in al-Shabaab and Anwar al-Aulaqi in AQAP—may also provide young extremists with American faces as role models in groups that in the past may have appeared foreign and inaccessible.

Al-Qa'ida and Affiliates Sustain Media Campaign

Al-Qa'ida senior leaders have issued significantly fewer video and audio statements thus far in 2010 than during the same time period last year, but these statements continue to provide valuable insight into the group's strategic intentions. Public al-Qa'ida statements rarely contain a specific threat or telegraph attack planning, but a new theme this year included advocating lone-operative attacks in the wake of the Fort Hood shootings.

- In addition to calls for Muslims in the West to exercise independent initiative to conduct attacks, al-Qa'ida senior leaders this year have condemned US outreach to Muslims as deceptive and praised alleged successes of affiliates—themes that will continue in future statements.

- AQAP released *Inspire*—the group's first English-language online magazine published by its media wing Sada al-Malahim—which included tips for aspiring extremists on bomb-making, traveling overseas, email encryption, and a list of individuals to assassinate. This magazine appears designed to resonate with Westerners and probably reflects extremists' continued commitment to attack US interests.

WMD-Terrorism Remains a Concern

The threat of WMD terrorism to the Homeland remains a grave concern. Documents recovered in 2001 in Afghanistan indicated that prior to 9/11, al-Qa'ida was pursuing a biological and chemical weapons program and was interested in nuclear weapons. Since 9/11, we have successfully disrupted these and other terrorist efforts to develop a WMD capability. However, al-Qa'ida and other groups continue to seek such a capability for use against the Homeland and US interests overseas. While terrorists face technical hurdles to developing and employing more advanced WMD, the consequences of a successful attack force us to consider every possible threat against the Homeland, even those considered low probability.

Hizballah Remains Capable of Attacking US, Western Interests

While not aligned with al-Qa'ida, Lebanese Hizballah remains capable of conducting terrorist attacks on US and Western interests, particularly in the Middle East. It continues to train and sponsor terrorist groups in Iraq that threaten the lives of US and Coalition forces and supports Palestinian terrorist groups' efforts to attack Israel and jeopardize the Middle East peace process. Although its primary focus is Israel, it would likely consider attacks on US interests, to include the Homeland, if it perceived a direct threat from the United States to itself or Iran. Hizballah's Secretary General, in justifying the group's use of violence against fellow Lebanese citizens last year, characterized any threat to Hizballah's armed status and its independent communications network as redlines.

Coordination of Counterterrorism Efforts

Support to the National Security Staff (NSS). NCTC's strategic planning efforts follow the policy direction of the President and the NSS to provide government-wide coordination of planning and integration of department and agency actions involving "all elements of national power," against terrorism including diplomatic, economic, military, intelligence, homeland security, and law enforcement activities within and among agencies. NCTC helps develop plans and processes to support interagency implementation and provide input to the NSS to evaluate progress against objectives and refine plans as necessary. NCTC also works in support of the NSS and with our interagency partners to develop plans designed to disrupt and diminish the capability of terrorist organizations and their networks, and to eliminate identified regional safehavens. We also facilitate and host working-level discussions on key functional CT issues, such as countering terrorist use of the Internet and countering terrorism finance, to feed into NSS policy and strategy development.

NCTC's support to NSS processes includes developing agreed "whole-of-government" strategic objectives, and facilitating coordination, integration and assessment of USG initiatives designed to achieve those objectives. In addition to developing plans and evaluating progress, we have built a unique relationship with OMB through which we help inform the President's counterterrorism budget – ensuring that agreed priority areas are appropriately considered in the Federal budget request.

For all its plans, NCTC consistently examines the impact of USG CT efforts to understand if we are achieving the desired goals. NCTC's strategic impact assessments seek to provide a tangible and valid "feedback loop" to CT planners and policymakers to help refine CT plans, prioritize efforts, and ensure all elements of power are engaged to achieve our goals and objectives. From these assessments, we are able to identify, in part, needed policies, plans or actions to move us closer to our desired end-state.

WMD-T Planning. Recognizing the continued threat of WMD terrorism as a grave concern, NCTC supports the NSS efforts to ensure government-wide efforts to deter, deny, detect, and prevent terrorist acquisition or use of WMD. To this end, NCTC led the interagency effort to develop a National Action Plan for implementing Presidential Policy Directive-2, the National Strategy for Countering Biological Threats. NCTC also is coordinating efforts to monitor and track progress of commitments made at the April 2010 Nuclear Security Summit; and is facilitating the USG's updates to the President's Five Year Plan for Nuclear Forensics and Attribution and the associated WMD Attribution Policy Implementation Plan.

Global Engagement. NCTC continues to play a large role in interagency efforts to counter violent extremism (CVE), both overseas and at home. We integrate, coordinate, and assess U.S. Government programs that aim to prevent the emergence of the next generation of terrorists. Our focus is on both near and long-term efforts to undercut the terrorists' narrative, thereby minimizing the pool of people who would support violent extremism.

To do this, NCTC works with our colleagues in federal, state and local governments, with international partners, and with the private sector to integrate all elements of national power. For example, NCTC helps coordinate the Federal Government's engagement with Somali American communities. In this regard, NCTC has worked with national security agencies such as DHS and FBI, as well as non-traditional partners, such as the Department of Health and Human Services and Department of Education, facilitating their efforts to increase and improve outreach and engagement activities around the country. By supporting the community of interest, NCTC ensures a "whole of government" approach that is vital to addressing domestic radicalization. We also are supporting a forum for interagency counterparts to participate in and to collaborate on communication strategies and opportunities. As countering violent extremism is broader than CT-specific activities many departments and agencies have begun public outreach and engagement efforts on issues such as civil rights, education, charitable giving, and immigration policy.

While government has an important role, we view community institutions as the key players in countering radicalization; addressing radicalization requires community-based solutions that are sensitive to local dynamics and needs. Over the past year, NCTC has helped foster collaboration with community leaders involved in countering violent extremism to better understand how government can effectively partner with communities. It has become clear that government can play a significant role by acting as a convener and facilitator that informs and supports—but does not direct—community-led initiatives. Based on this, NCTC led the development of a Community Awareness Briefing that conveys unclassified information about the realities of terrorist recruitment in the Homeland and on the Internet. The briefing, which can be used by departments and agencies and has garnered very positive reactions, aims to educate and empower parents and community leaders to combat violent extremist narratives and recruitment. This briefing has been presented to Muslim community members and leaders around the country leveraging, when possible, existing U.S. Government engagement platforms such as DHS and FBI roundtables.

Information Sharing. While NCTC and its critical mission partners, including FBI and DHS, play a crucial role in countering and coordinating efforts to defeat terrorism threats against the Homeland, the success of this endeavor is largely dependent upon the close collaboration with our law enforcement and private sector partners at the local and state levels to maximize resources. NCTC and its mission partners have embraced information sharing, instituted new policies and procedures, and promoted an information-sharing culture—including the establishment of ITACG—to ensure that shared information is transformed into situational awareness for public safety officials at all levels to enhance their capabilities to quickly recognize and effectively respond to suspected terrorism and radicalization activities; and into actionable intelligence that can be used by Federal, state, tribal, and local law enforcement—as well as by those segments of the private sector that operate or own critical infrastructure and key resources—to protect the United States against terrorism, to enforce our laws, and to simultaneously protect our privacy and preserve our liberties.

Capabilities Reviews and Exercises. NCTC regularly hosts tabletop exercises to examine USG capabilities and identify gaps in our capacity to respond to a terrorist attack. Such exercises provide a mechanism to validate, or a foundation to develop, disruption plans and recommend solutions to minimize vulnerabilities. These exercises have been used in conjunction with threats emanating from the Homeland, Arabian Peninsula, and other regions. One example of such efforts is the table top in which we simulated a notional "Mumbai style" attack on the city of Chicago. That exercise and its associated lessons learned have been briefed in more than 20 State, Local, Federal, and international forums. It also formed the basis of a critical interagency agreement to smooth logistics and transportation issues related to our Federal response.

Looking Ahead from the Failed Bombing of Northwest Flight 253 on December 25, 2009.

Finally, I would like to highlight changes implemented at the Center since the failed terrorist attempt to bomb Detroit-bound Northwest Flight 253 on December 25, 2009. NCTC led IC efforts to implement the Director of National Intelligence's Counterterrorism Master Action Plan in response to internal and White House-directed corrective actions. Among other things the plan clarified the CT responsibilities of IC analytic components and helped ensure the proper alignment of supplemental CT resources across the Community.

Next, we created analytic Pursuit Groups to focus, at a very granular level, on information that could lead to discovery of threats aimed against the Homeland or US interests abroad. The Pursuit Groups work with our IC partners to integrate efforts across the community to aggressively and exhaustively pursue high priority threats to resolution/disruption. We are also working with interagency partners to successfully implement the revamped USG watchlisting protocol, engage in a significant database scrub, and address the capability to further enhance the Terrorist Identities Datamart Environment (TIDE) to better support both watchlisting and analytic efforts.

Supporting these and other NCTC missions, we continue to develop an IT infrastructure to better meet the demands of the evolving threat: these include the development of a "CT data layer" to allow a "Google like" search as well as the capability to conduct "discovery" of non-obvious terrorist relationships. Finally, we have worked with Community partners on a range of legal, policy, technical and privacy issues that, once resolved, would allow expanded and appropriate access to this data. These are complex issues that require sophisticated analysis.

Conclusion

Chairman Lieberman and Ranking Member Collins, I want to conclude by once again recognizing this Committee for the role it played in the creation of the National Counterterrorism Center. Without your leadership, the strides we jointly made to counter the terrorist threat would not be possible. Your continued support is critical to the Center's mission to lead our nation's effort to combat terrorism at home and abroad by analyzing the threat, sharing that information with our partners, and integrating all instruments of national power to ensure unity of effort. I look forward to continuing our work together in the years to come.

**Post-Hearing Questions for the Record
Submitted to the Honorable Janet A. Napolitano
From Senator Joseph I. Lieberman**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

Question#:	1
Topic:	role
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
Committee:	HOMELAND SECURITY (SENATE)

Question: DHS, FBI and NCTC have taken steps in the last year to clarify roles and responsibilities related to analysis of homegrown violent Islamist extremism, to ensure that each agency is leveraging its respective strengths and producing value-added analysis for the various stakeholders in the counterterrorism community.

What is the current role of DHS in analysis of homegrown violent Islamist extremism, and how does that compare or contrast with the role played by NCTC and the FBI?

What is DHS doing to take this analysis to make it actionable for stakeholders on the front-line, including officers and agents in DHS component agencies (e.g. CBP, ICE) and partners in federal, state and local law enforcement?

Response: The DHS Office of Intelligence and Analysis (I&A) conducts research and analysis of homegrown violent extremism (HVE) and disseminates intelligence products related to HVE activities and initiatives to other DHS components and Federal agencies, state and local partners, and the Intelligence Community (IC). DHS also coordinates a joint initiative with NCTC and FBI to improve collection and analysis on HVE by leveraging I&A resources; articulating information needs to state and local partners to facilitate reporting; conducting outreach with state and local fusion centers to raise awareness and increase coordination; and developing case studies of homegrown violent extremists to identify indicators of radicalization. Additionally, DHS is authorized to collect and analyze open source information on homegrown violent extremist actors in the U.S. The ODNI has praised DHS open-source collection and reporting for the gap it has filled in the IC’s overall collection against HVE targets.

DHS closely coordinates all HVE efforts with the FBI and the NCTC. FBI and NCTC analysts participate in the outreach sessions with state and local fusion centers, and the three agencies coordinate on all HVE products.

DHS analysis of HVE issues is designed to identify indicators of potential terrorist activity that can be used to prevent or disrupt violent extremist activity. We continue to expand and develop these indicators and have included instructions in our HVE products on reporting suspicious activity to both DHS and FBI to ensure that crucial information is reported to the proper authorities.

DHS also works with state and local officials to leverage best practices from the law enforcement community while engaging the public in identifying and reporting suspicious activity through the national Suspicious Activity Reporting (SAR) initiative—an administration effort to train state and local law enforcement to recognize behaviors and indicators related to specific threats and terrorism-related crime—and the “If You See Something, Say Something” campaign in communities across the country.

Question#:	2
Topic:	use
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
Committee:	HOMELAND SECURITY (SENATE)

Question: On May 1, 2010 Faisal Shahzad attempted to carry out a car bomb attack in Times Square – if his bomb had detonated, it is likely that dozens if not hundreds of Americans would have been killed. This attack was directed by the Pakistan Taliban (TTP), and was their first attempt to directly attack the United States.

Secretary Napolitano, in your testimony you link this attack – referencing the alert street vendor who notified the police about Shahzad’s vehicle – to the fact that DHS has recently rolled out a nation-wide “See Something, Say Something” program.

How does the Department, working with its partners at all levels of government and in the private sector, intend to use the information that is provided by the public through the program?

What steps are you taking, or do you plan to take, to measure the effectiveness of this program? What metrics will you use to assess its value?

Response: The “If You See Something, Say Something” campaign is being launched in conjunction with the rollout of the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) in cities and states across the country. Both of these efforts underscore the message that homeland security begins with hometown security, and a vigilant public plays a critical role in keeping our nation safe.

The “If You See Something, Say Something” campaign—originally implemented by New York City’s Metropolitan Transportation Authority and funded, in part, by DHS’ Transit Security Grant Program—is a simple and effective program to engage the public and key frontline employees to identify and report indicators of terrorism, crime and other threats to the proper transportation and law enforcement authorities.

The SAR initiative is an administration effort to train state and local law enforcement to recognize behaviors and indicators related to specific threats of terrorism and violent crime; standardize how those observations are documented, vetted and analyzed; and expand and enhance the sharing of those reports with the FBI and DHS. This initiative is being implemented through a joint effort with DOJ’s Office of Justice Programs’ Bureau of Justice Assistance in partnership with state and local officials across the nation and has been launched in more than a dozen locations as of October 2010.

Question#:	2
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Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
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The NSI builds on what law enforcement and other agencies have been doing for years—gathering information regarding behaviors and incidents associated with crime—and establishes a replicable process whereby SAR information can be shared to help detect and prevent broader trends and terrorism-related criminal activity. Information provided by the public that meets rigorous NSI standards for privacy and civil liberties protections will be entered into the Information Sharing Environment for SAR (ISE-SAR). Detailed information on SAR can be found at http://nsi.ncirc.gov/documents/NSI_Overview.pdf.

As we continue to roll out these efforts in the months ahead, we will track metrics quantifying its reach, as well as the number of tips reported by the public and Suspicious Activity Reports submitted by law enforcement. In addition, according to an independent report issued in October 2010 by the Institute for Homeland Security Solutions (https://www.ihssnc.org/portals/0/Building_on_Clues_Strom.pdf), more than 80 percent of foiled terrorist plots between 1999 and 2009 resulted from law enforcement investigations, from observations by law enforcement officials in the regular course of their duties, or from tips by citizens. Indeed, such tips from the public helped law enforcement officials uncover 29 percent of the plots that were thwarted.

Question#:	3
Topic:	lead
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
Committee:	HOMELAND SECURITY (SENATE)

Question: A number of offices within DHS have activities related to what is termed “counter-radicalization” or “countering violent extremism”, including the Office of Civil Rights and Civil Liberties (CRCL), the Office of Policy, Office of Intelligence and Analysis, and several of the Department’s operating components, including U.S. Citizenship and Immigration Services and the Transportation Security Administration.

How are these issues and activities coordinated within DHS today? Who is in charge of leading and coordinating the Department’s activities on these issues?

Response: Counter-radicalization or Countering Violent Extremism (CVE) is a multifaceted issue, and DHS has a range of programs to better understand and address this issue. A number of offices and components play roles in DHS domestic CVE efforts under the leadership of the Secretary and other senior Department officials. For example, the DHS Office of Policy is the lead for drafting domestic CVE policy, the Office of Civil Rights and Civil Liberties (CRCL) coordinates outreach to communities, and the Office of Intelligence and Analysis has the lead in analyzing domestic threats presented by violent extremist groups.

In supporting roles, the Science and Technology Directorate funds research at leading institutions such as the University of Maryland and U.S. Citizenship and Immigration Services promotes integration which may help vulnerable communities within the United States become more resilient to violent extremist recruitment.

Question#:	4
Topic:	outreach
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
Committee:	HOMELAND SECURITY (SENATE)

Question: DHS has been criticized in the recent past for involving individuals or groups who are reputed to be connected (either directly or indirectly) to Foreign Terrorist Organizations in its community outreach efforts.

How does DHS determine whether to include a particular individual or group in its community outreach efforts? What factors are considered, and what specific background checks (if any) are conducted on individuals who are considered for participation in DHS community outreach programs?

Are there established criteria for when DHS will not involve individuals in its community outreach efforts? If so, what are those criteria?

Response: The Department's community engagement efforts encourage Americans of all backgrounds to take an active role in their government and ensure that the government is responsive to and protective of Americans' rights. We focus on communities with substantial interaction with one or more of DHS's missions and in partnership with the Department of Justice, the FBI, and state and local law enforcement, we have developed an outreach program similar to that utilized in community policing. We focus community engagement on those stakeholders who have demonstrated a long-term commitment to constructive partnership with government, and the ability to effectively communicate with large and diverse communities, provide substantive forums and access for government with these communities, and coordinate constructive recommendations and input from those communities to improve the homeland security effort. Our engagement efforts build trust and two- way communication, enabling DHS to receive feedback from communities and provide reliable information about our policies and procedures.

Question#:	5
Topic:	framework
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
Committee:	HOMELAND SECURITY (SENATE)

Question: In the last few years terrorist organizations have learned to use the Internet with an increasing degree of sophistication, to recruit, propagandize, communicate with each other, and plan attacks. Material found on the Internet is also playing an increasingly significant role in radicalizing individuals to support violent Islamist extremism and carry out terrorist attacks.

The Intelligence Community's legal framework – as defined in various statutes and in Executive Order 12333 – draws clear lines between intelligence activities that are permitted related to U.S. persons and non-U.S. persons. However, that line becomes very blurry when we look at terrorist activity on the Internet – where it can be difficult to determine who someone is and where in the world that person is located.

Does the Intelligence Community need to update its framework for U.S. persons to account for these new realities? If so, what steps are you and other agencies taking to assess these issues and determine what changes are needed – including working with Congress on any statutory impediments?

Response: The IC has strong, standing protocols for sharing terrorist threat information and other relevant data and information, to include threat information associated with U.S. persons. Currently, we believe these standing protocols are sufficient for handling U.S. and non-U.S. persons threat data between IC agencies, but we will continue to evaluate and make updates to protocols as needed in consultation with our interagency partners.

Question#:	6
Topic:	tasks
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Joseph I. Lieberman
Committee:	HOMELAND SECURITY (SENATE)

Question: In your testimony you highlight the “rising threat from attack that use improvised explosive devices.” In 2007 President Bush issued HSPD-19 on “Combating Terrorist Use of Explosives in the United States” and an implementation plan for the directive was issued the following year, detailing various agencies’ responsibilities for addressing this issue. DHS has lead responsibility for twenty-one specific tasks (with associated defined actions) within that implementation plan.

What is the status of the Department’s efforts to address each of the twenty-one tasks in the implementation plan where it has a lead role?

Response: Homeland Security Presidential Directive 19 (HSPD-19) established a national policy to deter, prevent, detect, protect against, and respond to explosive threats within the United States. The Office of Infrastructure Protection’s (IP) Office for Bombing Prevention (OBP) serves as the lead agent for the Department of Homeland Security (DHS), coordinating with the Department of Justice (DOJ), Department of Defense (DOD), National Security Staff, and other interagency partners as well as state and local entities to guide HSPD-19 implementation efforts. The Joint Program Office (JPO) for Combating Terrorist Use of Explosives, established and jointly led by DHS and the Federal Bureau of Investigation (FBI), continues to monitor interagency program efforts to improve the nation’s capability to combat terrorist use of explosives.

Task Number	Task	Status
1.1.2	Identify and document the specific roles and responsibilities of departments and agencies through all phases of incident management for terrorist use of explosives, from prevention and protection through response and recovery.	This task is underway through the coordinated efforts of the JPO. In addition, DOJ and DHS are working to align their capabilities within the Terrorist Explosive Device Analytical Center.
1.2.1	Ensure national planning and coordination involves departments and agencies with terrorism and explosives-related authorities and expertise to adequately address national-level capabilities.	National planning and coordination continues to evolve through the development of Concept of Operations Plans (CONPLAN) at the Department level. Each year, OBP partners with states and local jurisdictions, as well as

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		other key Federal partners such as the FBI, to develop Multi-Jurisdiction improvised explosive devices (IED) Security Plans (MJIEDSPs) to ensure that State and local explosives-related planning is synchronized with Federal efforts. During Fiscal Year (FY) 2010, MJIEDSPs were developed for 15 high-risk urban areas. DHS IP/OBP and FEMA have also developed an IED Emergency Planning Guide that assists entities at all levels of government and the private sector with explosives-related planning efforts.
1.3.1	Develop and maintain a comprehensive inventory of capabilities (and assets when practicable), including research, development, testing, and evaluation related to preventing, detecting, protecting against, and responding to the explosives threat.	OBP uses the National Capabilities Analysis Database to maintain a list of bomb squad, special weapons and tactics (SWAT), explosives detection canine, and public safety dive teams, and their respective IED prevention and response capabilities. The DHS Science and Technology Directorate (S&T) also works with the White House Office of Science and Technology Policy to determine the explosives-related research, development, test and evaluation activities.
1.3.2	Consistently analyze and assess our explosive attack deterrence, prevention, detection, protection, and response capabilities.	OBP uses the National Capabilities Analysis Database to conduct capability assessments of bomb squad, SWAT, explosives detection canine, and public safety dive teams each year. OBP has completed 1,149 assessments to date; 130 bombing prevention units are scheduled to be assessed in FY 2011. In addition, OBP is developing a Bombing Prevention Index in order to measure a jurisdiction's deterrence, prevention, detection, protection, and response capabilities to assist in guiding resource

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		allocations and measure the progress of bombing prevention efforts to increase capabilities and reduce vulnerability to explosive attacks.
1.3.3	Develop and maintain "capability roadmaps" based on anticipated advances in terrorist tactics to determine future operational requirements.	A National Science and Technology Council's (NSTC) Domestic Improvised Explosive Devices Subcommittee (DIED SC) study identified operational requirements related to combating current and future terrorist use of explosives in the U.S. The DIED SC is co-chaired by DHS S&T, TSWG and OSTP. The resulting <i>Research Challenges</i> report, published in December 2008, serves as a guide for U.S. investment in counter IED research and technology. The DIED SC has worked with the Army RDECOM to expand an existing database of research, development, test and evaluation projects related to countering IEDs so that it includes work related to the domestic use of explosives by terrorists. The database is populated with entries related to projects in DOD, DOE, DHS, and DOJ, as well as with information on international cooperative efforts. The combination of the identified operational requirements and the catalog of funded projects will result in the capability roadmaps.
1.3.4	Identify gaps and redundancies in explosives research, development, testing and evaluation (RDT&E) initiatives.	The NSTC DIED SC is in the process of comparing identified operational needs for combating terrorist use of explosives in the U.S. with relevant projects that are funded within the federal government. This analysis will reveal gaps and redundancies in RDT&E initiatives, and will result in recommendations for future investment decisions.
1.3.5	Ensure that grant programs	OBP is working with the Federal

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	provide State and local governments with valuable options for increasing capabilities to combat terrorist use of explosives.	Emergency Management Agency (FEMA) Grant Programs Directorate to develop supplemental grant guidance based on gaps identified by the National Capabilities Analysis Database. The supplemental guidance will assist jurisdictions in targeting resources to build capabilities for countering terrorist use of explosives. Additionally, FY 2010 Buffer Zone Protection Program Grant Guidance encouraged States to fund projects to enhance capabilities for preventing and protecting against terrorist use of IEDs. This recommendation supports the policy outlined in HSPD-19 by emphasizing the need for State and local jurisdictions to take an aggressive, coordinated and proactive approach to reducing the risk of a terrorist explosive attack. Examples include planning activities to implement multi-jurisdiction IED security plans.
2.2.1	Review and regulate as necessary the accessibility of commonly used explosive precursor chemicals.	IP's Infrastructure Security Compliance Division (ISCD) regulates high-risk facilities that possess certain chemicals of interest through the Chemical Facility Anti-Terrorism Standards. Under an amendment to the Homeland Security Act entitled the "Secure Handling of Ammonium Nitrate," DHS is also responsible for regulating the sale and transfer of ammonium nitrate to prevent its use in an act of terrorism. ICSD published an Advance Notice of Proposed Rulemaking in October of 2008, and is presently developing a Notice of Proposed Rulemaking, regarding the regulation of ammonium nitrate. ICSD participates in the HSPD-19 JPO efforts to implement this task.

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2.2.6	Ensure that prevention-related exercises regarding IED attacks are incorporated into the National Exercise Program.	OBP works with the FEMA National Exercise program to ensure that IED-related exercise components are updated to reflect current terrorist tactics, techniques, and procedures. OBP provides subject matter expertise to FEMA to achieve this task.
2.3.1	Expand the national systems approach for explosive chemical compound and precursor chemical detection or screening.	The JPO is working with the DHS Science and Technology Directorate, Transportation Security Administration (TSA), and European Union through working groups like the Technical Support Working Group (TSWG).
2.3.2	Embrace awareness and outreach programs to inform private sector wholesalers, distributors, and retailers of precursor chemicals whose products can be used to manufacture explosives.	OBP and the FBI have collaborated to develop the Bomb-making Materials Awareness Program (BMAP), which assists local law enforcement agencies in engaging private sector establishments within their jurisdictions that manufacture, distribute, or sell products that contain homemade explosive (HME) precursor chemicals. BMAP outreach materials, provided by law enforcement to local businesses, help employees more easily identify relevant HME precursor chemicals and other critical IED components of concern, such as electronics, and recognize suspicious purchasing behavior that could indicate bomb-making activity. To date, OBP has conducted 42 BMAP events with over 2,300 law enforcement attendees. BMAP is set to reach over 35 cities in FY 2011. Additionally, in partnership with ATF and FBI, DHS continues to engage in outreach efforts with the fertilizer industry through the Be Aware for America, Be Secure for America, and America's Security Begins with You programs.

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2.3.3	Develop a national IED public awareness and vigilance campaign.	In addition to BMAP, OBP conducts training for local law enforcement, first responders, and the private sector that includes IED Awareness and Surveillance Detection. During FY 2010, 86 on-site courses were provided to over 3,500 participants, and web-based training reached over 20,000 security partners. OBP is also integrating elements of the "If You See Something, Say Something" public awareness campaign into BMAP.
2.3.4	Deliver critical alerts of IED threats or activity to the public, as consistent with Executive Order 13407.	OBP is currently working with FEMA to create a permanent and comprehensive solution. In the interim, OBP ensures that the Multi-Jurisdiction IED Security Plans developed for state and local jurisdictions include identification and establishment of a Virtual Command Center, and access to the National Alert System within the FBI's Law Enforcement Online (LEO) website.
2.3.5	Establish uniform explosives detection canine team training and performance standards, and increase the number of canine teams trained to those standards.	OBP worked with DOJ/ATF to establish a National Explosives Detection Canine Advisory Board (NEDCAB). The Board, which is co-chaired by ATF and OBP and which includes representatives from the four major State/local police canine association, has created draft standards which will soon be published for comment in the Federal Register. Upon implementation, the National Standard will provide for a three-level certification process modeled largely upon the National Odor Recognition Test and National Canine Initiative that are currently administered by ATF. OBP recently conducted pilot assessments of canine capabilities using these draft standards in Georgia and has identified

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		additional States and Urban Area Security Initiative (UASI) cities for pilot assessments in FY 2011.
3.1.1	Ensure that Buffer Zone Plans, Sector-Specific Plans, Multi-Jurisdiction IED Security Plans, and other critical infrastructure and key resources (CIKR) protection programs continue a refined focus on combating explosive attacks.	OBP works continuously with critical infrastructure protection programs to refine their focus on combating explosive attacks. OBP is working on supplemental grant guidance with the FEMA Grant Programs Directorate to ensure the explosives focus is incorporated into relevant grant programs, such as the Buffer Zone Protection Program. OBP has also worked successfully to incorporate IED-related scenarios into IP's Regional Resiliency Assessment Program, which examines the overall security and resilience of critical infrastructure and the surrounding geographic area.
3.1.2	Use advanced modeling simulation and analysis programs to guide the development of blast mitigation technologies for CIKR protection.	Work has begun on this tasking. The main steps are identification of the state-of-the-art tools available for blast modeling, simulation and analysis; comparison of the capabilities of the competing tools; and recommendations to the development community on the use of the tools. This effort included a workshop on modeling of airblast and fragmentation, and an analysis of existing tools. A report will document the results and will lead to a roadmap for future research and development to address identified gaps. The report and roadmap will form the basis of recommendations for use of advanced tools for development of blast mitigation technologies. Other areas in addition to airblast and fragmentation will be addressed in the future.
3.1.3	Leverage the Sector Coordinating	Work is ongoing. OBP is leveraging the

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	Council (SCC) and Government Coordinating Council (GCC) framework to coordinate related efforts among sectors.	National Infrastructure Protection Plan (NIPP) partnership model to coordinate private sector engagement in HSPD-19 task execution.
3.1.4	Increase the sharing of effective practices for protecting CIKR from explosives and CIKR attacks.	OBP shares information on IED preventive and protective measures for critical infrastructure using the Technical Resource for Incident Prevention Wire (TRIPwire) and TRIPwire Community Gateway online information sharing portals. Currently over 10,000 TRIPwire users and 5,600 TRIPwire Community Gateway users receive the latest IED information tailored to meet the specific needs of local law enforcement and the private sector critical infrastructure protection community, respectively.
3.1.5	Educate private sector security providers about IED threats, including tactics, techniques, and procedures relevant to their usage.	OBP conducts IED Awareness, Surveillance Detection, Protective Measures, and Bomb Threat Management training for the private sector and has more than 40 courses scheduled for FY 2011. OBP also provides information on the latest terrorist IED threats, incidents, tactics, techniques, and procedures to the private sector via TRIPwire Community Gateway.
3.2.2	Provide standards for water-borne IED (WBIED) response capabilities.	OBP is the lead for this task and is working with the National Bomb Squad Commanders Advisory Board for its completion. In 2011, OBP will begin a pilot effort with the Tampa, FL, Police and Hillsborough County Sheriff's Departments.
3.2.8	Enhance decision-support capabilities for Federal senior leadership in the event of a national response to terrorist	Work on this is set to begin in FY 2011.

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	explosive threats or incidents.	
3.2.9	Enhance strategic communications and public messaging protocols in response to terrorist explosives incidents.	<p>The Office of Public Affairs (OPA) developed the Domestic Communications Strategy (DCS) which outlines precisely how the U.S. Government will respond to terrorist attacks using IEDs. The DCS is a counter-terrorism communications strategy that details communications options that could be employed following a terrorist attack. Although the DCS has broad use for all incidents it was designed specifically to respond to terrorist attacks using explosives.</p> <p>OPA, in collaboration with the National Academies, produced a four-page fact sheet on the terrorist use of explosives, which has been shared with state and local partners and members of the media in order to educate reporters on the facts about IEDs in an effort to ensure important and accurate public information is provided to citizens following a terrorist attack involving explosives. This fact sheet is available on both the DHS and National Academies websites.</p> <p>The Science and Technology Directorate is in a preliminary research and development phase to produce a PC-based Risk Communications Simulation System (RCSS) designed to aid public officials, emergency managers, senior first responders, and community leaders in understanding and developing risk communication strategies for informing their communities in the event of a terrorist attack or campaign involving IEDs.</p>

**Post-Hearing Questions for the Record
Submitted to the Honorable Janet A. Napolitano
From Senator Daniel K. Akaka**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

Question#:	7
Topic:	threat
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: As you noted in your testimony, other countries have experienced attacks where small teams of terrorists storm a facility using small arms.

Is this a threat that we should be actively preparing for within the United States?

Response: Yes, this is a threat that continues to be a concern. We are constantly adapting our operations and countermeasures based on current intelligence of the evolving terrorist threats.

Question: If so, how do we ensure that security personnel protecting critical infrastructure and other facilities, including facilities not owned by the United States Government, have the security equipment, tactics, training, and procedures they need to defend against these types of attacks?

Response: DHS is actively working to prepare our partners for such an incident by conducting vulnerability assessments; assisting with security planning; providing grant funding to local law enforcement; and producing and disseminating information on the threat and measures that can be taken to protect against it.

DHS has a field presence through 93 critical infrastructure security specialists known as Regional Directors and Protective Security Advisors (PSAs), including 87 field based personnel, deployed to 74 districts in all 50 States and one Territory to serve as on-site critical infrastructure and vulnerability assessment specialists. PSAs are the link between State, local, tribal and territorial organizations and Department of Homeland Security (DHS) infrastructure protection resources, and assist with ongoing State and local critical infrastructure security efforts by working closely with State Homeland Security Advisors and other State, local, tribal, territorial and private sector organizations.

DHS conducts vulnerability assessments that help owners and operators of public and private critical infrastructure identify and document vulnerabilities, protective measures, planning needs, and options for consideration to increase resilience to a wide range of hazards and terrorist activity, including small arms and explosive attacks.

Additionally, DHS's Office for Bombing Prevention and the DHS Science & Technology Directorate are engaged with multiple jurisdictions, international partners, and experts from the Department of Defense to address the threat of small arms attacks where IEDs may also be present by developing requirements for bomb squad and Special Weapons

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and Tactics (SWAT) team integration, as well as standards for rapid deployment tactics. These efforts are conducted through the DHS/Department of Justice Joint Program Office for Countering Terrorist Use of Explosives, in partnership with the National Center for Security and Preparedness in New York State; the New Mexico Tech Energetic Materials Research and Testing Center; the National Tactical Officers Association; the National Bomb Squad Commanders Advisory Board; and the Federal Bureau of Investigation. Specific capability requirements within each jurisdiction are determined using IP's National Capabilities Analysis Database, which has initial criteria developed for use in assessing the capabilities of bomb squads, explosives-detection canine teams, dive teams, and SWAT teams in high-risk locations.

Question#:	8
Topic:	strategy
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: According to the Bipartisan Policy Center report entitled Assessing the Terrorist Threat, al Qaeda has adopted a strategy to overwhelm, distract, and exhaust its adversaries.

Do you agree with the Center's assessment of al Qaeda's strategy?

If so, how has the United States' counterterrorism strategy changed to address al Qaeda's new approach?

Response: It is clear that al-Qa'ida and its terrorist affiliates will go to great lengths to try to defeat the security measures that we have put in place since September 11th. This Administration is determined to thwart those plans and disrupt, dismantle and defeat terrorist networks by employing multiple layers of defense that work in concert with one another to secure our country. This effort involves not just DHS, but also many other federal agencies as well as state, local, tribal, territorial, private sector and international partners.

Over the past two years, one of our top priorities has been getting information, tools, and resources out of Washington, DC, and into the hands of the men and women serving on the front lines. Our approach is rooted in the idea that homeland security begins with hometown security, and that homeland security must be a shared endeavor in which everyone plays a part.

Question#:	9
Topic:	thinking
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified that the United States needs to think outside the box regarding potential targets for terrorist attacks, including attacks against our critical infrastructure.

What are some specific examples of how the Department of Homeland Security is thinking outside the box regarding potential targets of a terrorist attack?

Response: The Department of Homeland Security (DHS) continues to work closely with our partners in the public and private sectors to develop innovative ways to prepare for and mitigate threats. Over the past several months, DHS has launched new partnerships with the hotel and lodging industry, the retail sector, the transportation industry, and major sports leagues. through the "If You See Something, Say Something" campaign -- a simple and effective program to engage the public and key frontline employees in identifying and reporting key indicators of terrorism, crime and other threats. DHS has also worked closely with these sectors to provide threat briefings and implement additional protective security measures. Another example of outside-the-box thinking involves DHS's efforts to identify high-risk infrastructure and materials and implement sector-specific approaches to address threats during the preoperational planning and logistics stages. For example, DHS is working to reduce the potential for theft or misuse of radiological materials that could be used by terrorists to build a radiological dispersal device, or dirty bomb. The Cesium Irradiator Initiative -- implemented through the public-private partnership among DHS, the Department of Energy (DOE), the Nuclear Regulatory Commission, and irradiator manufacturers -- enables manufacturer-licensed service providers to install hardware improvements retrofitted to existing irradiators onsite, which significantly increase the amount of time needed for the unauthorized removal of radioactive material, hindering potential terrorist attacks.

Question: What are some recent examples of how this sort of thinking has led to policy or procedural changes that have improved security for these potential targets?

Response: See previous response.

Question#:	10
Topic:	WMD
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Daniel K. Akaka
Committee:	HOMELAND SECURITY (SENATE)

Question: Director Leiter testified that al Qaeda and other groups continue to seek a weapon of mass destruction (WMD) capability for use against the U.S. This capability includes developing chemical and radiological weapons, among others.

If attacked in certain ways, could our Nation's chemical and nuclear facilities present a prepositioned WMD threat?

Response: A successful attack on a high-risk chemical or nuclear facility could have devastating results. The Department of Homeland Security (DHS) engages in a number of initiatives to help mitigate this threat, including the implementation of voluntary and regulatory security programs for high-risk sites. Below are examples of DHS's authorities and programs to address this threat:

- Pursuant to the Maritime Transportation Security Act of 2002, DHS regulates the security of chemical facilities adjacent to navigable waters that may be involved in transportation-security incidents.
- Through the Chemical Facility Anti-Terrorism Standards (CFATS) regulations, DHS is working with high-risk chemical facilities to identify potential vulnerabilities and develop facility-specific security plans commensurate with their level of risk. Pursuant to the Energy Policy Act of 2005, DHS works with the Nuclear Regulatory Commission (NRC) to jointly conduct security consultation reviews of all new nuclear reactor sites.
- DHS conducts vulnerability assessments on critical infrastructure to identify potential vulnerabilities and gaps and provide protective measures to address them. In 2007, DHS conducted a Comprehensive Review (CR) assessment of the nuclear sector that included all 65 commercial nuclear power plants, and a CR of the chemical sector focusing on six regions that contained the nation's highest-consequence chemical facilities. The CR assessments provided an opportunity for stakeholders to identify and implement best practices for preparedness that also may apply to other catastrophic events affecting the nation's critical infrastructure.

The Office of Infrastructure Protection (IP) within DHS's National Protection and Programs Directorate has the lead for identifying, prioritizing, and coordinating the protection of these sectors. IP accomplishes this through public-private partnerships to ensure close collaboration and coordination, and through voluntary initiatives and programs that include training; exercises; security, vulnerability and risk assessments; and information sharing.

**Post-Hearing Questions for the Record
Submitted to the Honorable Janet A. Napolitano
From Senator Claire McCaskill**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

Question#:	11
Topic:	cyber
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The internet is being used to deceptively provide al Qaeda inspiration, perceived victimization, and glorification of past plotting to bring on new Jihadist recruits. This is an area that may benefit from a lead agency entity scanning, analyzing, and investigating the Cyber world for these types of activities. Is there a coordinated cyber effort between the law enforcement communities, including the National Security Agency (NSA), to address these deceptive practices? Who has the lead on this and what is being done?

Response: The Department of Homeland Security works with its interagency partners to address the use of the Internet for terrorist purposes. The National Counterterrorism Center hosts and facilitates these working-level discussions and leads efforts to develop targeted action plans to ensure integration, coordination, and synchronization. As with other counterterrorism efforts, these activities are overseen by policy-making bodies chaired by National Security Staff. We are happy to brief you or your staff in further detail on this issue.

Further, reflecting President Obama’s strong commitment to building an administration-wide approach to combating threats to our cyber networks and infrastructure, the Department of Defense (DOD) and DHS have signed a memorandum of agreement that will align and enhance America’s capabilities to protect against threats to our critical civilian and military computer systems and networks.

With this memorandum of agreement, effective immediately, we are building a new framework between our Departments to enhance operational coordination and joint program planning. It formalizes processes in which we work together to protect our nation’s cyber networks and critical infrastructure, and increases the clarity and focus of our respective roles and responsibilities. The agreement embeds DOD cyber analysts within DHS to better support the National Cybersecurity and Communications Integration Center (NCCIC) and sends a full-time senior DHS leader to DOD’s National Security Agency, along with a support team comprised of DHS privacy, civil liberties and legal personnel. The agreement will ensure both agencies’ priorities and requests for support are clearly communicated and met.

This structure is designed to put the full weight of our combined capabilities and expertise behind every action taken to protect our vital cyber networks, without altering the authorities or oversight of our separate but complementary missions. We will improve economy and efficiency by better leveraging vital technologies and personnel to serve both Departments’ missions in full adherence to U.S. laws and regulation. This memorandum of agreement furthers our strong commitment to protecting civil liberties and privacy.

Question#:	12
Topic:	legislation
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: We recently passed some legislation out of this committee, S. 3480, Protecting Cyberspace as a National Asset Act, that will enhance the security and resiliency of cyber and communications infrastructure within DHS. How do you believe this legislation will help in the coordination of scanning, analyzing, and investigating the cyber world for deceptive propaganda of terrorism and recruitment of victims to carry out terrorist attacks?

Response: The Administration has not taken a formal position on S. 3480. DHS continues to work through National Security Staff-led efforts to develop a comprehensive position on cyber legislation.

Question#:	13
Topic:	programs
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The Bipartisan Policy Center Report on Assessing the Terrorist Threat states that terrorist organizations and its affiliates remain focused on symbolic targets such as New York, the District of Columbia, and Los Angeles. This does not mean that other major cities in our country are not at risk. Resiliency should be looked at across all major cities in the U.S. The quicker we respond and recover to incidents, the less impact it has on our economy and political system, and the terrorists gain less. I understand there is no silver bullet for resiliency across all major cities, but I'm sure there are economies of scale and benchmarking that can be shared across the various cities. What kinds of programs are being developed that focus on resiliency across the major cities regardless if they are considered to be symbolic targets? How can other cities or townships leverage this type of information, not just for resiliency towards terrorist acts, but other catastrophic events that could occur?

Response: The Federal Emergency Management Agency (FEMA) and its Federal, State, local, and tribal partner organizations promote resiliency through FEMA's Lessons Learned Information Sharing system (LLIS.gov), a national, online network of lessons learned, best practices, and innovative ideas for the emergency management, response, and homeland security communities. The information and resources on LLIS.gov assist more than 59,000 members from all 50 states, Washington, DC, and 6 territories as they develop plans, policies, and procedures to improve their jurisdictions' resiliency to terrorist attacks and natural disasters.

Further, the FEMA Regional Catastrophic Preparedness Grant Program (RCPGP) – which supports coordination of regional all-hazard planning for catastrophic events - focuses on the highest risk urban areas and surrounding regions where its impact will have the most significant effect on our nation's collective security and resilience. RCPGP is intended to support coordination of regional all-hazard planning for catastrophic events, including the development of integrated planning communities, plans, protocols and procedures to manage a catastrophic event. Beginning in Spring 2011, FEMA will engage the broader community of State and local governments by providing access to – and allowing feedback on – the various products and tools developed under RCPGP. Through this approach, RCPGP serves as a laboratory for testing new ideas and approaches for improving our resiliency against catastrophic events.

Question#:	13
Topic:	programs
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

In addition, the Office of Infrastructure Protection's (IP) Regional Resiliency Assessment Program (RRAP), is a cooperative, IP-led interagency assessment of critical infrastructure and regional analysis of the surrounding infrastructure. The RRAP evaluates critical infrastructure on a regional level, examining vulnerabilities, threats, and potential consequences from an all-hazards perspective to identify dependencies, interdependencies, cascading effects, resiliency characteristics, and gaps. The RRAP focuses on clusters and networks of critical infrastructure, which are typically located in major urban areas, to create a comprehensive assessment of a geographic region's resilience. The results of these assessments are used to enhance the overall security posture of the facilities, the surrounding communities, and the geographic region using risk-based investments in equipment, planning, training, processes, procedures, and resources. To date, RRAPs have been conducted on 11 critical clusters and urban centers in Georgia, Illinois, Washington, Texas, Massachusetts, Nevada, Tennessee, North Carolina, New Jersey, West Virginia, and New York.

Question#:	14
Topic:	fusion centers
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: In your testimony you mentioned that through state and major urban area fusion centers, DHS has been able to more effectively communicate and share information with state, local, tribal, and territorial law enforcement. What is being done at the local level to ensure local law enforcement communities are aware of the state and major urban area fusion centers? How is information being disseminated to these local law enforcement that may not be physically located near one of the 72 fusion centers?

Response: Information is disseminated from the fusion centers to local law enforcement communities through a host of outreach and communication platforms, including meetings, briefings, leveraging federal partners, Fusion Liaison Officer Programs, briefings at local law enforcement Roll Calls, and a host of other outreach initiatives. Additionally, fusion centers leverage standard State and urban area alert and messaging systems and portals to communicate this information to their stakeholders. The DHS/DOJ Fusion Process Technical Assistance Program has developed the *Fusion Process Program Communications and Outreach Guidebook* to support fusion centers in conducting outreach to both law enforcement and homeland security customers. The Guidebook is a reference tool that was developed to provide scalable tools, techniques, and tactics to support stakeholder outreach, particularly regarding local law enforcement.

In addition, the *Baseline Capabilities for State and Major Urban Area Fusion Centers* describes the baseline capabilities for fusion centers and the operational standards necessary to achieve each of the capabilities. This document identifies the common capabilities that fusion centers should undertake in order to effectively outreach to stakeholders, including the law enforcement community.

DHS, in partnership with the federal interagency, is also working closely with the Criminal Intelligence Coordinating Council to build awareness among national law enforcement and homeland security associations (e.g. International Association of Chiefs of Police, National Sheriffs' Association) about the role of fusion centers in the nation's homeland security efforts. These associations can in turn communicate the importance of fusion centers to their membership.

Further, DHS is currently working with DOJ to expand the nationwide Suspicious Activity Reporting Initiative—an Administration effort to train state and local law enforcement to recognize behaviors and indicators related to specific threats and terrorism-related crime; standardize how those observations are documented, vetted and analyzed; and expand and enhance the sharing of those reports with the Federal Bureau of Investigation and DHS. This initiative is being implemented in partnership with state and local officials across the nation and has been launched in 12 locations, with an additional 47 locations by the end of the 2011 calendar year.

Question#:	15
Topic:	missions
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable Claire McCaskill
Committee:	HOMELAND SECURITY (SENATE)

Question: The Federal Bureau of Investigation (FBI) has partnerships with 100 locations nationwide in their Joint Terrorism Task Forces (JTTFs) composed of members from local, state, tribal and federal law enforcement. DHS has plans to have partnerships with all 72 state and major urban area fusion centers to more effectively communicate and share information with state, local, tribal, and territorial law enforcement. You stated in the hearing that the fusion centers and JTTFs complement one another. What are the specific missions of each and how do they complement one another?

Response: JTTFs are FBI-sponsored, multi-jurisdictional task forces established to prevent, disrupt, deter, and investigate terrorism threats and incidents and engage in other activities designed to reduce or address the terrorism threat. JTTFs collect, analyze, and share both raw and finished intelligence with the U.S. Intelligence Community, State, local, and tribal partners, and the private sector, as appropriate. Fusion centers are State and locally owned and operated and focus on analyzing information and intelligence on a broad array of homeland security and criminal activities. Fusion centers offer analysis and information sharing capabilities that assist law enforcement and homeland security partners in preventing and analyzing both crime and terrorism. They serve a broad range of homeland security customers covering disciplines such as law enforcement, fire, emergency management, public health, and State and local government officials. When relevant, fusion centers pass terrorism-related leads and information to JTTFs for follow-up.

Below is a table which outlines the differences in the mission areas of fusion centers and JTTFs:

Fusion Centers	Joint Terrorism Task Forces
Owned and operated by state and local authorities	Sponsored by the Federal Bureau of Investigation (FBI)
Serves as a conduit for the two-way flow of information, share SAR information and provide local context to emerging threats	Serve as a conduit for the sharing of information among JTTF participants, including Federal, State, local, and tribal partners
Address "all crimes, all hazards," including terrorism, criminal activity, public safety, fire, and critical infrastructure	Prevent, disrupt, deter, and investigate terrorism threats and incidents and engage in other activities designed to reduce or address the terrorism threat
Produce actionable intelligence for dissemination to appropriate law enforcement agencies, but generally do not conduct investigations	Conduct investigations and execute arrests as appropriate, as well as collect, analyze, and share both raw and finished intelligence to support these efforts

**Post-Hearing Questions for the Record
Submitted to the Honorable Janet A. Napolitano
From Senator John Ensign**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

Question#:	16
Topic:	profile
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable John Ensign
Committee:	HOMELAND SECURITY (SENATE)

Question: Your prepared statement noted that the U.S. citizens who have been arrested on terror charges do not fit any defined profile of a homegrown terrorist.

What can you say, though, about their characteristics? For example, have these people been natural-born or naturalized citizens; do they share the same ethnicity, nationality or religion; what is their socio-economic status?

Are we picking up on any trends as to who they are?

Is DHS working with FBI profilers to see if a profile can be assembled by which to use to combat this growing threat?

Response: A variety of factors contribute to the radicalization and recruitment of homegrown violent extremists. DHS is currently working with interagency partners including the FBI and the NCTC to further examine the factors that lead individuals to violent extremism. Following 9/11, the collective understanding of the contributing factors to the radicalization process included socioeconomic status, lack of education, and criminal or violent history. Some of these are contributing factors, but recent cases suggest that there are also other factors involved. For example, the Times Square bomber, Faisal Shahzad, possessed an MBA degree and was successfully employed until he voluntarily resigned. As additional case studies are completed, results will be shared with State and local partners.

Question#:	17
Topic:	hiring
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable John Ensign
Committee:	HOMELAND SECURITY (SENATE)

Question: Does DHS have agents and support personnel that share the ethnic/religious characteristics of the communities from which these homegrown terrorists are arising, and what kind of recruitment efforts are being made to find such candidates for employment?

Response: The Department of Homeland Security currently employs a diverse workforce and is committed to continuing to increase diversity at all levels throughout the Department.

Question#:	18
Topic:	air marshals
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable John Ensign
Committee:	HOMELAND SECURITY (SENATE)

Question: Your statement mentioned that DHS has deployed additional air marshals as part of efforts to increase aviation security. I'm concerned that these additional law enforcement personnel, while still very effective and dedicated, may simply be temporary detailees from other Departments, and whose resultant absence from their permanent postings might adversely affect their primary responsibilities within their Departments. I view this as a certain kind of "borrow from Peter to pay Paul" situation.

Do these additional air marshals represent officers and agents detailed on a temporary basis from other agencies, or new permanent hires, or a combination?

Response: The Augmentee program involved detailing law enforcement officers and agents from other Department of Homeland Security (DHS) components to temporarily support the Federal Air Marshal Service (FAMS). Those augmentees were detailed from other offices within the Transportation Security Administration (TSA), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), U.S. Secret Service (USSS) and the U.S. Coast Guard (USCG). Drawing from organizations across the Department and country allowed DHS to quickly and effectively surge aviation security capabilities in response to the December 25, 2009 attempted attack while ensuring minimal disruption to other DHS operations.

DHS agents and officers detailed to the FAMS were released on September 30, 2010. The FAMS, through accelerated hiring during FY2010, deployed additional FAMS in late September and early October replacing the detailed DHS officers and agents. In addition, the Continuing Appropriations Act of 2011 allows for sustained domestic and international flight coverage, while the President's FY2011 budget request seeks to provide additional funding to increase FAM personnel to enhance future mission capabilities.

Question: If a combination, what is the percentage of detailees and permanent officers?

Response: Please see previous response.

Question#:	19
Topic:	homegrown
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable John Ensign
Committee:	HOMELAND SECURITY (SENATE)

Question: In regard to homegrown radical Islamist terrorists, are they primarily converts or were they raised as Muslims?

Response: A review of recent cases suggests that violent extremists come from a range of backgrounds. DHS considers “homegrown violent extremists” to be United States-based individuals who plan, attempt, or commit acts of violence in furtherance of objectives promoted by a terrorist organization, but who act without direction from the terrorist organization.

Question#:	20
Topic:	effort
Hearing:	Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland
Primary:	The Honorable John Ensign
Committee:	HOMELAND SECURITY (SENATE)

Question: You testified about the DHS campaign of “If you see something, say something.”

Has there been any similar effort developed, in coordination with the appropriate state and local agencies, for the parents and families who might be concerned their family members are either leaning that way or have already gone down that path? Something that would be along the lines of what local law enforcement has done in the past and is doing currently with anti-street gang efforts?

Response: Yes. DHS works closely with communities in a number of ways, including through the Homeland Security Advisory Committee (HSAC), State and local fusion centers, and direct efforts with State, local and tribal elected law enforcement, officials and lawmakers to develop these types of programs and activities. The HSAC “Countering Violent Extremism” Working Group, which is comprised of chiefs of police, sheriffs, community leaders and homeland security experts, recommended that anti-gang efforts can provide a useful model for countering violent extremism efforts, and DHS is currently pursuing methods to utilize these models for the purposes of countering violent extremism.

Additionally, the Department is currently promoting community partnerships and constructive engagement with local communities and governments through the DHS Office for Civil Rights and Civil Liberties and other outreach entities, including with regard to the indoctrination of youth through the Internet.

**Responses of the Federal Bureau of Investigation
to Questions for the Record
Arising from the September 22, 2010, Hearing Before the
Senate Committee on Homeland Security and Governmental Affairs
Regarding "Nine Years After 9/11:
Confronting the Terrorist Threat to the Homeland"**

Questions Posed by Chairman Lieberman

1. DHS, FBI and NCTC have taken steps in the last year to clarify roles and responsibilities related to analysis of homegrown violent Islamist extremism, to ensure that each agency is leveraging its respective strengths and producing value-added analysis for the various stakeholders in the counterterrorism community.

a. What is the current role of the FBI in analysis of homegrown violent Islamist extremism, and how does that compare or contrast with the role played by NCTC and DHS?

Response:

The response to this inquiry is classified and is, therefore, provided separately.

b. What is the FBI doing to take this analysis to make it actionable for stakeholders on the front-line, including its own agents and partners in federal, state and local law enforcement?

Response:

The response to this inquiry is classified and is, therefore, provided separately.

2. Your testimony references "24 threat priorities, designed to help the FBI focus its resources on the development of a uniform national domain awareness and intelligence collection strategy."

a. What are those twenty-four priorities?

Response:

The response to this inquiry is classified and is, therefore, provided separately.

b. What mechanisms do you have in place to determine whether you are making adequate progress toward domain awareness against each of these twenty-four priorities?

Response:

The FBI's Threat Mitigation Team (TMT) process has standardized the approach used by the FBI's field offices, operational divisions, and strategic analytical components to address the 24 threat priorities. This process allows the FBI to establish a national baseline mitigation strategy for each national-level priority. Although the TMT process was designed to address the 24 national threat priorities, field offices use this process to address local threats, as well.

The TMT process begins when a national threat priority is tasked to the field from the FBI's Central Strategic Coordinating Components (CSCCs). The CSCCs, which are Directorate of Intelligence (DI) entities that are embedded within the FBI's operational divisions, analyze the FBI's collection capabilities and help identify our intelligence gaps and needs. The DI populates a SharePoint website with data supporting each national threat priority as it is tasked to the field, including information regarding threat indicators as well as actions suggested to complete baseline assessments. Each field office identifies how it is collecting against that threat in its domain and reviews open cases and existing source capabilities in detail. Intelligence program managers and supervisors then identify gaps and assess collection platforms available to address the threat.

The CSCCs use the field office data to compile a national-level domain picture of the FBI's current collection against the particular threat. That information serves as the baseline on which the FBI's operational divisions develop a national strategy to mitigate that threat. This national domain strategy is pushed out to the FBI's field offices, allowing FBI personnel at the local level to collect against the identified threat to address the collection gap. This allows field offices to develop mitigation strategies that meet both national priorities and local threats. The field will continually update its local baseline threat picture by producing domain intelligence notes and other national threat-related taskings.

Reviews to assess the field's progress in mitigating the threat occur at the FBI Headquarters (FBIHQ) and field office levels. Operational divisions decide when review is needed at the national level to measure progress, and the field conducts regular reviews to ensure national-level priorities are being met.

The FBI's TMT process is ongoing. Of the 24 threat priorities, eight have been tasked to the field, where baseline domain reports are being generated for CSCC review. FBIHQ entities are currently drafting national-level domain reviews and FBI stakeholders are reviewing implementation options for later stages of the TMT process.

3. In the last few years terrorist organizations have learned to use the Internet with an increasing degree of sophistication, to recruit, propagandize, communicate with each other, and plan attacks. Material found on the Internet is also playing an increasingly significant role in radicalizing individuals to support violent Islamist extremism and carry out terrorist attacks.

The Intelligence Community's legal framework – as defined in various statutes and in Executive Order 12333 – draws clear lines between intelligence activities that are permitted related to U.S. persons and non-U.S. persons. However, that line becomes very blurry when we look at terrorist activity on the Internet – where it can be difficult to determine who someone is and where in the world that person is located.

Does the Intelligence Community need to update its framework for U.S. persons to account for these new realities? If so, what steps are you and other agencies taking to assess these issues and determine what changes are needed – including working with Congress on any statutory impediments?

Response:

From the FBI's perspective, the legal framework for dealing with U.S. Person information does not need to be updated to address increased use of the Internet by terrorists. While it is true that one does not always know where an Internet user is located or whether that person is a U.S. Person, presumptions created by the Attorney General's Guidelines provide adequate guidance.

4. Has the FBI made any changes to staffing at Legal Attaché offices around the world in response to recent changes in the nature of the terrorist threat to the homeland, most notably the growing concern about the intent of al Qaeda affiliates and associated groups to attack the homeland? If so, please describe those changes.

Response:

The FBI periodically evaluates the distribution of our Legal Attaché (Legat) resources in order to ensure that we are prepared to meet the current and emerging threats to the homeland. As a result of this assessment, and provided the necessary resources are authorized and available, the FBI hopes to make the following staffing changes.

- As an extension of the Legat in Islamabad, Pakistan, the FBI would open a sub-office in Karachi, Pakistan, to cover Karachi as well as the Sindh and Balochistan Provinces. A stable, permanent presence in Karachi would greatly enhance the FBI's ability to foster strong partnerships with the local police and other government authorities in this region.
- The FBI would open a new Legat in Addis Ababa, Ethiopia. Joint review by the FBI's Counterterrorism and International Operations Divisions has determined that a permanent FBI presence in Addis Ababa would provide ongoing continuity in our relationships with local counterparts, enabling us to obtain valuable intelligence. Legat Addis Abba would assume responsibility for Djibouti, Eritrea, and Ethiopia, which are currently covered by the Sana'a Legat in Yemen. This would allow the Sana'a Legat to focus on the counterterrorism threats emanating from Yemen.
- By shifting existing resources, the FBI would establish a Legat sub-office in Kuwait, reporting to Legat Riyadh, to improve our counterterrorism and law enforcement coordination with the Kuwaiti Government. The FBI has continued to expand its extensive liaison and operational relationship with our Kuwaiti counterparts who have proven, in the past several months, to be effective and willing partners in our counterterrorism efforts.

In addition to these permanent staffing plans, the FBI continuously assigns overseas staff on a temporary basis in response to emerging threats and operational needs. The FBI currently has approximately 130 temporary duty (TDY) personnel on overseas assignments of 120 days or longer. While a majority of these TDY assignments are in Iraq and Afghanistan, TDY personnel are assigned throughout every region of the world, wherever there is a need to respond to terrorist threats against the United States.

5. On September 15, 2010, the US Attorney for the Southern District of New York announced the indictment of Mohammad Younis, a 44-year old Long Island man, and charged him with operating an unlicensed money transfer business known as a *hawala*. Younis is accused of facilitating the transfer of funds from the Pakistani Taliban (TTP) to Faisal Shahzad, who carried out the attempted attack in Times Square on May 1st.

The *hawala* system seems to be an area of vulnerability in our ability to disrupt terrorists' finances – both with respect to funds being transferred to the United States for operations, and funds leaving the United States to support terrorist groups overseas. What is the US government doing to improve its ability to prevent the *hawala* system from being exploited by terrorists? What is the FBI's role in these efforts?

Response:

The FBI works in coordination with other law enforcement and intelligence agencies, using actionable intelligence to proactively identify illegal/unregistered *hawalas* and *hawaladars*, investigate them as appropriate, and disrupt their efforts to finance terrorism. The FBI also works with interagency groups responsible for reviewing Suspicious Activity Reports (SARs) to proactively identify SARs from both domestic and international financial institutions that warrant further investigation and to identify new methods of financing terrorism. The offenses investigated and charged through the joint efforts of the FBI and its partners, including U.S. Immigration and Customs Enforcement, the Drug Enforcement Administration, and other agencies, often extend far beyond violations of 18 U.S.C. § 1960 (prohibition of unlicensed money transmitting businesses), including such offenses as immigration fraud, alien smuggling, and drug trafficking.

6. The FBI has been criticized in the recent past for involving individuals or groups who are reputed to be connected (either directly or indirectly) to Foreign Terrorist Organizations in its community outreach efforts.

a. How does the FBI determine whether to include a particular individual or group in its community outreach efforts? What factors are considered, and what specific background checks (if any) are conducted on individuals who are considered for participation in FBI community outreach programs?

b. Are there established criteria for when the FBI will not involve individuals in its community outreach efforts, e.g. if an individual is the subject of a preliminary or full investigation? If so, what are those criteria?

Response to subparts a and b:

The FBI's community outreach efforts are focused on developing relationships with community leaders at the grassroots level. When determining whether to include an individual in our community outreach efforts, the FBI considers an individual's background and involvement in the local community. By proactively identifying and engaging community leaders, we hope more effectively to reach and understand the concerns of the broader community.

All information presented during FBI outreach programs (including Citizens' Academies, Community Relations Executive Seminar Training (CREST), and town hall meetings) is unclassified and can be disseminated for public consumption. It is the FBI's goal to communicate this information to the public for crime prevention purposes and we do so through the FBI's website and other public affairs programs, including the outreach programs.

Because of the nature of the information being presented, the FBI does not conduct background checks on the participants in CREST programs or town hall meetings unless the event takes place in FBI space. These outreach activities are usually held at community centers, addressing topics selected by the community group, such as white collar crime, gang activity, or protecting children from Internet predators. CREST programs are often intended to reach portions of the community where tension with law enforcement or government officials may exist, overcoming barriers to constructive dialogue and building trust. This goal would not be served by running participants through background screening as a prerequisite to attendance. The FBI does conduct both internal and external database checks on the applicants for its Citizens' Academies, with the final determination being made by the office's Special Agent in Charge in coordination with FBIHQ.

7. What is your perspective on the Center for Security Policy's recent report entitled "Shariah: The Threat to America"?

Response:

The FBI believes the report underestimates the United States Government's (USG) level of knowledge and understanding of the activities taking place in the United States and overstates the threat posed by those activities. The report also fails to note that some of the threats were disrupted by the USG and are no longer

viable, and it makes unsubstantiated assertions regarding limitations on our ability to respond to ongoing threats. Among other reasons, this may be because the report relies on outdated information. Additional information responsive to this inquiry is classified and is, therefore, provided separately.

8. A May 4, 2010 New York Times story entitled From Suburban Father to a Terrorism Suspect noted that the convicted Times Square terrorist, Faisal Shahzad was interviewed by Joint Terrorism Task Force (JTTF) officers in May 2004. Specifically, it stated, "George LaMonica, a 35-year-old computer consultant, said he bought his two-bedroom condominium in Norwalk, Conn., from Mr. Shahzad for \$261,000 in May 2004. A few weeks after he moved in, Mr. LaMonica said, investigators from the national Joint Terrorism Task Force interviewed him, asking for details of the transaction and for information about Mr. Shahzad. It struck Mr. LaMonica as unusual, but he said detectives told him they were simply "checking everything out."

a. Is this report accurate?

Response:

The FBI has no record of interviewing George LaMonica in 2004.

b. If it is accurate, what was the nature of the inquiry into Shahzad? When did it begin and when end?

Response:

The FBI has no record of investigating Faisal Shahzad in relation to his ownership of the Norwalk, Connecticut, condominium in 2004.

c. Did the FBI or members of any FBI JTTF perform any inquiry or investigation on Shahzad or his associates prior to his May 2010 attack? If so, what was the nature of that inquiry? When did it begin and when end?

Response:

The response to this inquiry is classified and is, therefore, provided separately.

d. What is the FBI's understanding of Shahzad's radicalization process?

What role did the internet play in that process? Did Shahzad attempt to communicate with any identified virtual spiritual sanctioners (e.g. Abdullah el-Faisal, Anwar al-Awlaki) prior to his attack? If so, who and when?

Response:

The response to this inquiry is classified and is, therefore, provided separately.

9. In July, Paul Rockwood, a U.S. citizen, pled guilty to lying to federal officials about the existence of a hit list of individuals, including service members, whom he believed had offended Islam. Rockwood was a follower of Anwar al-Awlaki. He also used radical websites to formulate his list. In an attempt to carry out his hit list, Rockwood began researching online to select possible "targets for execution" and find bomb making instructions. His sentencing documents noted: "With respect to this offense, the rehabilitative effects of imprisonment on this defendant, given his belief system, is unknown. Abandonment of his intent to act as investigator, prosecutor, judge and jury can only come from within... For those on the target list, eight years imprisonment may not be enough and it is clear that the specter of Rockwood's intentions have and will continue to haunt them in the future. At some point, Paul Rockwood will be released with, perhaps, reduced zeal to harm. To that end, and upon release, the decision on whether to stay this course, or to seek a more restrained and tranquil path to his life, lies with him and him alone."¹

Rockwood was sentenced to eight years and is part of an increasing number of terrorism-related convicts set to be released in the coming years.

a. Have there been examples of individuals who were convicted of terrorism offenses that have not given up their intent to harm our country? If so, who?

Response:

The FBI does not track those convicted of offenses following their prison terms or attempt to discern states of mind in the absence of criminal activity. While recidivism rates indicate that criminals often do not change their behaviors as a result of incarceration, we are not aware of a study that focuses on terrorism crimes, and we appreciate the fact that there are difficulties in assessing

¹ U.S. vs. Paul Rockwood, Sentencing Memorandum, August 16, 2010

recidivism generally. For example, recidivism rates cannot be measured by using arrest data, because not all crimes are discovered. In addition, even if arrest rates could be used, a recidivist may be arrested for a crime related to a terrorist plot rather than for an explicit crime of terrorism, making it difficult to assess whether these statistics capture those intent on harming U.S. interests or merely engaging in other criminal activity.

b. What role should the U.S. Government play in their rehabilitation?

Response:

While the FBI investigates crimes and works to protect the U.S. from terrorist attacks, our role does not extend to the rehabilitation of those engaged in or attempting these attacks. The Federal Bureau of Prisons or others may be in a better position to respond to this inquiry.

c. Should terrorism convicts be secluded from general prison population?

Response:

The FBI's responsibilities and expertise do not include the management of prison populations. While the Federal Bureau of Prisons is in a better position to respond to inquiries regarding general prison housing and administration, we note that the Attorney General may authorize the Bureau of Prisons to implement "special administrative measures" when there is a substantial risk that a prisoner's communications or contacts could result in death or serious bodily injury. These measures may include housing the inmate in administrative detention and/or limiting correspondence, visitation, media interviews, telephone use, or other communications as reasonably necessary to protect against the risk of violence or terrorism. It is the FBI's understanding that special administrative measures have been implemented with respect to some terrorism inmates.

Questions Posed by Senator Akaka

10. As Secretary Napolitano noted in her testimony, other countries have experienced attacks where small teams of terrorists storm a facility using small arms.

a. Is this a threat that we should be actively preparing for within the United States?

Response:

The FBI recognizes a terrorist attack using small arms as one of many tactics that could be employed against the United States by extremists or terrorist organizations. Terrorist groups may see the relative success of recent small-arms attacks, such as the 2008 Mumbai attack, as evidence that such a tactic could be readily exploited within the United States without the complexities of a 9/11-style attack.

b. If so, what is the Federal Bureau of Investigation's role in preparing for this threat?

Response:

The FBI takes a broad, proactive approach to countering potential terrorist attack scenarios, including small arms attacks. The measures used to address potential terrorist attacks include both traditional investigative techniques and such sophisticated techniques as FISAs, FISA 702 authority, Title III wiretaps, and "otherwise illegal activity" and "undisclosed participation" operations as permitted by the Domestic Investigations and Operations Guide. These measures also include reliance on the Joint Terrorism Task Forces (JTTFs), the National Joint Terrorism Task Force (including its campus liaison and correctional intelligence initiatives), such community outreach opportunities as the Citizens' Academies and liaison with ethnic community leaders, and continued information sharing with federal, state, local, tribal, and industry partners through Law Enforcement Online and InfraGard.

Additional information regarding the FBI's approach to countering potential terrorist attacks, generally, and information regarding the FBI's measures related to countering small arms attacks, specifically, is provided separately.

11. According to the Bipartisan Policy Center report entitled *Assessing the Terrorist Threat*, al Qaeda has adopted a strategy to overwhelm, distract, and exhaust its adversaries.

a. Do you agree with the Center's assessment of al Qaeda's strategy?

Response:

Al-Qa'ida poses a threat to the United States and its allies in part because they are able to adapt to leadership losses and to successfully attract extremists with various backgrounds, experiences, and cultural influences from outside the original Arab-dominated al-Qa'ida core. For example, al-Qa'ida specifically targets potential Western recruits with public statements intended for the English speaking West in order to radicalize individuals to carry out jihad in the West without traveling to Pakistan. In addition, either as a result of al-Qa'ida's strategy or as a coincidental by-product of the diversity that now characterizes al-Qa'ida's membership, there is an increase in "lone wolves" and jihadi "hangers-on."

b. If so, how has the United States' counterterrorism strategy changed to address al Qaeda's new approach?

Response:

As indicated above, this does not appear to be a new approach by al-Qa'ida, but instead an evolution of the Sunni extremist terrorist threat. The FBI works in collaboration with its partners in the U.S. intelligence and law enforcement communities to share intelligence and develop operational responses to the challenges posed by this dynamic and diversified terrorism threat.

12. Director Leiter testified that al Qaeda and other groups continue to seek a weapon of mass destruction (WMD) capability for use against the U.S. This capability includes developing chemical and radiological weapons, among others. If attacked in certain ways, could our Nation's chemical and nuclear facilities present a prepositioned WMD threat?

Response:

While the FBI believes U.S. chemical and nuclear facilities could be used by al-Qa'ida or other groups to pose chemical and nuclear threats to the U.S., we have taken significant steps to mitigate this threat and will continue to work with our partners in this ongoing effort.

Chemical Facilities

Some U.S. chemical facilities could be attacked in ways that could create potential Weapons of Mass Destruction (WMD) events. Several attack methods, including sabotage, cyber attack, large-caliber rifles, and the use of improvised

explosive devices, pose potential threats to some facilities. Examples of possible targets include chemical facilities possessing large quantities of toxic inhalation hazard chemicals, flammable liquids, or flammable gases.

The security requirements at high-risk chemical facilities are regulated by the Department of Homeland Security's (DHS) National Protection and Programs Directorate pursuant to the Chemical Facility Anti-Terrorism Standards published at 6 C.F.R. Part 27. The FBI's WMD Directorate (WMDD) works closely with DHS in several respects that relate to the chemical sector, including joint outreach products, working groups, research and testing, intelligence products, and training exercises. In addition to this coordination with DHS, the FBI is engaged in numerous activities designed to reduce the chemical sector's vulnerability. These activities include the Chemical Industry Outreach Program, the National Improvised Explosives Familiarization (NIEF) Program, the Chlorine Rail Tanker Vulnerability Study, and the Chemical InfraGard Program.

The FBI WMDD's Chemical Industry Outreach Program involves several tiers of coordination with the chemical sector, including focus group meetings, workshops regarding specified topics, table top exercises/field training exercises, and site visits to chemical plants, distributors, and retailers. These activities provide opportunities to address specific security concerns, provide awareness training, and improve the coordination of our response to potential terrorist acts. Since 2005, the FBI's WMDD has conducted ten Chemical Industry Outreach Workshops at various locations throughout the United States.

Through field office WMD Coordinators, Special Agent Bomb Technicians, and the JTTFs, the FBI actively disseminates awareness products to chemical security managers to assist them in identifying suspicious activity and to provide a mechanism for reporting such activity. During the past five years, thousands of awareness products have been disseminated to the chemical industry through a variety of vehicles, including FBI-DHS "awareness cards," FBI-DHS chemical advisory posters, Chemical InfraGard fliers, and agricultural, chemical, and petroleum terrorism handbooks.

Through regional NIEF workshops, the FBI provides two days of classroom and hands-on training to certified federal, state, and local bomb technicians, as well as one day of classroom training to law enforcement officials and first responders. These workshops provide participants with valuable knowledge regarding the latest threats, trends, techniques, and indicators related to terrorists' use of hazardous chemicals, including improvised explosives. Since 2008, 20

workshops have been conducted throughout the United States, in which 669 certified bomb technicians and more than 1,500 first responders have received training. Eleven additional workshops are scheduled for FY 2011.

Since April 2006, the FBI's WMDD has been participating, along with DHS, the Department of Transportation, and the Department of Defense (DoD), in the Chlorine Rail Tanker Vulnerability Study led by the Transportation Security Administration to determine the vulnerability of chlorine rail tankers to direct attacks. This group coordinated the creation of a list of five attack scenarios deemed most likely to be employed by terrorists against a chlorine railcar based on intelligence, trends, availability of materials, and likelihood of success, and DHS has tested several attack scenarios. The FBI WMDD is currently sponsoring the Vehicle-Borne Improvised Explosive Device testing series against an actual chlorine railcar filled with water. The data obtained from testing will provide valuable vulnerability information that will be used in countermeasure development, consequence projections, and response plan improvements.

Commercial Nuclear Power Facilities

Commercial nuclear power facilities pose a significant threat of economic loss, but not a significant threat of loss of life as a result of a radiological release. The potential economic loss is based primarily on the possibilities of power disruption, loss of services, and the need for radiological clean-up. The possibility that lives may be lost has been substantially mitigated by the efforts of state emergency planners, who have worked with the industry to establish local public warning systems and evacuation routes from these nuclear power sites, reducing the likelihood of significant or long-term exposure to radiological agents.

The security for commercial nuclear power plants, which is regulated by the Nuclear Regulatory Commission (NRC), includes well-armed contract security force personnel who have the mission of initially repelling any physical threats. The NRC conducts security inspections and mandates that these security forces conduct "force-on-force" exercises. In cooperation with the NRC, the nuclear power industry has continued to seek the hardening of their facilities against potential acts of terrorism.

The FBI's coordination with the nuclear power industry to address vulnerabilities to attack has included regular outreach to the industry and to local law enforcement organizations. This coordination is intended to ensure clear

intelligence pathways to our JTTFs and to the local WMD coordinator, permitting actionable threat intelligence to be acted upon and resolved quickly.

The FBI also worked with its partners, including DHS, NRC, and state and local law enforcement, to conduct Comprehensive Review site visits to all commercial nuclear power plants during 2005-2007. These reviews included the assessment of law enforcement's ability to respond to attacks and, if necessary, to "take-back" the facility if control were lost to an adversary force. Although these reviews noted some law enforcement equipment gaps, DHS has worked closely with state and local agencies to address these gaps. Using the results of these reviews, FBI field offices have modified their field WMD crisis response plans to ensure the effective integration of responding assets.

The FBI understands that, in the event of an attack on a commercial nuclear facility, a swift and capable law enforcement response could prevent a radiological release. The FBI has, consequently, conducted integrated training exercises that include a facility's security staff, state and local law enforcement personnel, emergency management agencies, the NRC, and DHS.

Research and Test Reactors and Other Civilian Radiological Facilities

Currently, the NRC regulates approximately 50 research and test reactors (RTRs), two-thirds of which are currently operational and one-third of which are in the decommissioning process. RTRs are small-scale nuclear reactors used to produce radioisotopes for medicine and industry, to test materials, and to conduct research and training. Although RTRs use nuclear chain reactions to produce energy like the reactors at nuclear power plants, the power generated by a single RTR is only about one-thousandth the power generated by a typical commercial reactor. The NRC also participates in regulating the security of high activity radioactive materials located at thousands of civilian sites around the country such as hospitals, universities, and research facilities.

This does not mean that RTRs and other civilian radiological facilities are without risk, and the NRC has imposed additional security measures, including enhanced screening of personnel and access restrictions, since the September 11 attacks. The FBI has partnered with the Department of Energy (DOE) National Nuclear Security Administration (NNSA) to enhance security at these RTRs and civilian radiological facilities in order to further reduce the threat of nuclear and radioactive material theft or sabotage and to train the primary on-site security and off-site law enforcement responders. The FBI is also working with DOE/NNSA

in a series of tabletop exercises specifically designed to enhance response efforts and consequence management at these facilities.

Additional information responsive to this inquiry is classified and is, therefore, provided separately.

Questions Posed by Senator Ensign

13. At last year's hearing on this same subject matter, you spoke about eGuardian, a new "...threat tracking system for state, local and tribal law enforcement agencies..." that enabled these "...agencies to share information with a potential nexus to terrorism." Can you bring us up to date with that program?

Response:

The eGuardian system serves as a national database through which federal, state, local, and tribal law enforcement agencies can share terrorism-related information. This system allows users to submit SARs to U.S. Intelligence Community (USIC) members through fusion centers and it allows other members to add notes based upon their research and analysis. The eGuardian program, which was developed using suggestions and feedback from our law enforcement partners, offers submitting agencies a number of functions, including account management, incident record creation and tracking, search ability, automatically generated reports, customized automatic notifications such as notification of incident status changes, and many others.

Three major developments are helping to expand the use of eGuardian.

1. The eGuardian program participates in the Nationwide Suspicious Activity Reporting Initiative (NSI). Through this initiative, eGuardian and the FBI have partnered with the Office of the Director of National Intelligence, Department of Justice (DOJ) Bureau of Justice Assistance, DHS, and NSI's Program Manager to share SAR-related information.
2. Beginning on September 30, 2010, DoD users received access to eGuardian in a multi-stage rollout adding approximately 8,500 users/contributors to the eGuardian system. DoD is now the largest eGuardian customer.

3. The FBI has recently added unclassified incidents to its eGuardian submissions. This significantly increases the FBI's eGuardian contributions and, consequently, its role in the information-sharing process.

The number of agencies and users with access to eGuardian continues to grow, with 857 member agencies participating in the system as of October 25, 2010. In addition to state and federal agencies, these member agencies include local police and sheriffs' departments, tribal law enforcement entities, and college campus law enforcement organizations.

eGuardian, which contains over 6,000 incidents that can be searched and viewed by any system user, has already demonstrated its role in mitigating threats. Since December 2008, approximately 100 eGuardian incidents have been converted to either preliminary or full investigations and arrests have been made in five of these investigations.

14. Your prepared statement submitted to the Committee mentioned the Bureau's Specialized Community Outreach Team (SCOT) that relies on Bureau personnel with shared language and cultural characteristics of specified communities to assist with outreach. Can you elaborate for us, on the effect that SCOT has had within various communities in general, and the Somali community specifically?

Response:

The Specialized Community Outreach Team (SCOT) enables the FBI to facilitate communication in communities that lack strong relationships with law enforcement or other government authorities. Working in conjunction with six FBI field offices, and with the assistance of a Somali linguist and a Muslim Special Agent, the SCOT has fostered dialogue with community leaders and opened new channels of communication in these communities. These SCOT contacts are integral to maintaining open communication channels with these Somali communities.

15. According to the Bipartisan Policy Center's September 2010 report entitled, "Assessing the Terrorist Threat," two Somali-Americans, one from Washington state and one from Minnesota, were radicalized by the Somali insurgent group and al-Qa'ida affiliated al-Shabab and used in terror attacks overseas. What efforts are being undertaken by the Bureau to combat al-Shabab's influence here in the Homeland?

Response:

Since the September 11 attacks, the FBI and DOJ have developed extensive outreach to the Muslim, South Asian, and Sikh communities to proactively address concerns, engage local leaders, and dispel myths in those communities. In recent years, FBI field offices have worked to enhance our outreach to Somali-American communities, developing and deploying specialized community outreach teams focused on the Somali traveler issue. The American-Muslim community continues to be a very strong partner in our efforts to disrupt the recruitment of youth. While we believe the number of radicalized individuals represents a very small percentage of the Somali-American community, this community has consistently expressed deep concern about this pattern of recruitment activity by al-Shabaab and has worked closely with us to address it.

16. In April of this year, the Department of Defense (DoD) issued to the Congress an unclassified report on the military power of Iran. The report highlighted the role that the Iranian Revolutionary Guard Corps (IRGC) – Qods Force plays for the Iranian regime. In “The Country Report of Terrorism,” the Department of State describes the Qods Force as the Iranian regime’s “...primary mechanism for cultivating and supporting terrorists abroad.” The DoD report stated that the IRGC Qods Force is “...well-established in the Middle East and North Africa, and recent years have witnessed an increased presence in Latin America, particularly Venezuela.” In your view, what kind of threat do the activities – in this hemisphere - of the IRGC and other organizations sponsored by Iran, (e.g., Hezbollah), pose to our national security?

Response:

The FBI works with its partners in the USIC and DoD to monitor the international activities of Iranian Revolutionary Guard Corps Qods Force, including its presence in the Western Hemisphere. Based on its previous role in providing training, financial support, and weapons to terrorist operations, including operations against the United States, the FBI views Qods Force as a potential threat to U.S. national security. The FBI does not, though, have any specific intelligence at this time indicating an imminent threat to the U.S. homeland from Qods Force or its main terrorist partner, Lebanese Hizballah.

**Post-Hearing Questions for the Record
Submitted to the Honorable Michael E. Leiter
From Senator Joseph I. Lieberman**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

1. In the last year two groups that are affiliated or closely aligned with Al Qaeda – Al Qaeda in the Arabian Peninsula (AQAP) and the Pakistan Taliban (Tehrik-i Taliban, TTP) attempted to carry out attacks against the homeland using lone operatives – Umar Farouk Abdulmutallab and Faisal Shahzad – who had the ability to travel to the United States. If either of these attacks had been successful, hundreds of Americans and citizens of other nations would have been killed.

In the past, these affiliates of Al Qaeda were believed to be focused primarily on carrying out attacks in countries within or near their base of operations. These two attacks provided clear evidence of an expansion in their ambitions.

- a. In light of these two attempted attacks, have you revisited your assessment of some of Al Qaeda’s other affiliates and allied groups – for example, Al-Shabaab in Somalia, Al Qaeda in the Islamic Maghreb (AQIM) in North Africa, and Al Qaeda in Iraq – in terms of their probable intentions to attempt attacks against the United States?
- b. What steps are you taking on a systematic basis to anticipate whether and when these other Al Qaeda affiliates may be shifting their intentions to target the United States?
- c. What role is NCTC playing, including through its Strategic Operational Planning authorities, to coordinate efforts to prevent these other Al Qaeda affiliates from becoming threats outside of their current areas of operations?

The response to this question has been delivered to the Office of Senate Security.

2. DHS, FBI and NCTC have taken steps in the last year to clarify roles and responsibilities related to analysis of homegrown violent Islamist extremism, to ensure that each agency is leveraging its respective strengths and producing value-added analysis for the various stakeholders in the counterterrorism community.

What is the current role of NCTC in analysis of homegrown violent Islamist extremism, and how does that compare or contrast with the role played by DHS and the FBI?

The response to this question has been delivered to the Office of Senate Security.

3. Your testimony references tabletop exercises hosted by NCTC to “examine USG capabilities and identify gaps in our capacity to respond to a terrorist attack.” Please provide a list all such exercises conducted during Fiscal Year 2010, and a brief summary of lessons learned from each of these exercises.

The response to this question has been delivered to the Office of Senate Security.

4. One of the issues raised in the White House review of the Christmas day attack was that there was a “failure within the counterterrorism community to assign responsibility and accountability for follow up of high priority threat streams, run down all leads, and track them through to completion.”

In your testimony you state that an action plan approved after the attack “clarified the counterterrorism responsibilities of IC analytic components and helped ensure the proper alignment of supplemental counterterrorism resources across the Community.”

- a. Now that this plan has been established, is there now full clarity as to who is ultimately responsible for each lead and threat stream that the counterterrorism community encounters? If not, what are the remaining challenges – including legal or organizational – associated with ensuring that there is clear responsibility and accountability?
- b. Is there clarity not only with respect to specific threat streams, but also with individuals who are enabling and encouraging terrorism? For example, if the United States identified a new radical cleric abroad who was using the Internet to spew violent Islamist extremism and who was motivating terrorists globally, including here at home, would someone be clearly in charge of our tactical operations for countering this threat?

The response to this question has been delivered to the Office of Senate Security.

5. In the last few years terrorist organizations have learned to use the Internet with an increasing degree of sophistication, to recruit, propagandize, communicate with each other, and plan attacks. Material found on the Internet is also playing an increasingly significant role in radicalizing individuals to support violent Islamist extremism and carry out terrorist attacks.

The Intelligence Community’s legal framework – as defined in various statutes and in Executive Order 12333 – draws clear lines between intelligence activities that are permitted related to U.S. persons and non-U.S. persons. However, that line becomes very blurry when we look at terrorist activity on the Internet – where it can be difficult to determine who someone is and where in the world that person is located.

Does the Intelligence Community need to update its framework for U.S. persons to account for these new realities? If so, what steps are you and other agencies taking to assess these issues and determine what changes are needed – including working with Congress on any statutory impediments?

The response to this question has been delivered to the Office of Senate Security.

**Post-Hearing Questions for the Record
Submitted to the Honorable Michael E. Leiter
From Senator Daniel K. Akaka**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

1. As Secretary Napolitano noted in her testimony, other countries have experienced attacks where small teams of terrorists storm a facility using small arms.
 - a. Is this a threat that we should be actively preparing for within the United States?
 - b. How does the National Counterterrorism Center provide analysis of emerging tactics that terrorists may employ to the Department of Homeland Security and other agencies?

The response to this question has been delivered to the Office of Senate Security.

2. According to the Bipartisan Policy Center report entitled *Assessing the Terrorist Threat*, al Qaeda has adopted a strategy to overwhelm, distract, and exhaust its adversaries.
 - a. Do you agree with the Center’s assessment of al Qaeda’s strategy?
 - b. If so, how has the United States’ counterterrorism strategy changed to address al Qaeda’s new approach?

The response to this question has been delivered to the Office of Senate Security.

3. As you testified, al Qaeda and other groups continue to seek a weapon of mass destruction (WMD) capability for use against the U.S. This capability includes developing chemical and radiological weapons, among others.

If attacked in certain ways, could our Nation’s chemical and nuclear facilities present a prepositioned WMD threat?

The response to this question has been delivered to the Office of Senate Security.

**Post-Hearing Questions for the Record
Submitted to the Honorable Michael E. Leiter
From Senator Susan M. Collins**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

1. One of the Administration’s findings after the attempted Christmas Day attack was that existing information technology did not sufficiently enable the correlation of data at NCTC or elsewhere that would have enabled analysts to highlight the relevant threat information. Director Leiter testified that there are legal limitations impairing the ability of the Intelligence Community to conduct a federated search of all databases that might have relevant information.
 - **Please provide a detailed list and explanation of each legal and policy barrier to conducting effective information sharing, including federated searches, that the NCTC, the Department of Justice, or any component of the Intelligence Community has identified.**

The response to this question has been delivered to the Office of Senate Security.

2. The Administration’s preliminary review after the attempted Christmas Day attack found that there was a failure in the counter-terrorism community to assign responsibility and accountability for follow-up on high-priority threat streams, running down all leads, and tracking them through to completion. Director Leiter’s testimony discussed pursuing leads and previous statements referred to “pursuit teams” as the manner the administration chose to fill this gap.
 - **Can you please explain which agencies are involved in these “pursuit teams” and what access they have?**
 - **On which initial reports do these pursuit teams determine which items to pursue?**
 - **How effective have the “pursuit teams” been in tracking down terrorists from fragmentary data?**

The response to this question has been delivered to the Office of Senate Security.

**Post-Hearing Questions for the Record
Submitted to the Honorable Michael E. Leiter
From Senator John Ensign**

**“Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland”
September 22, 2010**

1. You noted in your prepared statement submitted to the Committee that the National Counterterrorism Center (NCTC) works with the Departments of Health & Human Services (HHS) and Education, among others, as part of a community outreach effort to the Muslim community.

- **To the extent you can, please elaborate on these efforts.**
- **Also, why is HHS and should HHS even be in the business of Muslim outreach?**

The response to this question has been delivered to the Office of Senate Security.

2. Saudi Arabia is also a target of al-Qa'ida. For example, al-Qa'ida has tried to assassinate the Saudi Assistant Minister of Interior for Security Affairs, Prince Muhammad Bin Nayef, on four occasions; the first in 2004 and the most recent being late last year.

- **To the extent that you can, please describe the level of Saudi cooperation with counterterrorism efforts and whether that cooperation has included a decrease in their financial support of madrassas worldwide, some of which preach radical Wahhabi Sunni Islam which breeds radical extremists willing to attack Western interests.**

The response to this question has been delivered to the Office of Senate Security.

3. Which geographical areas are being used by al-Qa'ida as training sites and what are we doing to eliminate them?

The response to this question has been delivered to the Office of Senate Security.

4. According to the Bipartisan Policy Center's September 2010 report entitled, "Assessing the Terrorist Threat," two Somali-Americans, one from Washington state and one from Minnesota, were radicalized by the Somali insurgent group and al-Qa'ida affiliated al-Shabab and used in terror attacks overseas.

- **What efforts are being undertaken by the NCTC to combat al-Shabab's influence here in the Homeland?**

The response to this question has been delivered to the Office of Senate Security.

5. In April of this year, the Department of Defense (DoD) issued to the Congress an unclassified report on the military power of Iran. The report highlighted the role that the Iranian Revolutionary Guard Corps (IRGC) – Qods Force plays for the Iranian regime. In “The Country Report of Terrorism,” the Department of State describes the Qods Force as the Iranian regime’s “...primary mechanism for cultivating and supporting terrorists abroad.” The DoD report stated that the IRGC Qods Force is “...well-established in the Middle East and North Africa, and recent years have witnessed an increased presence in Latin America, particularly Venezuela.”

- **In your view, what kind of threat do the activities – in this hemisphere - of the IRGC and other organizations sponsored by Iran, (e.g., Hezbollah), pose to our national security?**

The response to this question has been delivered to the Office of Senate Security.

