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THE ATTACKS OF SEPTEMBER 11: WHERE ARE WE TODAY?

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

SEPTEMBER 8, 2011

Serial No. 112–42

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

72–929 PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
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THE ATTACKS OF SEPTEMBER 11: WHERE ARE WE TODAY?

Thursday, September 8, 2011

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

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

Present: Representatives King, Smith, Rogers, McCaul, Miller, Walberg, Cravaack, Meehan, Quayle, Duncan, Marino, Thompson, Sanchez, Jackson Lee, Cuellar, Clarke of New York, Richardson, Davis, Higgins, Speier, Richmond, Clarke of Michigan, Keating, and Hahn.

Chairman KING. Good morning. The Committee on Homeland Security will come to order. The Committee is meeting today to hear testimony assessing the status of Homeland Security on the occasion of the 10th anniversary of the September 11, 2001, terrorist attacks. The Chairman wishes to remind our guests today that demonstrations from the audience including the use of signs, placards, and T-shirts, as well as verbal outbursts are violations of the rules of the House. The Chair wishes to thank our guests for their cooperation in maintaining order and proper decorum.

I now recognize myself for an opening statement. I want to welcome everyone to the hearing today. Let me especially thank our witnesses for being here today. Chairman Lee Hamilton, who had a truly outstanding career as a Member of the United States Congress as chairman of the Foreign Affairs Committee and Intelligence Committee, a person who really personified the very best of Congress. Then, of course, served as co-chairman of the 9/11 Commission and somehow we are always get him to come back. He has amazing stamina and dedication. Lee, it is great to see you here again today.

I understand he is running late with travel today, but also Secretary Tom Ridge will be testifying today. Tom Ridge was the first Secretary of Homeland Security. Prior to that, he served as Governor of the Commonwealth of Pennsylvania, and also served 6 terms in the House of Representatives.

Our third witness this morning is Honorable Eugene Dodaro, who is the comptroller general of the United States GAO.

All of us have personal stories of September 11; no one has a monopoly on grief. My own case, I lost 150 constituents and friends on that date. You can go to other districts where there are as many if not more. I know many of us have spent much of the last 10

years working with family members of the 9/11 victims, but it is important that we not be bogged down just in grief, and that we look forward and that was really, I think, what our country did starting September 12, 2001. We will never forget what happened on September 11. We do all we can for the families of those murdered that day, but we also do all that we possibly can to make sure that these attacks are never replicated.

There have been any number of measures taken after that date; some worked, some worked very well, some not as well as we wanted them to, but there was and is work in progress. The bottom line is that we have not been successfully attacked in this country for 10 years, this goes over 2 administrations, Bush administration and the Obama administration. This is one issue which is probably as close to being bipartisan as possible. Obviously, there are some philosophical differences and policy differences that we have. But the fact is certainly when I was Chairman before and Ranking Member and Chairman now, I believe I always had an excellent working relationship with Ranking Member Thompson as we try to find common ground and try to minimize the differences between us.

There have been other actions taken besides the creation of the Department of Homeland Security, there is the Director of National Intelligence, and, of course, this committee itself was set up in response to the attacks of September 11, which probably goes to one of the areas where Congress has not done what was supposed to be done and what was recommended by the 9/11 Commission, and that was to consolidate jurisdiction within this committee as much as possible. There is still over 80, 90, 100, whatever number we want to use, subcommittees, committees, and commissions that Department of Homeland Security has to report to. This is not a turf battle. This is a fact. We are sending mixed messages to the Department; we are sending mixed signals as far as what Congress wants in the area of Homeland Security and this fragmentation to me is just inviting, if not disaster, certainly it is preventing law enforcement and intelligence agencies from doing the job to the maximum by sending so many mixed signals.

Again, this is an area where Ranking Member Thompson and I fully agree. It is an area where Secretary Ridge, Secretary Chertoff, and Secretary Napolitano fully agree. Just as I said, overall, our policies have been bipartisan both in the Congress and the Executive level. Also I would say the failure to consolidate jurisdiction has been a bipartisan failure. We in this committee, overall, have to do what we can to bring that consolidation about.

Other areas where I have concerns have been in the area of grants which I believe have been spread over too many areas rather than focus on the areas that need them the most. I give Secretary Napolitano credit for condensing that somewhat and taking a very meaningful step in the right direction.

I should add that in view of the excellent work that the 9/11 Commission did, and we are not trying to draft Lee Hamilton back into duty, but Congressman Frank Wolf and I have introduced legislation to reconstitute the 9/11 Commission 10 years after.

Other areas where I believe we have to move forward, one certainly is on spectrum and D-Block. There has to be communication

specifically allocated to police firefighters, first responders. No one wants to go through again what happened on September 11 where there was a lack of communication, inability to communicate and yet 10 years later, we have still not taken the action.

In another regard, I would like to acknowledge in the audience, Chief Dodd of the NYPD; Chief Gillespie, a fire chief in the City of North Las Vegas; Chief Johnson of the Western Fire Chiefs Association, and Sheriff Fitzgerald from Storey County in Iowa who have really been in the forefront of fighting for D-Block which I believe is absolutely essential.

We have made much progress against al-Qaeda over the past 10 years. We cannot allow ourselves to remain complacent, but there is no doubt that al-Qaeda central has been tremendously weakened. Their leadership has been devastated, certainly beginning with Osama bin Laden, which was a tremendous victory for the United States and all those who oppose terrorism.

At the same time, al-Qaeda has adapted its methods, it has morphed, it has metastasized so that we no longer face just an al-Qaeda central—which I believe would be very difficult for them to ever attack the United States the way they did on September 11, but now we have al-Qaeda in the Arabian Peninsula, we have al-Qaeda in Iraq, we have al-Shabaab, we have al-Qaeda attempting to recruit within our own country, which changes the whole nature of the struggle, attempting to recruit people under the radar screen. So as we have scored successes in one area, the enemy has adapted to it. We have to continue to adapt along with it.

As we approach this weekend of September 11, I think it is important for all of us to think back on how horrible that day was, and how we told ourselves that day that we would never allow that to happen again. My concern is that the further we get from September 11, the more the horror of that day fades into the recesses of peoples' memories. Maybe it is human nature to try to put that behind us, but the further we put it behind us, the more we, I believe, invite another attack. Whether in Congress as far as the cuts we are making to Homeland Security, whether it is the media which somehow, in many ways, acts as if the struggle is over, or just the American People who, and it is very understandable, want to put this in their rearview mirror.

The fact is the enemy is still there, and the enemy is still as dedicated as it was before. It has weakened, but it is adapting. So we have to, I believe, stand as one in a bipartisan way to do all we can to make sure that 9/11 never again repeats itself.

So with that, I want to thank all the witness for joining us here today. I am privileged to yield to the Ranking Member, the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Most of what you said I agree with. As you said, we clearly have had a wonderful and positive relationship as we have switched chairs from time to time.

I would also like to welcome our newest member on the Democratic side, Ms. Janice Hahn of California, to the committee. So we now have a full complement, and we look forward to the debate.

Chairman KING. We welcome you also, thank you.

Mr. THOMPSON. Mr. Chairman, today we meet to hear testimony on the Nation's progress in bringing about safety, security, and resiliency against terrorism since the attacks of 9/11. But before we look back, I want to acknowledge and remember all the firefighters, police officers and ordinary people who lost their lives that Tuesday morning. Remembering those who died must inspire us to make this Nation better and safer.

Mr. Chairman there is no doubt that the events of September 11, 2001, brought about fundamental changes to this Nation. The events of that morning changed just about everything we know about aviation security, information sharing, and disaster response and recovery. Over time, this Government has changed its policies and practices, the American people have changed their expectations. Today, most people regard many new security measures as a reasonable price for security. But as we enter the second 9/11 decade we must begin to question the price we paid.

Between 2004 and 2010, the Department spent nearly $300 billion to secure our Nation. Several initiatives have improved our security and eliminated many vulnerabilities we once faced. Increases in the number of Border Patrol officers, the establishment of Secure Flight and US–VISIT, the revitalization of FEMA, and new attention to securing chemical and biological materials have all improved our security posture. All of these things have been good and necessary. But as we reflect on the past 10 years, we cannot pretend that progress has been steady and unimpeded. Many pointed the growth of Homeland Security spending and reliance on outside contractors as the beginning of a Homeland Security industrial complex, which may undermine our security in the long run.

I cannot isolate the cause for this incredible increase in spending, nor can I deny that Congress' inability to consolidate jurisdiction is a contributing factor.

The splintering of the jurisdiction has fractured every aspect of the Department's operation and decreased its ability to operate effectively and efficiently. The inability of Congress to provide the Department with one strong and steady hand has created opportunities for the network of companies and consultants who we may call the Beltway bandits.

I hope the Chairman will work with the leadership to ensure that these jurisdictional hurdles are overcome. As the Chairman already said in his opening comments, there is enough blame on both sides for this jurisdictional morass that we face. This committee must pursue strict legislative oversight jurisdiction of the Department.

Mr. Chairman, as we recall 9/11 we must remember the terrorist attacks of that day have caused us to fight a new kind of war. The war on terrorism has not only been waged in Afghanistan and Iraq, but has also been fought on our shores. A recent study reports that nearly 200 terrorism cases have been brought in U.S. courts since September 11. Nine out of 10 of those cases have ended in convictions.

We should be proud of our success in engaging threats at home. But our work in securing the Nation must also assure our rights and freedoms. The 9/11 Commission understood this necessity and recommended a Privacy and Civil Liberties Oversight Board. Today

that board is still not functional. I hope my colleagues will join me in requesting that appointments be made to this board immediately. So as I consider our progress since 9/11 I would call it a mixed bag. We made strides but still have miles to go before we can rest. I yield back.

Chairman KING. Thank you, Ranking Member Thompson. Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Hon. Richardson follows:]

PREPARED STATEMENT OF HON. LAURA RICHARDSON

SEPTEMBER 8, 2011

I would like to thank Chairman King and Ranking Member Thompson for holding this hearing today. It has been nearly 10 years since the devastating terrorist attacks on our country. While our country is now more secure, we must continue to remain vigilant against those who seek to do us harm and teach hate. I look forward to hearing from our distinguished panel of witnesses on both the successes we have had on combating the global war on terror and what still needs to be done to prevent another terrorist attack on American soil.

On Sept. 11, 2001, America and the world were forever changed. Nineteen terrorists hijacked four commercial passenger jet airlines and intentionally crashed two of them into the World Trade Center and one into the Pentagon. The heroic actions of the passengers of United Flight 93 prevented an additional catastrophic attack. In total, the attacks of 9/11 resulted in a death toll of nearly 3,000 people and were the deadliest attacks on American soil since Pearl Harbor.

September 11, 2001 will forever be burned into our memories. I was a member of the Long Beach City Council. The events on that day renewed my commitment to serve my country and work to ensure that we do everything possible to prevent another terrorist attack.

One year after these attacks, President Bush and Congress established the "9/11 Commission" to prepare a complete report describing the circumstances that gave rise to the 9/11 attacks and recommendations that could be adopted by our Nation's security agencies to make sure a tragedy like this never happened again. Today, we are going to review the status of the commission's recommendations, and determine what still needs to be done.

The creation of the Department of Homeland Security and this committee resulted from the attacks on 9/11. When I came to Congress, I was honored to have the opportunity to join the Homeland Security Committee.

Despite the significant steps the Congress and Federal agencies have taken to deter and combat terrorist groups from attacking the United States, the Bipartisan Policy Center's report shows that there is still work to be done. I am particularly concerned about several issues raised in the report.

First, the report shows that there is still a lack of a unified command structure among multiple agencies when responding to a disaster. We also still have not addressed the interoperability issue raised in the initial report. It is simply not acceptable that our first responders still do not have the ability to communicate with each other across multiple agencies. We must overcome the barriers that have developed delaying Nation-wide network dedication to public safety during emergencies.

The 37th Congressional District and the State of California, of which I have resided since birth, is no stranger to natural disasters ranging from earthquakes to mudslides to wildfires. Southern California, my area, is also home to many high-value terrorist targets, such as the Port of Long Beach, oil refineries, gas treatment facilities, and petrochemical facilities. That is why I am especially committed to ensuring that my district and the Nation has the tools and resources to keep our people safe.

In light of the continuing threats that exist, I cannot help but point out that the shortsighted cuts to Homeland Security this year are negligent and must be addressed. Paying homage to 9/11 and then proposing to cut first responders and Homeland Security's ability to stop the next attempt is an absence of duty in this 112th Congress.

I look forward to hearing the testimony from our distinguished panel of witnesses, and I hope that we can work in a bipartisan fashion in implementing the remaining recommendations from the 9/11 Commission.

Chairman KING. Also, I would, at this time, ask unanimous consent to insert into the record the 10th Anniversary Report Card, the status of the 9/11 Commission recommendations prepared by the Bipartisan Policy Center National Security Preparedness Group. Without objection, so ordered.*

Now—oh, Secretary Ridge, how are you? Our first witness this morning, as I mentioned, is Lee Hamilton, long-time distinguished Member of Congress, vice chairman of the 9/11 Commission, former president of the Woodrow Wilson International Center for Scholars. A true gentlemen in every sense of the word, and if anyone serves in Congress and served this Nation in a bipartisan, patriotic way it was Lee Hamilton. Chairman Hamilton.

STATEMENT OF HONORABLE LEE HAMILTON, FORMER VICE CHAIRMAN, THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES (THE 9/11 COMMISSION)

Mr. HAMILTON. Thank you very much, Mr. Chairman. I ask unanimous consent my statement be put in full in the record.

Chairman KING. Without objection.

Mr. HAMILTON. Mr. Chairman, Ranking Member Thompson, Members of the committee, thank you very much for the opportunity to appear with you today. This committee has provided outstanding and enduring support for the implementation of the 9/11 Commission recommendations. We are most appreciative of the leadership and its members for your support. By doing so, you are helping ensure our Nation takes the difficult steps necessary to confront the terrorist threat and protect the American people.

Today I am appearing in my capacity as a co-chair of the Bipartisan Policy Center's National Security Preparedness Group, which is a successor to the 9/11 Commission. Through the NSPG, Governor Kean, who could not be here this morning, Governor Ridge, and I, together with a bipartisan group of National security experts, monitor the implementation of the 9/11 Commission's recommendations and address emerging National security issues. It is a very special pleasure, of course, to appear with Governor Tom Ridge as well as the comptroller general before you this morning.

Last week we released a report on the implementation of the 9/11 Commission's recommendations. The good news is that substantial progress has been made in fulfilling many of the recommendations. Among these importantly is the transformation of the intelligence community in breaking down barriers and information sharing. However, the unfulfilled recommendations in our report indicate we are not as secure as we could or should be. I will cover several of them now and allow Governor Ridge to discuss the others.

First unity of effort. Unity of effort for the many actors at a disaster scene is critical because a well-coordinated response saves many lives. Our Nation was not fully prepared for the size and complexity of the 9/11 attacks, or for that matter, Hurricane Katrina. Many metropolitan areas where multiple agencies respond to a disaster still have not solved the problem of who is in charge.

*The information has been retained in committee files and is also available at *http://www.bipartisanpolicy.org/library/report/tenth-anniversary-report-card-status-911-commission-recommendations*.

DHS and State and local governments have to work together to resolve gaps in establishing roles and responsibilities conducting catastrophic disaster planning and exercising those plans. A unity of command, knowing who is in charge is a no-brainer in terms of what must be done to respond to a disaster. It is a source of high frustration to me, and I think other members of the Commission that we have not yet resolved that problem satisfactorily across the Nation, although some communities have made considerable progress.

Second, the civil liberties and Executive power. I spent a good day yesterday listening, in good part, to the extraordinary capabilities that we have today in Government to surveil people and to keep track of what they are doing. I have had that briefing before, but I must say every time I have it, I am impressed over again. If you have not had the opportunity to hear what our capabilities are today and what they will be 5 years, 10 years from today, I urge you, taking whatever steps you can, to get that briefing. We recommended in the 9/11 Commission that a Privacy and Civil Liberties Board should be established to address and monitor privacy and liberty, civil liberty concerns across the Government.

You will not fail to be impressed by the potential of Government and individuals now to intrude into the lives of ordinary people. Although legislation was enacted to establish this board it has been dormant for more than 3 years. To date, only two of the board's five members have been nominated by the President, a chairman has not been selected, the remaining three should be appointed immediately.

Next, the Director of National Intelligence, the establishment of the Director of National Intelligence and the National Counterterrorism Center to coordinate the activities of the intelligence community, represented major progress in intelligence reform. However, there is some ambiguity about the DNI's authorities over budget and personnel, and there have been four DNIs in 6 years. Further clarity about that role is needed and that clarity could come either from additional legislation or by action of the President with repeated declarations from him that the DNI is the unequivocal leader of the intelligence community with regard to budget and personnel and other matters.

Next, standardize secure IDs, 18 of the 19 9/11 hijackers obtained 30 State-issued IDs amongst them that enabled them to more easily board planes on that dreadful morning of 9/11. Therefore, we recommended that the Federal Government sets standards for the issuance of sources of identification. In 2008, DHS issued detailed regulations setting standards for driver's license issuance. However, the States' compliance with the regulations has been delayed until 2013. That delay in compliance creates vulnerabilities and make us less safe. No further delay should be authorized, and instead, from my point of view, at least, the deadline should by accelerated.

Next, transportation security. With significant Federal funding, TSA has deployed large numbers of enhanced screening equipment used in explosives detection. Unfortunately, explosives detection technology lacks reliability and lags in its capability to automatically identify concealed weapons and explosives. DHS must im-

prove the way it sets screening technology requirements, works with the private sector to develop this equipment, and tests it in the field.

Finally, with regard to standards for terrorist detention, I know this is not within the jurisdiction of this committee, but it is an important matter, for too long, our Nation's political leadership have delayed resolving the difficult problem of reconciling the rule of law with indefinitely detaining alleged terrorists, some of whom would no doubt attempt to do the Nation grievous harm.

Congress and the President must enact a law, a comprehensive approach for how to handle these detainees that is grounded in the principles of fairness, due process, and protecting the American people.

To conclude, while we have done much since the attacks 10 years ago we are safer than we were that day, all of us, I think, agree there is still much more to do. Political leadership from both parties at all levels of government should renew their focus on completing implementation of the 9/11 Commission recommendations, thank you.

[The statement of Mr. Hamilton follows:]

PREPARED STATEMENT OF HON. LEE HAMILTON

SEPTEMBER 8, 2011

Mr. Chairman, Ranking Member Thompson, and Members of the committee: Thank you for the opportunity to appear before you today. This committee has been at the center of defending the country from the terrorist threat we face. You have provided sustained support for the implementation of the 9/11 Commission's recommendations. By doing so, you have done a great deal to ensure we are taking the difficult steps necessary to confront this determined enemy and protect Americans, our allies, and people throughout the world.

Today, I am appearing in my capacity as a co-chair of the Bipartisan Policy Center's National Security Preparedness Group (NSPG), a successor to the 9/11 Commission. Drawing on a strong roster of National security professionals, the NSPG works as an independent, bipartisan group to monitor the implementation of the 9/11 Commission's recommendations and address emerging National security issues. The NSPG has the following members:

Governor Tom Kean, Former Governor of New Jersey, Chairman of the 9/11 Commission, and Co-Chair of the National Security Preparedness Group;

The Honorable E. Spencer Abraham, Former U.S. Secretary of Energy and U.S. Senator from Michigan, The Abraham Group;

Peter Bergen, Director, National Securities Program at the New America Foundation;

Dr. Stephen Flynn, President, Center for National Policy;

Dr. John Gannon, BAE Systems, former CIA Deputy Director for Intelligence, Chairman of the National Intelligence Council, and U.S. House Homeland Security Staff Director;

The Honorable Dan Glickman, former Secretary of Agriculture and U.S. Congressman;

Dr. Bruce Hoffman, Georgetown University terrorism specialist;

The Honorable Dave McCurdy, Former Congressman from Oklahoma and Chairman of the U.S. House Intelligence Committee, President of the American Gas Association;

The Honorable Edwin Meese III, Former U.S. Attorney General, Ronald Reagan Distinguished Fellow in Public Policy and Chairman of the Center for Legal and Judicial Studies at the Heritage Foundation;

The Honorable Tom Ridge, Former Governor of Pennsylvania and U.S. Secretary of Homeland Security, Senior Advisor at Deloitte Global LLP, Ridge Global;

The Honorable Richard L. Thornburgh, former U.S. Attorney General, Of Counsel at K&L Gates;

The Honorable Frances Townsend, Former Homeland Security Advisor and Deputy National Security Advisor for Combating Terrorism;

The Honorable Jim Turner, Former Congressman from Texas and Ranking Member of the U.S. House Homeland Security Committee, Arnold and Porter, LLP.

Last week, we released a report assessing the 9/11 Commission's recommendations, which I will discuss today.

I. RESPONSE TO 9/11 AND THE EVOLVING TERRORIST THREAT

On September 11, 2001, violent Islamist extremists hijacked four commercial airplanes and turned them into weapons, killing nearly 3,000 people, and altering our society forever. These attacks exacted a devastating toll on so many families. Our Government, the private sector, and daily lives have been profoundly transformed in the decade since the attacks.

Indeed, it is difficult to comprehend all the ways that our Nation has changed. The most visible reminders of these changes are the airport screening protocols and being asked to report suspicious activity in public places. Drone strikes that kill terrorist operatives are front page news.

The less notorious changes that have occurred within the Federal Government are even more dramatic. We have seen the largest reorganization of the intelligence community since 1947. The intelligence budget itself has doubled since 2001. The creation of the Department of Homeland Security (DHS) was also a massive reconfiguration of Government, combining 22 agencies into a new department, with a workforce of 230,000 people and an annual budget of more than $50 billion. In total, some 263 organizations have been established or redesigned.

The terrorist threat has changed as well. Today, unlike 2001, we must be concerned about Americans, such as Anwar al-Awlaki, playing prominent roles in al-Qaeda's global network. For example, in Minneapolis, Minnesota, Muslim-American youth are being recruited in Somali communities to fight for an al-Qaeda affiliate in Somalia.

We also have seen Americans recruited by Islamist extremists through internet forums. Major Nidal Hasan, who killed 13 fellow soldiers at Fort Hood in Texas, was radicalized on-line. This self-radicalization is very difficult, if not impossible, for law enforcement to detect.

Our terrorist adversaries and the tactics and techniques they employ are evolving rapidly. We will see new attempts, and likely successful attacks. One of our major deficiencies before the 9/11 attacks was a failure by National security agencies to change at the accelerated rate required by a new and different kind of enemy. We must not make that mistake again.

The terrorist threat will be with us far into the future, demanding that we be ever vigilant. Changing circumstances require that we regularly reassess our priorities and expenditures to determine what is needed to defend our country and people.

II. UNFINISHED 9/11 COMMISSION RECOMMENDATIONS

After a 20-month investigation, in July 2004, the 9/11 Commission made 41 recommendations for improving the Nation's security. The vast majority of these were endorsed by both Presidential candidates at the time and almost every Member of Congress. On the tenth anniversary of the attacks, it is appropriate to reflect and take stock of where we are in National security reform—and what we have yet to achieve.

The good news is that substantial progress has been made in fulfilling many of the Commission's recommendations. Among these is the transformation of the intelligence community and breaking down barriers in information sharing.

Legal, policy, and cultural barriers between agencies created serious impediments to information sharing that prevented disruption of the 9/11 attacks. Therefore, the 9/11 Commission made a number of specific recommendations to improve information sharing across our Government. Information sharing within the Federal Government, and among Federal, State, and local authorities, and with allies, while not perfect, has considerably improved since 9/11. Those changes facilitated the successful capture of Osama bin Laden.

In our report last week, we highlighted nine unfinished 9/11 Commission recommendations. They demonstrate that we are not as secure as we could or should be. We urge immediate action to complete their implementation.

Unity of Effort.—Unity of effort for the many actors at a disaster scene is critical because a well-coordinated response can save many lives. Our Nation was not fully prepared for the size and complexity of the 9/11 attacks or for Hurricane Katrina.

While training under a uniform command structure has taken place, many metropolitan areas where multiple agencies respond to a disaster still have not solved the problem of who is in charge. Our concern is that the failure to resolve the basic building blocks of establishing roles and responsibilities, conducting catastrophic disaster planning, and exercising those plans would likely result in confusion at the scene of a major disaster.

Radio Interoperability.—A prerequisite to establishing unity of effort is providing first responders the ability to communicate with each other directly, on demand, during an emergency. Incompatible and inadequate communications led to needless loss of life on 9/11.

To remedy this failure, the Commission recommended additional assignment of radio spectrum to improve radio interoperability for first responders. Despite the lives at stake, this recommendation has stalled in part because of a political fight over allocating 10 MHz of radio spectrum—the D-Block—directly to public safety for a Nation-wide interoperable network. I want to recognize the leadership that Chairman King and Ranking Member Thompson and many Members of this committee have shown in supporting a bill that would allocate the D-Block to public safety.

Efforts to achieve unity of effort and interoperable emergency communications must be dramatically accelerated. Congress needs to allocate the radio spectrum by passing legislation, and DHS and State and local governments must work together to address gaps in unity of effort and interoperability planning.

Congressional Reform.—Congressional oversight of the Government's homeland security and intelligence functions remains as dysfunctional as it was when we released our 2004 report. At that time, we said that strengthening Congressional oversight may be among the most difficult and important recommendations. It still is.

Congress should immediately consolidate jurisdiction over the Department of Homeland Security within the House and Senate homeland security committees. This would avoid the duplication of having DHS respond to more than 100 Congressional committees and subcommittees that have overlapping jurisdiction over the Department. In 2009 and 2010, DHS provided more than 3,900 briefings and DHS witnesses testified more than 285 times. This amounted to many thousands of hours of work, often duplicating efforts, and cost taxpayers tens of millions of dollars.

To improve intelligence oversight, the 9/11 Commission recommended a joint, bicameral intelligence committee or intelligence committees in each body with combined authorizing and appropriating authority. The basic issue is that agencies listen to the people who control their purse.

Currently, the House and Senate appropriations committees fund the intelligence agencies through their defense subcommittees and the DoD budget. At a minimum, separate intelligence subcommittees should be established to fund the intelligence community.

The House Permanent Select Committee on Intelligence announced a decision this year to include three Members of the House Appropriations Committee to participate in Intelligence Committee hearings and briefings. This is a positive step, but there is more to do here.

Civil Liberties and Executive Power.—We recommended in 2004 that a Privacy and Civil Liberties Oversight Board should be established to address and monitor privacy and liberty concerns across Government. All five democrats and five republicans on the Commission felt strongly about this recommendation.

Since 9/11, the Executive Branch has received expanded authorities to collect information and to conduct surveillance. Even if these powers are being employed in a careful way respectful of civil liberties, the history of the abuse of such powers should give us pause and make us commit to ensuring that mechanisms are in place to protect our liberty. A robust and visible Board can help reassure Americans that security programs are designed and executed with the preservation of our core values in mind.

Although legislation was enacted to establish this Board, it has, in fact, been dormant for more than 3 years. To date, only two of the Board's five members have been nominated by the President and neither has been confirmed by Congress. The remaining three should be appointed immediately.

Director of National Intelligence.—The establishment of the Director of National Intelligence and the National Counterterrorism Center to coordinate the activities of the intelligence community represented major progress in intelligence reform. In the last 6 years, the DNI has increased information-sharing, improved coordination among agencies, sharpened collection priorities, brought additional expertise into the analysis of intelligence, and further integrated the FBI into the overall intelligence effort.

But it still is not clear that the DNI is the driving force for intelligence community integration that we had envisioned. There have been four DNIs in 6 years.

There also is ambiguity about the DNI's authorities over budget and personnel. Further clarity about the DNI's role is needed. This could be done through legislation or with repeated declarations from the President that the DNI is the unequivocal leader of the intelligence community.

Biometric Entry-Exit System.—In 2004, the 9/11 Commission recommended that the Federal Government establish a comprehensive biometric system to track foreign nationals that enter and leave the country. DHS has deployed a system that checks all individuals who arrive at U.S. borders, ensures they are who they say they are, and helps prevent known terrorists from entering the country.

But the exit portion of the system has not been completed, so we do not know with any certainty who has left the country or remains here on an expired visa. Such a capability would have assisted law enforcement and intelligence officials in August and September 2001 in conducting a search for two of the 9/11 hijackers that were in the United States on expired visas.

Standardized Secure IDs.—Eighteen of the 19 9/11 hijackers obtained 30 State-issued IDs amongst them that enabled them to more easily board planes on the morning of 9/11. Due to the ease with which fraud was used to obtain legitimate IDs that helped the hijackers embed and assimilate in the United States for the purpose of carrying out a terrorist act, the 9/11 Commission recommended that "the Federal Government set standards for the issuance of birth certificates and sources of identification, such as driver's licenses."

In 2008, detailed regulations were issued, setting standards and benchmarks for driver's license issuance. However, the States' compliance with DHS regulations for more secure driver's licenses has been delayed to 2013 by DHS. This delay in compliance creates vulnerabilities and makes us less safe. No further delay should be authorized, and instead the deadline should be accelerated.

Transportation Security.—With significant Federal funding, TSA has deployed large numbers of enhanced screening equipment used in passenger checkpoint explosives detection and checked bag screening. Unfortunately, explosives detection technology lacks reliability and lags in its capability to automatically identify concealed weapons and explosives. The next generation whole body scanning machines also are not effective at detecting explosives hidden within the body and raise privacy and health concerns that DHS has not fully addressed.

Our conclusion is that despite 10 years of working on the problem, the detection system still falls short in critical ways with respect to detection. DHS must improve the way it sets screening technology requirements, works with the private sector to develop this equipment, and tests it in the field.

Standards for Terrorist Detention.—Within days of his inauguration, President Obama signed a series of Executive Orders on the treatment of detainees and barring the CIA from using any interrogation methods not already authorized in the U.S. Army Field Manual. By bringing the United States into compliance with the Geneva Conventions and with international and customary law on the treatment of prisoners, the Executive Orders have substantially fulfilled our recommendation.

However, for too long, our Nation's political leadership have delayed resolving the difficult problem of reconciling the rule of law with indefinitely detaining alleged terrorists, some of whom would no doubt attempt to do the Nation grievous harm. So Congress and the President must decide on a comprehensive approach of how to handle these detainees that is grounded in the principles of fairness, respect for due process, and protecting the American people.

III. CONCLUSION

While we have done much since the attacks 10 years ago and are safer than we were that day, there is much more to do. Political leadership from both parties and at all levels of government should renew their focus on completing implementation of the 9/11 Commission recommendations.

Our National security departments require strong leadership and attentive management at every level to ensure that all parts are working well together. Their dedicated workforces enacted much change and should be commended for their achievements in protecting the American people. But there is a tendency toward inertia in all bureaucracies. Vigorous Congressional oversight is imperative to ensure sustained vigilance and continued reforms.

Chairman KING. Thank you Chairman Hamilton.

Our next witness is an old friend; many people in the Congress had the privilege of serving with him. Tom Ridge was a Member of the Congress, he went on to become an outstanding Governor of Pennsylvania, and he truly was present at the creation when Presi-

dent Bush appointed him to be the first assistant to the President for Homeland Security and first Secretary of the Department of Homeland Security.

He has a unique perspective on this, obviously having been there at the start and being able to monitor the development, both at the Department and of the Homeland Security mechanisms in this country over the past 10 years. Tom was a college graduate and law student who was drafted and served honorably in Vietnam, received a bronze star, and again was a truly outstanding Member of Congress. Again, like Chairman Hamilton, has been dedicated to his country and in this issue in particular. Tom Ridge, it is a privilege to have you here today and you are recognized.

STATEMENT OF HONORABLE TOM RIDGE, FORMER SECRETARY OF HOMELAND SECURITY

Mr. RIDGE. Thank you, Chairman King, Ranking Member Thompson and Members of the committee. I join my colleagues in expressing—thanking my colleagues to express my appreciation for the opportunity to appear before you today as reflects upon our Nation's security efforts 10 years after the attacks of September 11, 2001, frankly, as we consider our priorities for the future. I am very pleased to be joined at the witness table by someone you recognize, we all recognize as a great patriot, Lee Hamilton, and obviously we recognize the service and the contribution.

Chairman KING. Secretary Ridge, if would you pull the microphone closer. I am having a hard time picking up on your voice.

Mr. RIDGE. Recognize the service of GAO comptroller, General Gene Dodaro, who each bring, I think, distinguished credentials and significant points of view to our conversation today. As we look back over the last 10 years, it is abundantly clear that America was, is, and will always be an undeniably resilient country. In a decade's time, we have strengthened our intelligence assets and we have partnered with allies and friends. We have captured and killed terrorists and destroyed safe havens in Afghanistan and around the globe.

We stood up a new department, the Department of Homeland Security and repositioned as the country embraced and emotionally charged, but I think strategically-driven National mission. We improved preparedness and response capabilities and established layers of security throughout our aviation system. We embedded new technologies and security measures throughout the public and private sectors. Individual citizens, I believe, are more prepared and they are certainly more aware. With public and private sector leadership in investment, we are more secure, but we remain a target nonetheless.

Over the course of 10 years, the threat remains strong and continues to change. We have thwarted some attacks, but we have also been fortunate that a few others have simply failed. What makes some uncomfortable we must acknowledge that no matter how hard we try, another attack is likely. The onus is on us to understand what to do and luck is not a strategy. As we close one vulnerability, we should anticipate the terrorists will adapt and seek out another, and be ready for that.

We must view security as an on-going process, not an endpoint, a deliberative process. Not a breathless reaction to all conceivable threats is required at all times. Terrorists do not rest, so neither can we. We wear wristwatches, they have time, the number of security measures await our attention. We have strengthened information sharing in this country and among allies and friends, but we still saw an attempted Christmas day bomber come very close to his goals due to information not being shared. I, for one, also believe that the failure to share information and the failure to act lead to the horrible tragedy associated with the deaths of people at Fort Hood.

We need to create a culture of intelligence sharing where everyone feels empowered to hit the send button to share more, not less. We have bolstered communication technologies, but an inoperable broadband communication system remains undelivered. If the tragedy of 9/11 the specific recommendations of the 9/11 Commission, and the sustained pleas of police, firemen, and emergency service personnels cannot generate Federal support for such a network, what will it take, ladies and gentlemen, what will it take?

We have instituted an entry system to validate who comes into the country, but have not created an exit system that ensures the same visitors leave and do not exploit as yet an unfinished system. It is likely, therefore, that we have people among us who have overstayed their visas. Where are they now? What are they doing? Why are they here? Respectfully, I say this, the issue of Congressional oversight is a 9/11 recommendation that also goes unanswered.

You heard the statistics on numbers of hearings, briefings, preparation time, and so forth. What is important is that these numbers have increased across the tenure of three Secretaries, and continue to cause significant distraction, overlap, and bureaucracy, three characteristics that run counterintuitive to the urgency and focus required of National security. My hope is this issue and other concerns have addressed will receive our urgent attention in successful resolution.

It is easy, I know, to cite all the vulnerabilities we have yet to address in the 9/11 recommendations we have yet to meet. The needs and wants are limitless, resources are not. So we must manage the risk carefully and judiciously. The responsibility is great, and it is complex. Ten years later, it just doesn't get any easier. The killing of Osama bin Laden illustrates this point quite well. The news about bin Laden capped a decade of emotion. We all know that the threat would remain long after the man was killed.

Ten years is not a lot of time, it is enough time to know that in the next 10 years, the fight will be with us. It will go on, but so will we. As a stronger and more secure country, as resilient and freedom-loving people we have always been, and as a Nation that will always remember those we lost one September day. Thank you, Mr. Chairman.

[The statement of Mr. Ridge follows:]

PREPARED STATEMENT OF HON. TOM RIDGE

SEPTEMBER 8, 2011

Thank you, Representative King and Ranking Member Thompson, Members of the committee.

I appreciate the opportunity to join you and your colleagues today as we reflect upon our Nation's security efforts 10 years after the attacks of September 11, 2001, and as we consider our priorities for the future.

And I'm pleased to be joined today at the witness table by Representative Lee Hamilton and GAO Comptroller General Gene Dodaro, who each bring distinguished credentials and a significant point of view to our conversation today.

As I look back over the last 10 years, it is abundantly clear that America was, is, and always will be an undeniably resilient Nation.

In a decade's time, we strengthened our intelligence assets and partnered with allies and friends. We captured and killed terrorists and destroyed safe havens in Afghanistan and around the globe.

We stood up a new department, Homeland Security, and re-positioned as the country embraced an emotionally charged and strategically driven National mission.

We improved preparedness and response capabilities and established layers of security throughout our aviation system.

We embedded new technologies and security measures throughout the public and private sectors.

Individual citizens are more prepared and more aware.

With public and private sector leadership and investment, we are more secure. But we remain a target nonetheless.

Over the course of 10 years, the threat remains strong and continues to change. We have thwarted some attacks, but we have also been fortunate that a few others have simply failed. While it makes some uncomfortable, we must acknowledge that no matter how hard we try, another attack is likely. The onus is on us then—to understand that there's more to do—and that luck is not a strategy.

As we close one vulnerability, we should anticipate that terrorists will adapt and seek out another—and be ready for that.

We must view security as an on-going process, not an endpoint. A deliberative process, not a breathless reaction to all conceivable threats, is required at all times.

Terrorists do not rest, so neither can we. We have wrist watches—they have time. A number of security measures await our attention.

We have strengthened information-sharing in country and among allies and friends, but we still saw an attempted Christmas day bomber come very close to his goals due to overt and repeated information not being shared. We need to create a culture of intelligence sharing where everyone feels empowered to hit the send button, to share more, not less.

We have bolstered communication technologies, but an interoperable broadband communications system remains undelivered. If the tragedy of 9/11, the specific recommendations of the 9/11 Commission and the sustained pleas of police, firemen, and emergency service professionals cannot generate Federal support for such a network, then what will it take?

We have instituted an entry system to validate who comes into the country, but have not created an exit system that ensures these same visitors leave and do not exploit an as-yet unfinished system. It is likely therefore that we have people among us who have overstayed their visas. Where are they now and what are they doing? Where is the sense of urgency needed to address this?

Respectfully, the issue of Congressional oversight is a 9/11 recommendation that goes unanswered. You have heard the statistics on numbers of hearings, briefings, preparation time, and so forth. What is important is that these numbers have increased across the tenure of three DHS secretaries, and continue to cause significant distraction, overlap, and bureaucracy—three characteristics that run counterintuitive to the urgency and focus required of National security.

My hope is this issue and other concerns I've addressed will receive our urgent attention and successful resolution.

It is easy, I know, to cite all of the vulnerabilities we have yet to address and the 9/11 recommendations we have yet to meet. The needs and wants are limitless. Resources are not. So we must manage the risk carefully and judiciously. That responsibility is great and complex. And 10 years later, it doesn't get any easier.

The killing of Osama bin Laden illustrates this point well. The news about bin Laden capped a decade of emotion, but we all knew that the threat would remain long after the man.

Ten years is not a lot of time, but it is enough time to know that in the next 10 years, the fight will still be with us. It will go on. But so will we, as a stronger and more secure country, as the resilient and freedom-loving people we have always been, and as a Nation that will always remember those we lost one September day.

Chairman KING. Thank you, Secretary Ridge.

Our next witness is, this man's job is to keep everybody honest, Comptroller General Gene Dodaro who has a more than 30-year record of achievement. Served more than 9 years as chief operating officer of GAO. With that, I look forward to your testimony and its perspective we don't always hear. So I look forward to your testimony this morning.

STATEMENT OF HONORABLE EUGENE L. DODARO, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. DODARO. Thank you very much, Mr. Chairman, Ranking Member Thompson, Members of the committee, I am very pleased to be here today to discuss GAO's work on Homeland Security issues. It is a privilege to appear with Chairman Hamilton and Governor Ridge this morning.

Yesterday we issued a summary report of the work that we have done over the past decade, looking at the Homeland Security issues. We have made over 1,500 recommendations during that period of time. We have adopted a constructive approach to try to do our part to help in this quest to make our homeland more secure. The Department has reacted favorably to many of our recommendations and has implemented many, but many, as yet, have not been fully implemented.

The bottom line message of our report was that progress indeed has been made since 9/11, but much work remains on gaps and weaknesses that the Department needs to address in order to reach its full potential.

On the progress side, I point to several areas, one, secure flight, we have a system now to check against terrorist watch lists on passenger lists. We have a visa entry biometric system, as Governor Ridge mentioned, to track people coming into the country. We have a visa security program, where DHS is now working with the Department of State officials in the process of determining who gets a visa in order to come into the country. There is also an automated verification, authorization system for visa waiver countries where visas aren't needed, that they are checked as they come in. We bolstered the resources at ports of entry and equipment and infrastructure there and at the borders across the country.

I am also pleased that there has been greater emphasis in cybersecurity in the National infrastructure plan, and that FEMA has issued National Response Framework and attended documents to ensure emergency preparedness and better clarity of rules and responsibilities.

Now on the work-remaining side, first, I would point to the fact that we need to continuously improve the processes and technologies for screening at the airports, particularly including a plan to bring the equipment for screening check baggage up to current levels for detecting explosive devices.

Second, I would echo the comments of my colleagues and that we need an exit system for this country. Overstays remains a signifi-

cant problem, estimates are between 4 and 5 million people, and as we all recall, five of the 19 hijackers on 9/11 had overstayed their visas, so having an exit strategy is important.

I also think there are great opportunities to expand the Visa Border Security Program. DHS is not working yet with State Department in all critical high-risk issues. This could be done by placing additional people overseas, or perhaps remotely working within the United States. So that's an important issue as well.

There is also a task to provide more timely and actionable threat and alerts on cybersecurity issues to the private sector and others and help them dealing with a growing problem of cybersecurity and intrusions. There is also a need for FEMA to come up with an assessment, metrics and assessment to assess the capabilities and the readiness of individual jurisdiction. We have framework and guidelines, but we have yet to have any objective assessments of readiness and preparedness levels across the country.

Also, there is a need to effectively implement the global nuclear detection strategy, and we have made some recommendations in this area. There is a need to strengthen our efforts to detect biological agents and threats to our country.

Last, I would point to our report highlighting the need for the Department to improve their management systems and infrastructure to help support these very important missions. The problems that have been occurring in the acquisition area, there has been a number of failed acquisition attempts, a lot of money is at stake, about 40 percent of the Department's budget is on acquisitions and that needs to be improved, along with their development and testing of technologies before they are deployed. Also, their financial management systems need to be strengthened to properly account for the funds that are available. They are one of the few departments that are unable to pass a clean audit opinion. Going forward in the austere budget environment, it is very important that we make the best and most efficient use out of the monies and manage wisely.

This concludes my opening statement, I look forward to answering questions. Thank you very much, Mr. Chairman.

[The statement of Mr. Dodaro follows:]

PREPARED STATEMENT OF HON. EUGENE L. DODARO

SEPTEMBER 8, 2011

GAO–11–940T

Chairman King, Ranking Member Thompson, and Members of the committee: I am pleased to be here today to discuss our work on progress made by the Department of Homeland Security (DHS) and work remaining in implementing its homeland security missions since it began operations in March 2003. The Nation is about to pass the 10-year anniversary of the September 11, 2001, terrorist attacks. The events of that day led to profound changes in Government agendas, policies, and structures to confront homeland security threats facing the Nation. This milestone provides an opportunity to reflect on the progress DHS has made since its establishment and challenges it has faced in implementing its missions, as well as to identify issues that will be important for the Department to address as it moves forward, based on work we have completed on DHS programs and operations in key areas.

DHS was established with key missions that include preventing terrorist attacks from occurring within the United States, reducing U.S. vulnerability to terrorism, minimizing resulting damages, and helping the Nation recover from any attacks that may occur. DHS is now the third-largest Federal department, with more than

200,000 employees and an annual budget of more than $50 billion. We have evaluated numerous Departmental programs since DHS began its operations, and issued more than 1,000 reports and Congressional testimonies in areas such as border security and immigration, transportation security, and emergency management, among others.

We have made approximately 1,500 recommendations to DHS designed to strengthen its operations, such as to improve performance measurement efforts, strengthen management processes, enhance coordination and information sharing, and increase the use of risk information in planning and resource allocation decisions, as well as to address gaps and challenges in its mission operations that have affected DHS's implementation efforts. DHS has implemented about half of these recommendations, has actions underway to address others, and has taken additional steps to strengthen its mission activities.

However, we reported that the Department has more to do to ensure that it conducts its missions efficiently and effectively, while simultaneously preparing to address future challenges that face the Department and the Nation. Addressing these issues will likely become increasingly complex as domestic and world events unfold, and will be particularly challenging in light of the current fiscal environment and constrained budgets.

In 2003, we designated the implementation and transformation of DHS as high-risk because it represented an enormous undertaking that would require time to achieve in an effective and efficient manner.[1] Additionally, the components that merged to form DHS already faced a wide array of existing challenges, and any DHS failure to effectively carry out its mission could expose the Nation to potentially serious consequences. The area has remained on our high-risk list since 2003.[2] Our prior work on mergers and organizational transformations, undertaken before the creation of DHS, found that successful transformations of large organizations, even those faced with less strenuous reorganizations than DHS, can take years to achieve.[3]

In 2007, we reported on progress made by DHS in implementing its mission and management functions by assessing actions DHS took to achieve performance expectations within each function.[4] We reported that DHS made progress in implementing all of its mission and management functions since it began operations, but progress among the areas varied significantly. For example, we reported that DHS made more progress in implementing its mission functions than its management functions. We also reported that DHS generally had not established quantitative goals and measures for assessing its performance and, as a result, we could not assess where along a spectrum of progress DHS stood in achieving its missions. Subsequent to the issuance of this report, DHS continued to take action to strengthen its operations and the management of the Department, including enhancing its performance measurement efforts. At the request of this committee, following the issuance of our report, we provided DHS with feedback on the Department's performance goals and measures as DHS worked to better position itself to assess its results. Based on its internal review efforts and our feedback, DHS took action to develop and revise its performance goals and measures in an effort to strengthen its ability to assess its outcomes and progress in key mission areas. For fiscal year 2011, DHS identified 85 strategic measures for assessing its progress in achieving

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[1] GAO, *High-Risk Series: An Update,* GAO–03–119 (Washington, DC: January 2003). In addition to this high-risk area, DHS has responsibility for other areas we have designated as high-risk. Specifically, in 2005 we designated information sharing for homeland security as high-risk, involving a number of Federal departments including DHS, and in 2006, we identified the National Flood Insurance Program as high-risk. Further, in 2003 we expanded the scope of the high-risk area involving Federal information security, which was initially designated as high-risk in 1997, to include the protection of the Nation's computer-reliant critical infrastructure.

[2] GAO, *Major Management Challenges and Program Risks: Department of Homeland Security,* GAO–03–102 (Washington, DC: January 2003).

[3] See GAO, *Highlights of a GAO Forum: Mergers and Transformations: Lessons Learned for a Department of Homeland Security and Other Federal Agencies,* GAO–03–293SP (Washington, DC: Nov. 14, 2002), and *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations,* GAO–03–669 (Washington, DC: July 2, 2003).

[4] GAO, *Department of Homeland Security: Progress Report on Implementation of Mission and Management Functions,* GAO–07–454 (Washington, DC: Aug. 17, 2007). We defined performance expectations as a composite of the responsibilities or functions—derived from legislation, homeland security Presidential Directives and Executive Orders, DHS planning documents, and other sources—that the Department was to achieve or satisfy in implementing efforts in its mission and management areas. The performance expectations were not intended to represent performance goals or measures for the Department.

its Quadrennial Homeland Security Review (QHSR) missions and goals.[5] The Department plans to report on its results in meeting established targets for these new measures at the end of the fiscal year.

In February 2010, DHS issued its first QHSR report, outlining a strategic framework for homeland security to guide the activities of the Department and its homeland security partners, including Federal, State, local, and Tribal government agencies; the private sector; and nongovernmental organizations. The report identified five homeland security missions—Preventing Terrorism and Enhancing Security, Securing and Managing Our Borders, Enforcing and Administering Our Immigration Laws, Safeguarding and Securing Cyberspace, and Ensuring Resilience to Disasters—and goals and objectives to be achieved within each mission. In addition, in July 2010 DHS issued a report on the results of its Bottom-Up Review (BUR), a Department-wide assessment to align DHS's programmatic activities, such as investigating drug smuggling and inspecting cargo at ports of entry, and its organizational structure to the missions and goals identified in the QHSR.[6]

My statement is based on a report we issued in September 2011 assessing DHS's programs and operations.[7] As requested, the report and my statement address the progress made by DHS in implementing its homeland security missions since it began operations, remaining work, and crosscutting and management issues that have affected DHS's implementation efforts.

The report is based on our work on DHS since it began operations, supplemented with work completed by the DHS Office of Inspector General (IG), with an emphasis on work completed since 2008 to reflect recent work, and updated information and documentation provided by the department in July and August 2011. It is also based on our on-going work on some DHS programs for various Congressional committees, as noted throughout the report. For this on-going work, as well as updated information provided by DHS, we examined program documentation and interviewed agency officials, among other things. This statement highlights key, recent work at DHS, but does not address all products we and DHS IG issued related to the Department, nor does it address all of DHS's homeland security-related activities and efforts. To determine what progress DHS has made in implementing its mission functions and what work, if any, remains, we identified 10 DHS functional areas, which we define as categories or areas of DHS's homeland security responsibilities. These functional areas are based on those areas we identified for DHS in our August 2007 report on DHS's progress in implementing its mission and management functions, and our analysis of DHS's QHSR and budget documents, such as its Congressional budget justifications.[8] These areas include: (1) Aviation security; (2) chemical, biological, radiological, and nuclear (CBRN) threats; (3) critical infrastructure protection—physical assets; (4) surface transportation security; (5) border security; (6) maritime security; (7) immigration enforcement; (8) immigration services; (9); critical infrastructure protection—cyber assets; and (10) emergency preparedness and response.[9] To identify sub-areas within these functional areas, we identified performance expectations, which we define as composites of the responsibilities or functions that the Department is to achieve or satisfy based on our analysis of requirements, responsibilities, and goals set for the Department by Congress, the administration, and DHS itself and its components. In particular, we used ex-

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[5] DHS, *Quadrennial Homeland Security Review Report: A Strategic Framework for a Secure Homeland* (Washington, DC: February 2010). The Implementing Recommendations of the 9/11 Commission Act required that beginning in 2009, and every 4 years thereafter, DHS conduct a quadrennial review that provides a comprehensive examination of the homeland security strategy of the United States. Pub. L. No. 110–53, § 2401(a), 121 Stat. 266, 543–45 (2007) (codified at 6 U.S.C. § 347).

[6] DHS, *Bottom-Up Review Report* (Washington, DC: July 2010). As a result of the BUR, DHS acknowledged that it had complementary Department responsibilities and capabilities, which it subsequently formalized in a sixth mission published in the fiscal year 2010–2012 Annual Performance Report—"Providing Essential Support to National and Economic Security"—to fully capture the scope of DHS's missions.

[7] GAO, *Department of Homeland Security: Progress Made and Work Remaining in Implementing Homeland Security Missions 10 Years after 9/11,* GAO–11–881 (Washington, DC: Sept. 7, 2011).

[8] GAO–07–454.

[9] We focused these mission areas primarily on DHS's homeland security-related functions. We did not consider the Secret Service, domestic counterterrorism, or intelligence activities because: (1) We and the DHS IG have completed limited work in these areas; (2) there are few, if any, requirements identified for the Secret Service's mission and for DHS's role in domestic counterterrorism and intelligence (the Department of Justice serves as the lead agency for most counterterrorism initiatives); and (3) we address DHS actions that could be considered part of domestic counterterrorism and intelligence in other areas, such as aviation security, critical infrastructure protection, and border security.

pectations identified in our August 2007 report as a baseline, and updated, or added to, these expectations by analyzing requirements and plans set forth in homeland security-related laws, Presidential Directives and Executive Orders, National strategies, and DHS's and components' strategic plans and documents. We then aligned our functional areas to the five QHSR missions based on our review of the QHSR and BUR reports and DHS's fiscal year 2012 budget documents.

To identify key areas of progress and work that remains in each functional area, as well as crosscutting issues that have affected DHS's implementation efforts, we examined our and the DHS IG's past reports. We selected key work that we and the DHS IG have completed related to the functional areas, sub-areas, and crosscutting issues. We examined the methodologies used by the DHS IG in its reports, including reviewing the scope, methodological steps, and limitations. We determined that the DHS IG reports were sufficiently reliable for the purposes of our report to provide examples of, and to supplement our work on, DHS's progress and work remaining. We identified crosscutting issues based on analysis of our work in each functional mission area to determine common themes that have affected DHS's implementation efforts across the various mission areas. We conducted this performance audit from April 2011 through September 2011, in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

In commenting on our September 2011 report, DHS acknowledged our work to assess the progress the Department has made in enhancing the Nation's security and the challenges that still exist. The Department discussed its views of its accomplishments since 2001, such as the creation and management of the Visa Security Program; the establishment of fusion centers to serve as focal points for the analysis and sharing on threat and vulnerability-related information; and passenger screening and prescreening programs, among other things. We recognize the Department's progress in these and other areas in the report, as well as identify existing challenges that will be important for DHS to address moving forward. DHS further noted that the report did not address all of DHS's homeland security-related activities and efforts. DHS also stated that the report's assessments of progress in each homeland security mission area were not comprehensive because we and the DHS IG completed varying degrees of work for each area. We reflect in the report that it was primarily based on work we completed since DHS began operations, supplemented with the work of the DHS IG, with an emphasis on work completed since 2008 and updated information provided by DHS in July and August 2011. As such, the report identified that our work and that of the DHS IG did not cover all of DHS's homeland security-related programs and activities, and that the report was not intended to do so. Further, we noted in the report that because we and the DHS IG have completed varying degrees of work (in terms of the amount and scope of reviews completed) for each functional area, and because different DHS components and offices provided us with different amounts and types of information, the report's assessments of DHS's progress in each area reflected the information available for our review and analysis and were not necessarily equally comprehensive across all 10 areas.

DHS CONTINUES TO IMPLEMENT AND STRENGTHEN ITS MISSION FUNCTIONS, BUT KEY OPERATIONAL AND MANAGEMENT CHALLENGES REMAIN

Since DHS began operations in March 2003, it has developed and implemented key policies, programs, and activities for implementing its homeland security missions and functions that have created and strengthened a foundation for achieving its potential as it continues to mature. However, the Department's efforts have been hindered by challenges faced in leading and coordinating the homeland security enterprise; implementing and integrating its management functions for results; and strategically managing risk and assessing, and adjusting as necessary, its homeland security efforts.[10] DHS has made progress in these three areas, but needs to take additional action, moving forward, to help it achieve its full potential.

[10] DHS defines the homeland security enterprise as the Federal, State, local, Tribal, territorial, nongovernmental, and private-sector entities, as well as individuals, families, and communities, who share a common National interest in the safety and security of the United States and its population.

DHS Has Made Progress in Implementing its Mission Functions, but Program Weaknesses and Management Issues Have Hindered Implementation Efforts

DHS has made important progress in implementing and strengthening its mission functions over the past 8 years, including implementing key homeland security operations and achieving important goals and milestones in many areas. The Department's accomplishments include developing strategic and operational plans across its range of missions; hiring, deploying, and training workforces; establishing new, or expanding existing, offices and programs; and developing and issuing policies, procedures, and regulations to govern its homeland security operations. For example:

- DHS issued the QHSR, which provides a strategic framework for homeland security, and the National Response Framework, which outlines guiding principles for disaster response.
- DHS successfully hired, trained, and deployed workforces, such as a Federal screening workforce which assumed security screening responsibilities at airports Nation-wide, and the Department has about 20,000 agents to patrol U.S. land borders.
- DHS created new programs and offices, or expanded existing ones, to implement key homeland security responsibilities, such as establishing the United States Computer Emergency Readiness Team to, among other things, coordinate the Nation's efforts to prepare for, prevent, and respond to cyber threats to systems and communications networks. DHS also expanded programs for identifying and removing aliens subject to removal from the United States and for preventing unauthorized aliens from entering the country.
- DHS issued policies and procedures addressing, among other things, the screening of passengers at airport checkpoints, inspecting travelers seeking entry into the United States, and assessing immigration benefit applications and processes for detecting possible fraud.

Establishing these elements and others are important accomplishments and have been critical for the Department to position and equip itself for fulfilling its homeland security missions and functions.

However, more work remains for DHS to address gaps and weaknesses in its current operational and implementation efforts, and to strengthen the efficiency and effectiveness of those efforts to achieve its full potential. For example, we have reported that many DHS programs and investments have experienced cost overruns, schedule delays, and performance problems, including, for instance, DHS's recently cancelled technology program for securing U.S. borders, known as the Secure Border Initiative Network, and some technologies for screening passengers at airport checkpoints. Further, with respect to the cargo advanced automated radiography system to detect certain nuclear materials in vehicles and containers at ports DHS pursued the acquisition and deployment of the system without fully understanding that it would not fit within existing inspection lanes at ports of entry. DHS subsequently canceled the program. DHS also has not yet fully implemented its roles and responsibilities for developing and implementing key homeland security programs and initiatives. For example, DHS has not yet developed a set of target capabilities for disaster preparedness or established metrics for assessing those capabilities to provide a framework for evaluating preparedness, as required by the Post-Katrina Emergency Management Reform Act.[11] Our work has shown that DHS should take additional action to improve the efficiency and effectiveness of a number of its programs and activities by, for example, improving program management and oversight, and better assessing homeland security requirements, needs, costs, and benefits, such as those for key acquisition and technology programs. Table 1 provides examples of key progress and work remaining in DHS's functional mission areas, with an emphasis on work we completed since 2008.

[11] See 6 U.S.C. § 749.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
Mission 1: Preventing Terrorism and Enhancing Security.	Aviation security	*Key progress*.—DHS enhanced aviation security in key areas related to passenger prescreening, passenger checkpoint screening, checked baggage screening, and air cargo security. For example, DHS developed and implemented Secure Flight as a passenger prescreening program to match airline passenger information against terrorist watch list records. DHS also deployed technology to screen passengers and checked baggage at airports. For example, in response to the December 25, 2009, attempted attack on Northwest flight 253, DHS revised the advanced imaging technology procurement and deployment strategy, increasing the planned deployment of advanced imaging technology from 878 to between 1,350 and 1,800 units.(1) Further, DHS is screening passengers using staff trained in behavior detection principles and deployed about 3,000 Behavior Detection Officers to 161 airports as part of its Screening of Passengers by Observation Techniques program. Moreover, DHS reported, as of August 2010, that it had established a system to screen 100 percent of domestic air cargo (cargo transported within and outbound from the United States) transported on passenger aircraft by, among other things, creating a voluntary program to facilitate screening throughout the air cargo supply chain and taking steps to test technologies for screening air cargo.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
		What remains to be done.—DHS should take additional action to strengthen its aviation security efforts. For example, a risk-based strategy and a cost-benefit analysis of airport checkpoint technologies would improve passenger checkpoint screening. TSA's strategic plan to guide research, development, and deployment of passenger checkpoint screening technologies was not risk-based and did not reflect some of the key risk management principles, such as conducting a risk assessment based on the three elements of risk—threat, vulnerability, and consequence—and did not include a cost-benefit analysis and performance measures. Further, in March 2010, we reported that it was unclear whether the advanced imaging technology would have detected the weapon used in the December 25, 2009 attempted terrorist attack based on the preliminary testing information we received. DHS also had not validated the science supporting its Screening of Passengers by Observation Techniques program, or determined if behavior detection techniques could be successfully used across the aviation system to detect threats before deploying the program. DHS completed a program validation study in April 2011 which found that the program was more effective than random screening, but that more work was needed to determine whether the science could be used for counterterrorism purposes in the aviation environment. Moreover, DHS does not yet have a plan and schedule for deploying checked baggage screening technologies to meet recently enhanced explosive detection requirements. In addition, DHS does not yet have a mechanism to verify the accuracy of domestic and inbound air cargo screening data to help ensure that screening is being conducted at reported levels, and DHS does not yet have approved technology to screen cargo once it is loaded onto a pallet or container—both of which are common means of transporting air cargo on passenger aircraft, thus requiring that screening occur before incorporation into pallets and containers.

CBRN threats	*Key progress*.—DHS made progress in assessing risks posed by CBRN threats, developing CBRN detection capabilities, and planning for nuclear detection. For example, DHS develops risk assessments of CBRN threats and has issued seven classified CBRN risk assessments since 2006. DHS also assessed the threat posed by specific CBRN agents in order to determine which of those agents pose a material threat to the United States, known as material threat assessments. With regard to CBRN detection capabilities, DHS implemented the BioWatch program in more than 30 metropolitan areas to detect specific airborne biological threat agents. Further, DHS established the National Biosurveillance Integration Center to enhance the Federal Government's capability to identify and track biological events of National concern. In addition, DHS coordinated the development of a strategic plan for the global nuclear detection architecture—a multidepartment effort to protect against terrorist attacks using nuclear and radiological materials through coordinated activities—and has deployed radiation detection equipment. *What remains to be done*.—More work remains for DHS to strengthen its CBRN assessment, detection, and mitigation capabilities. For example, DHS should better coordinate with the Department of Health and Human Services in conducting CBRN risk assessments by developing written policies and procedures governing development of the assessments. Moreover, the National Biosurveillance Integration Center lacks resources necessary for operations, such as data and personnel from its partner agencies. Additionally, work remains for DHS in its implementation of the global nuclear detection architecture. Specifically, the strategic plan for the architecture did not include some key components, such as funding needed to achieve the strategic plan's objectives, or monitoring mechanisms for determining programmatic progress and identifying needed improvements. DHS officials told us that they will address these missing elements in an implementation plan, which they plan to issue by the end of 2011.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
	Critical infrastructure protection—physical assets.	*Key progress.*—DHS expanded its efforts to conduct risk assessment and planning, provide for protection and resiliency, and implement partnerships and coordination mechanisms for physical critical assets. For example, DHS updated the National Infrastructure Protection Plan to include an emphasis on resiliency (the capacity to resist, absorb, or successfully adapt, respond to, or recover from disasters), and enhanced discussion about DHS risk management. Moreover, DHS components with responsibility for critical infrastructure sectors, such as transportation security, have begun to use risk-based assessments in their critical infrastructure-related planning and protection efforts. Further, DHS has various voluntary programs in place to conduct vulnerability assessments and security surveys at and across facilities from the 18 critical infrastructure sectors, and uses these assessments to develop and disseminate information on steps asset owners and operators can take to protect their facilities. In addition, DHS coordinated with critical infrastructure stakeholders, including other Federal regulatory authorities to identify overlaps and gaps in critical infrastructure security activities. *What remains to be done.*—Additional actions are needed for DHS to strengthen its critical infrastructure protection programs and efforts. For example, DHS has not fully implemented an approach to measure its effectiveness in working with critical asset owners and operators in their efforts to adopt measures to mitigate resiliency gaps identified during various vulnerability assessments. Moreover, DHS components have faced difficulties in incorporating risk-based assessments in critical infrastructure planning and protection efforts, such as in planning for security in surface transportation modes like highway infrastructure. Further, DHS should determine the feasibility of developing an approach to disseminating information on resiliency practices to its critical infrastructure partners to better position itself to help asset owners and operators consider and adopt resiliency strategies, and provide them with information on potential security investments.

Surface transportation security

Key progress.—DHS expanded its efforts in key surface transportation security areas, such as risk assessments and strategic planning; the surface transportation inspector workforce; and information sharing. For example, DHS conducted risk assessments of surface transportation modes and developed a transportation sector security risk assessment that assessed risk within and across the various modes. Further, DHS more than doubled its surface transportation inspector workforce and, as of July 2011, reported that its surface inspectors had conducted over 1,300 site visits to mass transit and passenger rail stations to complete station profiles, among other things. Moreover, DHS allocates transit grant funding based on risk assessments and has taken steps to measure performance of its Transit Security Grant Program, which provides funds to owners and operators of mass transit and passenger rail systems. In addition, DHS expanded its sharing of surface transportation security information by establishing information networks.

What remains to be done.—DHS should take further action to strengthen its surface transportation security programs and operations. For example, DHS's efforts to improve elements of risk assessments of surface transportation modes are in the early stages of implementation. Moreover, DHS noted limitations in its transportation sector security risk assessment—such as the exclusion of threats from "lone wolf" operators—that could limit its usefulness in guiding investment decisions across the transportation sector as a whole. Further, DHS has not yet completed a long-term workforce plan that identifies future needs for its surface transportation inspector workforce. It also has not yet issued regulations for a training program for mass transit, rail, and bus employees, as required by the Implementing Recommendations of the 9/11 Commission Act of 2007.(2) Additionally, DHS's information-sharing efforts would benefit from improved streamlining, coordination, and assessment of the effectiveness of information-sharing mechanisms.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
Mission 2: Securing and Managing Our Borders.	Border security	*Key progress*.—DHS expanded its efforts in key border security areas, such as inspection of travelers and cargo at ports of entry, security of the border between ports of entry, visa adjudication security, and collaboration with stakeholders. Specifically, DHS has undertaken efforts to keep terrorists and other dangerous people from entering the country. For example, DHS implemented the U.S. Visitor and Immigrant Status Indicator Technology (US–VISIT) program to verify the identities of foreign visitors entering and exiting the United States by storing and processing biometric and biographic information. DHS established plans for, and had begun to interact with and involve stakeholders in, developing an exit capability. DHS deployed technologies and other infrastructure to secure the border between ports of entry, including more than 600 miles of tactical infrastructure, such as fencing, along the border. DHS also deployed the Visa Security Program, in which DHS personnel review visa applications to help prevent individuals who pose a threat from entering the United States, to 19 posts in 15 countries, and developed a 5-year expansion plan for the program. In addition, DHS improved collaboration with Federal, State, local, Tribal, and international partners on Northern border security efforts through, among other things, the establishment of interagency forums.

What remains to be done.—More work remains for DHS to strengthen its border security programs and operations. For example, although it has developed a plan, DHS has not yet adopted an integrated approach to scheduling, executing, and tracking the work needed to be accomplished to deliver a comprehensive biometric exit solution as part of the US–VISIT program. Further, DHS experienced schedule delays and performance problems with its information technology program for securing the border between ports of entry—the Secure Border Initiative Network—which led to its cancellation. Because of the program's decreased scope, uncertain timing, unclear costs, and limited life cycle management, it was unclear whether DHS's pursuit of the program was cost-effective. DHS is transitioning to a new approach for border technology, which we are assessing. With regard to the Visa Security Program, DHS did not fully follow or update its 5-year expansion plan. For instance, it did not establish 9 posts identified for expansion in 2009 and 2010, and had not taken steps to address visa risk at posts that did not have a Visa Security Program presence. Additionally, DHS should strengthen its oversight of interagency forums operating along the Northern border.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
	Maritime security	*Key progress*.—DHS expanded its efforts in key maritime security areas, such as port facility and vessel security, maritime security domain awareness and information sharing, and international supply chain security. For example, DHS strengthened risk management through the development of a risk assessment model, and addressed risks to port facilities through annual inspections in which DHS identified and corrected deficiencies, such as facilities failing to follow security plans for access control. Further, DHS took action to address risks posed by foreign seafarers entering U.S. seaports by, for example, conducting advance-screening before the arrival of vessels at U.S. ports, inspections, and enforcement operations. DHS developed the Transportation Worker Identification Credential program to manage the access of unescorted maritime workers to secure areas of regulated maritime facilities. DHS also implemented measures to help secure passenger vessels including cruise ships, ferries, and energy commodity vessels such as tankers, such as assessing risks to these types of vessels. Moreover, for tracking vessels at sea, the Coast Guard uses a long-range identification and tracking system, and a commercially provided long-range automatic identification system. For tracking vessels in U.S. coastal areas, inland waterways, and ports, the Coast Guard operates a land-based automatic identification system, and also either operates, or has access to, radar and cameras in some ports. DHS also developed a layered security strategy for cargo container security, including deploying screening technologies and partnering with foreign governments.

What remains to be done.—DHS should take additional action to strengthen its maritime security efforts. For example, because of a lack of technology capability, DHS did not electronically verify identity and immigration status of foreign seafarers, as part of its on-board admissibility inspections of cargo vessels, thus limiting the assurance that fraud could be identified among documents presented by them. In addition, the Transportation Worker Identification Credential program's controls were not designed to provide reasonable assurance that only qualified applicants acquire credentials. For example, during covert tests of the Transportation Worker Identification Credential at several selected ports, our investigators were successful in accessing ports using counterfeit credentials and authentic credentials acquired through fraudulent means. Moreover, DHS has not assessed the costs and benefits of requiring cruise lines to provide passenger reservation data for screening, which could help improve identification and targeting of potential terrorists. Further, the vessel tracking systems used in U.S. coastal areas, inland waterways, and ports had more difficulty tracking smaller and noncommercial vessels because these vessels were not generally required to carry automatic identification system equipment, and because of the technical limitations of radar and cameras. In addition, DHS has made limited progress in scanning containers at the initial ports participating in the Secure Freight Initiative, a program at selected ports with the intent of scanning 100 percent of U.S.-bound container cargo for nuclear and radiological materials overseas, leaving the feasibility of 100 percent scanning largely unproven. CBP has not yet developed a plan for full implementation of a statutory requirement that 100 percent of U.S.-bound container cargo be scanned by 2012.(3)

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
Mission 3: Enforcing and Administering Our Immigration Laws.	Immigration enforcement	*Key progress*.—DHS expanded its immigration and customs enforcement programs and activities in key areas such as overstay enforcement, compliance with workplace immigration laws, alien smuggling, and firearms trafficking. For example, DHS increased its resources for investigating overstays (unauthorized immigrants who entered the United States legally on a temporary basis then overstayed their authorized periods of admission) and alien smuggling operations, and deployed border enforcement task forces to investigate illicit smuggling of people and goods, including firearms. In addition, DHS took action to improve the E-Verify program, which provides employers a voluntary tool for verifying an employee's authorization to work in the United States, by, for example, increasing the program's accuracy by expanding the number of databases it can query. Further, DHS expanded its programs and activities to identify and remove criminal aliens in Federal, State, and local custody who are eligible for removal from the United States by, for example, entering into agreements with State and local law enforcement agencies to train officers to assist in identifying those individuals who are in the United States illegally.

	What remains to be done.—Key weaknesses remain in DHS's immigration and customs enforcement efforts. For example, DHS took action to address a small portion of the estimated overstay population in the United States, and lacks measures for assessing its progress in addressing overstays. In particular, DHS field offices had closed about 34,700 overstay investigations assigned to them from fiscal year 2004 through 2010, as of October 2010; these cases resulted in approximately 8,100 arrests, relative to a total estimated overstay population of 4 million to 5.5 million.(4) Additionally, we reported that since fiscal year 2006, U.S. Immigration and Customs Enforcement within DHS allocated about 3 percent of its investigative work hours to overstay investigations. Moreover, DHS should better leverage opportunities to strengthen its alien smuggling enforcement efforts by assessing the possible use of various investigative techniques, such as those to follow cash transactions flowing through money transmitters that serve as the primary method of payment to those individuals responsible for smuggling aliens. Further, weaknesses with the E-Verify program, including challenges in accurately estimating E-Verify costs, put DHS at an increased risk of not making informed investment decisions.
Immigration services	*Key progress.*—DHS improved the quality and efficiency of the immigration benefit administration process, and expanded its efforts to detect and deter immigration fraud. For example, DHS initiated efforts to modernize its immigration benefit administration infrastructure; improve the efficiency and timeliness of its application intake process; and ensure quality in its benefit adjudication processes. Further, DHS designed training programs and quality reviews to help ensure the integrity of asylum adjudications. Moreover, in 2004 DHS established the Office of Fraud Detection and National Security, now a directorate, to lead immigration fraud detection and deterrence efforts, and this directorate has since developed and implemented strategies for this purpose.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
		What remains to be done.—More work remains in DHS's efforts to improve its administration of immigration benefits. For example, DHS's program for transforming its immigration benefit processing infrastructure and business practices from paper-based to digital systems missed its planned milestones by more than 2 years, and has been hampered by management challenges, such as insufficient planning and not adhering to DHS acquisition guidance before selecting a contractor to assist with implementation of the transformation program. Additionally, while the Fraud Detection and National Security Directorate put in place strategies for detecting and deterring immigration fraud, DHS should take additional action to address vulnerabilities identified in its assessments intended to determine the extent and nature of fraud in certain applications. Further, despite mechanisms DHS had designed to help asylum officers assess the authenticity of asylum claims, such as identity and security checks and fraud prevention teams, asylum officers we surveyed cited challenges in identifying fraud as a key factor affecting their adjudications. For example, 73 percent of asylum officer survey respondents reported it was moderately or very difficult to identify document fraud.

Mission 4: Safeguarding and Securing Cyberspace.

Critical infrastructure protection—cyber assets.

Key progress.—DHS expanded its efforts to conduct cybersecurity risk assessments and planning, provide for the protection and resilience of cyber assets, and implement cybersecurity partnerships and coordination mechanisms. For example, DHS developed the first National Cyber Incident Response Plan in September 2010 to coordinate the response of multiple Federal agencies, State and local governments, and hundreds of private firms, to incidents at all levels. DHS also took steps to secure external network connections in use by the Federal Government by establishing the National Cybersecurity Protection System, operationally known as Einstein, to analyze computer network traffic information to and from agencies. In 2008, DHS developed Einstein 2, which incorporated network intrusion detection technology into the capabilities of the initial version of the system. Additionally, the Department made progress in enhancing its cyber analysis and incident warning capabilities through the establishment of the U.S. Computer Emergency Readiness Team, which, among other things, coordinates the Nation's efforts to prepare for, prevent, and respond to cyber threats to systems and communications networks. Moreover, since conducting a major cyber attack exercise, called Cyber Storm, DHS demonstrated progress in addressing lessons it had learned from this exercise to strengthen public and private incident response capabilities.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
		What remains to be done.—Key challenges remain in DHS's cybersecurity efforts. For example, to expand its protection and resiliency efforts, DHS needs to lead a concerted effort to consolidate and better secure internet connections at Federal agencies. Further, DHS faced challenges regarding deploying Einstein 2, including understanding the extent to which its objective was being met because the Department lacked performance measures that addressed whether agencies report whether the alerts represent actual incidents. DHS also faces challenges in fully establishing a comprehensive National cyber analysis and warning capability. For example, the U.S. Computer Emergency Readiness Team did not fully address 15 key attributes of cyber analysis and warning capabilities. These attributes are related to: (1) Monitoring network activity to detect anomalies, (2) analyzing information and investigating anomalies to determine whether they are threats, (3) warning appropriate officials with timely and actionable threat and mitigation information, and (4) responding to the threat. For example, the U.S. Computer Emergency Readiness Team provided warnings by developing and distributing a wide array of notifications; however, these notifications were not consistently actionable or timely. Additionally, expectations of private sector stakeholders are not being met by their Federal partners in areas related to sharing information about cyber-based threats to critical infrastructure.

Mission 5: Ensuring Resilience to Disasters.	Emergency preparedness and response.	*Key progress.*—DHS expanded its efforts to improve National emergency preparedness and response planning; improved its emergency assistance services; and enhanced emergency communications. For example, DHS developed various plans for disaster preparedness and response. In particular, in 2004 DHS issued the National Response Plan and subsequently made revisions to it, culminating in the issuance of the National Response Framework in January 2008, which outlines the guiding principles and major roles and responsibilities of Government, nongovernmental organizations, and private sector entities for response to disasters of all sizes and causes. Further, DHS issued the National Preparedness Guidelines that describe a National framework for capabilities-based preparedness, and a Target Capabilities List, designed to provide a National-level generic model of capabilities defining all-hazards preparedness. DHS also assisted local communities with developing long-term disaster recovery plans as part of its post-disaster assistance. For example, DHS assisted Iowa City's recovery from major floods in 2008 by, among other things, identifying possible Federal funding sources for specific projects in the city's recovery plan, and advising the city on how to prepare effective project proposals. DHS is also finalizing a National Disaster Recovery Framework, intended to provide a model to identify and address challenges that arise during the disaster recovery process. Moreover, DHS issued the National Emergency Communications Plan—the first strategic document for improving emergency communications Nation-wide.

TABLE 1.—EXAMPLES OF KEY PROGRESS AND WORK REMAINING IN DHS'S EFFORTS TO IMPLEMENT ITS HOMELAND SECURITY MISSIONS ON WHICH WE AND THE DHS IG HAVE REPORTED—Continued

QHSR Mission	Functional Area	Summary of Key Progress and Work Remaining
		What remains to be done.—More work remains in DHS's efforts to assess capabilities for all-hazards preparedness and provide long-term disaster recovery assistance. For example, DHS has not yet developed National preparedness capability requirements based on established metrics to provide a framework for assessing preparedness. Further, the data DHS collected to measure National preparedness were limited by reliability and measurement issues related to the lack of standardization. Until a framework for assessing preparedness is in place, DHS will not have a basis on which to operationalize and implement its conceptual approach for assessing local, State, and Federal preparedness capabilities against capability requirements and identify capability gaps for prioritizing investments in National preparedness. Moreover, with regard to long-term disaster recovery assistance, DHS's criteria for when to provide the assistance were vague, and, in some cases, DHS provided assistance before State and local governments had the capacity to work effectively with DHS. Additionally, DHS should improve the efficacy of the grant application and review process by mitigating duplication or redundancy within the various preparedness grant programs. Until DHS evaluates grant applications across grant programs, DHS cannot ascertain whether or to what extent multiple funding requests are being submitted for similar purposes.

Source: GAO analysis based on the areas included in our September 2011 report.

(1) Advanced imaging technology units produce an image of a passenger's body that DHS personnel use to look for anomalies, such as explosives or other prohibited items.

(2) The Implementing Recommendations of the 9/11 Commission Act requires TSA to issue regulations for a training program to prepare mass transit, rail, and over-the-road bus employees for potential security threats and conditions. 6 U.S.C. §§ 1137, 1167, 1184.

(3) See Pub. L. No. 110–53, § 1701(a), 121 Stat. 266, 489–490 (2007) (amending 6 U.S.C. § 982(b)).

(4) According to our April 2011 report, the most recent estimates from the Pew Hispanic Center approximated that, in 2006, out of an unauthorized resident alien population of 11.5 million to 12 million in the United States, about 4 million to 5.5 million were overstays. Pew Hispanic Center, Modes of Entry for the Unauthorized Migrant Population (Washington, DC: May 22, 2006).

Impacting the Department's ability to efficiently and effectively satisfy its missions are: (1) The need to integrate and strengthen its management functions; (2) the need for increased utilization of performance assessments; (3) the need for an enhanced use of risk information to inform planning, programming, and investment decision-making; (4) limitations in effective sharing and use of terrorism-related information; (5) partnerships that are not sustained or fully leveraged; and (6) limitations in developing and deploying technologies to meet mission needs. DHS made progress in addressing these areas, but more work is needed, going forward, to further mitigate these challenges and their impact on DHS's mission implementation.

For instance, DHS strengthened its performance measures in recent years and linked its measures to the QHSR's missions and goals. However, DHS and its components have not yet developed measures for assessing the effectiveness of key homeland security programs, such as programs for securing the border and preparing the Nation for emergency incidents. For example, with regard to checkpoints DHS operates on U.S. roads to screen vehicles for unauthorized aliens and contraband, DHS established three performance measures to report the results of checkpoint operations. However, the measures did not indicate if checkpoints were operating efficiently and effectively and data reporting and collection challenges hindered the use of results to inform Congress and the public on checkpoint performance. Moreover, DHS has not yet established performance measures to assess the effectiveness of its programs for investigating alien smuggling operations and foreign nationals who overstay their authorized periods of admission to the United States, making it difficult for these agencies to determine progress made in these areas and evaluate possible improvements.

Further, DHS and its component agencies developed strategies and tools for conducting risk assessments. For example, DHS has conducted risk assessments of various surface transportation modes, such as freight rail, passenger rail, and pipelines. However, the Department needs to strengthen its use of risk information to inform its planning and investment decision-making. For example, DHS could better use risk information to plan and prioritize security measures and investments within and across its mission areas, as the Department cannot secure the Nation against every conceivable threat.

In addition, DHS took action to develop and deploy new technologies to help meet its homeland security missions. However, in a number of instances DHS pursued acquisitions without ensuring that the technologies met defined requirements, conducting and documenting appropriate testing and evaluation, and performing cost-benefit analyses, resulting in important technology programs not meeting performance expectations. For example, in 2006, we recommended that DHS's decision to deploy next-generation radiation-detection equipment, or advanced spectroscopic portals, used to detect smuggled nuclear or radiological materials, be based on an analysis of both the benefits and costs and a determination of whether any additional detection capability provided by the portals was worth their additional cost. DHS subsequently issued a cost-benefit analysis, but we reported that this analysis did not provide a sound analytical basis for DHS's decision to deploy the portals. In June 2009, we also reported that an updated cost-benefit analysis might show that DHS's plan to replace existing equipment with advanced spectroscopic portals was not justified, particularly given the marginal improvement in detection of certain nuclear materials required of advanced spectroscopic portals and the potential to improve the current-generation portal monitors' sensitivity to nuclear materials, most likely at a lower cost. In July 2011, DHS announced that it would end the advanced spectroscopic portal project as originally conceived given the challenges the program faced.

As we have previously reported, while it is important that DHS continue to work to strengthen each of its functional areas, it is equally important that these areas be addressed from a comprehensive, Department-wide perspective to help mitigate longstanding issues that have impacted the Department's progress.

Key Themes Have Impacted DHS's Progress in Implementing Its Mission Functions

Our work at DHS has identified several key themes—leading and coordinating the homeland security enterprise, implementing and integrating management functions for results, and strategically managing risks and assessing homeland security efforts—that have impacted the Department's progress since it began operations. These themes provide insights that can inform DHS's efforts, moving forward, as it works to implement its missions within a dynamic and evolving homeland security environment. DHS made progress and has had successes in all of these areas, but our work found that these themes have been at the foundation of DHS's implementation challenges, and need to be addressed from a Department-wide perspec-

tive to position DHS for the future and enable it to satisfy the expectations set for it by the Congress, the administration, and the country.

Leading and coordinating the homeland security enterprise.—While DHS is one of a number of entities with a role in securing the homeland, it has significant leadership and coordination responsibilities for managing efforts across the homeland security enterprise. To satisfy these responsibilities, it is critically important that DHS develop, maintain, and leverage effective partnerships with its stakeholders, while at the same time addressing DHS-specific responsibilities in satisfying its missions. Before DHS began operations, we reported that the quality and continuity of the new Department's leadership would be critical to building and sustaining the long-term effectiveness of DHS and achieving homeland security goals and objectives. We further reported that to secure the Nation, DHS must form effective and sustained partnerships between components and also with a range of other entities, including Federal agencies, State and local governments, the private and nonprofit sectors, and international partners.

DHS has made important strides in providing leadership and coordinating efforts. For example, it has improved coordination and clarified roles with State and local governments for emergency management. DHS also strengthened its partnerships and collaboration with foreign governments to coordinate and standardize security practices for aviation security. However, DHS needs to take additional action to forge effective partnerships and strengthen the sharing and utilization of information, which has affected its ability to effectively satisfy its missions. For example, we reported that the expectations of private sector stakeholders have not been met by DHS and its Federal partners in areas related to sharing information about cyber-based threats to critical infrastructure. Without improvements in meeting private and public sector expectations for sharing cyber threat information, private-public partnerships will remain less than optimal, and there is a risk that owners of critical infrastructure will not have the information and mechanisms needed to thwart sophisticated cyber attacks that could have catastrophic effects on our Nation's cyber-reliant critical infrastructure. Moreover, we reported that DHS needs to continue to streamline its mechanisms for sharing information with public transit agencies to reduce the volume of similar information these agencies receive from DHS, making it easier for them to discern relevant information and take appropriate actions to enhance security.

In 2005, we designated information sharing for homeland security as high-risk because the Federal Government faced serious challenges in analyzing information and sharing it among partners in a timely, accurate, and useful way. Gaps in sharing, such as agencies' failure to link information about the individual who attempted to conduct the December 25, 2009, airline bombing, prevented the individual from being included on the Federal Government's consolidated terrorist watch list, a tool used by DHS to screen for persons who pose a security risk. The Federal Government and DHS have made progress, but more work remains for DHS to streamline its information sharing mechanisms and better meet partners' needs. Moving forward, it will be important that DHS continue to enhance its focus and efforts to strengthen and leverage the broader homeland security enterprise, and build off the important progress that it has made thus far. In addressing ever-changing and complex threats, and with the vast array of partners with which DHS must coordinate, continued leadership and stewardship will be critical in achieving this end.

Implementing and integrating management functions for results.—Following its establishment, the Department focused its efforts primarily on implementing its various missions to meet pressing homeland security needs and threats, and less on creating and integrating a fully and effectively functioning department from 22 disparate agencies. This initial focus on mission implementation was understandable given the critical homeland security needs facing the Nation after the Department's establishment, and the enormous challenge posed by creating, integrating, and transforming a Department as large and complex as DHS. As the Department matured, it has put into place management policies and processes and made a range of other enhancements to its management functions—acquisition, information technology, financial, and human capital management. However, DHS has not always effectively executed or integrated these functions. In 2003, we designated the transformation and integration of DHS as high-risk because DHS had to transform 22 agencies into one Department, and failure to effectively address DHS's management and mission risks could have serious consequences for U.S. National and economic security. Eight years later, DHS remains on our high-risk list. DHS has demonstrated strong leadership commitment to addressing its management challenges and has begun to implement a strategy to do so. Further, DHS developed various management policies, directives, and governance structures, such as acquisition and information technology management policies and controls, to provide enhanced guid-

ance on investment decision-making. DHS also reduced its financial management material weaknesses in internal control over financial reporting and developed strategies to strengthen human capital management, such as its *Workforce Strategy for Fiscal Years 2011–2016*.

However, DHS needs to continue to demonstrate sustainable progress in addressing its challenges, as these issues have contributed to schedule delays, cost increases, and performance problems in major programs aimed at delivering important mission capabilities. For example, in September 2010, we reported that the Science and Technology Directorate's master plans for conducting operational testing of container security technologies did not reflect all of the operational scenarios that U.S. Customs and Border Protection was considering for implementation. In addition, when it developed the US–VISIT program, DHS did not sufficiently define what capabilities and benefits would be delivered, by when, and at what cost, and the Department has not yet determined how to deploy a biometric exit capability under the program. Moreover, DHS does not yet have enough skilled personnel to carry out activities in various areas, such as acquisition management; and has not yet implemented an integrated financial management system, impacting its ability to have ready access to reliable, useful, and timely information for informed decision making. Moving forward, addressing these management challenges will be critical for DHS's success, as will be the integration of these functions across the Department to achieve efficiencies and effectiveness.

Strategically managing risks and assessing homeland security efforts.—Forming a new department while working to implement statutorily mandated and Department-initiated programs and responding to evolving threats, was, and is, a significant challenge facing DHS. Key threats, such as attempted attacks against the aviation sector, have impacted and altered DHS's approaches and investments, such as changes DHS made to its processes and technology investments for screening passengers and baggage at airports. It is understandable that these threats had to be addressed immediately as they arose. However, limited strategic and program planning by DHS and limited assessment to inform approaches and investment decisions have contributed to programs not meeting strategic needs or not doing so in an efficient manner. For example, as we reported in July 2011, the Coast Guard's planned acquisitions through its Deepwater Program, which began before DHS's creation and includes efforts to build or modernize ships and aircraft and supporting capabilities that are critical to meeting the Coast Guard's core missions in the future, is unachievable due to cost growth, schedule delays, and affordability issues. In addition, because FEMA has not yet developed a set of target disaster preparedness capabilities and a systematic means of assessing those capabilities, as required by the Post-Katrina Emergency Management Reform Act and Presidential Policy Directive 8, it cannot effectively evaluate and identify key capability gaps and target limited resources to fill those gaps.

Further, DHS has made important progress in analyzing risk across sectors, but it has more work to do in using this information to inform planning and resource allocation decisions. Risk management has been widely supported by Congress and DHS as a management approach for homeland security, enhancing the Department's ability to make informed decisions and prioritize resource investments. Since DHS does not have unlimited resources and cannot protect the Nation from every conceivable threat, it must make risk-informed decisions regarding its homeland security approaches and strategies. Moreover, we have reported on the need for enhanced performance assessment, that is, evaluating existing programs and operations to determine whether they are operating as intended or are in need of change, across DHS's missions. Information on the performance of programs is critical for helping the Department, Congress, and other stakeholders more systematically assess strengths and weaknesses and inform decision-making. In recent years, DHS has placed an increased emphasis on strengthening its mechanisms for assessing the performance and effectiveness of its homeland security programs. For example, DHS established new performance measures, and modified existing ones, to better assess many of its programs and efforts.

However, our work has found that DHS continues to miss opportunities to optimize performance across its missions because of a lack of reliable performance information or assessment of existing information; evaluation among feasible alternatives; and, as appropriate, adjustment of programs or operations that are not meeting mission needs. For example, DHS's program for research, development, and deployment of passenger checkpoint screening technologies lacked a risk-based plan and performance measures to assess the extent to which checkpoint screening technologies were achieving the program's security goals, and thereby reducing or mitigating the risk of terrorist attacks. As a result, DHS had limited assurance that its strategy targeted the most critical risks and that it was investing in the most cost-

effective new technologies or other protective measures. As the Department further matures and seeks to optimize its operations, DHS will need to look beyond immediate requirements; assess programs' sustainability across the long term, particularly in light of constrained budgets; and evaluate tradeoffs within and among programs across the homeland security enterprise. Doing so should better equip DHS to adapt and respond to new threats in a sustainable manner as it works to address existing ones.

CONCLUDING OBSERVATIONS

Given DHS's role and leadership responsibilities in securing the homeland, it is critical that the Department's programs and activities are operating as efficiently and effectively as possible, are sustainable, and continue to mature, evolve, and adapt to address pressing security needs. DHS has made significant progress throughout its missions since its creation, but more work is needed to further transform the Department into a more integrated and effective organization. DHS has also made important progress in strengthening partnerships with stakeholders, improving its management processes and sharing of information, and enhancing its risk management and performance measurement efforts. These accomplishments are especially noteworthy given that the Department has had to work to transform itself into a fully functioning cabinet department while implementing its missions—a difficult undertaking for any organization and one that can take years to achieve even under less daunting circumstances.

Impacting the Department's efforts have been a variety of factors and events, such as attempted terrorist attacks and natural disasters, as well as new responsibilities and authorities provided by Congress and the administration. These events collectively have forced DHS to continually reassess its priorities and reallocate resources as needed, and have impacted its continued integration and transformation. Given the nature of DHS's mission, the need to remain nimble and adaptable to respond to evolving threats, as well as to work to anticipate new ones, will not change and may become even more complex and challenging as domestic and world events unfold, particularly in light of reduced budgets and constrained resources. To better position itself to address these challenges, our work has shown that DHS should place an increased emphasis and take additional action in supporting and leveraging the homeland security enterprise, managing its operations to achieve needed results, and strategically planning for the future while assessing and adjusting, as needed, what exists today. Addressing these issues will be critically important for the Department to strengthen its homeland security programs and operations. Eight years after its establishment and 10 years after the September 11, 2001, terrorist attacks, DHS has indeed made significant strides in protecting the Nation, but has yet to reach its full potential.

Chairman King, Ranking Member Thompson, and Members of the committee, this concludes my prepared statement. I would be pleased to respond to any questions you may have at this time.

Chairman KING. Thank you, Comptroller General Dodaro.

My first question, I guess, would be to Secretary Ridge and Chairman Hamilton. I am on this committee, and also the Intelligence Committee, and I still haven't figured out what the role of Director of National Intelligence is. I don't mean that in a sarcastic way; under two administrations, there seems to be no defined role, and if anything, the position seems to be weakening. Chairman Hamilton, you mentioned that it may take action by a President to firm up his responsibilities. I would say the fact that we have had two heavyweights as head of the CIA, Leon Panetta and General Petraeus, I don't see much likelihood that you are going to see this President or any President in the immediate future, cutting back on the powers of the CIA and giving more to the DNI. So as a practical matter, where do we stand with the DNI, do you think?

Mr. HAMILTON. I think it is very important to understand where we were before 9/11. At that time, you had the so-called leader of the intelligence community, the Director of the CIA, who didn't have power over the budget and most of the personnel in the intel-

ligence community. So all of the CIA Directors focused on the CIA and not the other 14 or 15 elements of the intelligence community.

Our principle recommendation in the 9/11 Commission report was that you had to get away from stovepiping information from conducting an agency on the basis of need-to-know and conduct the agency on the basis of responsibility to share, because we lost lives because we did not connect the dots and we did not share information.

We recommended that you needed someone overseeing the entire intelligence community with considerable power with respect to personnel and budget. You passed a law saying that the director of national intelligence had that power, but in the same law, there was wordage that kind of weakened the power so that you made it somewhat ambiguous.

So the Directors 4 and 6 years had a tough time in that job. I think the Directors have performed very well and they have been very able people. It is a tough spot, even with the statutory power because you are dealing with very big players in any administration, Secretary of Defense, CIA Director. So regardless of the statutory powers you may have, you have to exercise that power with a great deal of diplomacy and discretion in order to make it work effectively. Personalities are very, very important. I think the DNI has done tremendously good work in forcing, if I my use the word, of the sharing of information. No better example of that than what Tom Ridge referred to, removal of Osama bin Laden, when we had a marvelous example of sharing of information, coordination, integration of military civilians components of our Government.

So I think, Mr. Chairman, the DNI is a work in progress. I think he or several of them have made very significant progress over a period of time. We are not there yet, you do not have the seamless sharing of information that you would like to have, but it seems to me a lot of progress has been made.

My personal preference would be to see a law enacted making it unambiguously clear that this man is in charge because somebody has to knock heads, to be blunt about it, within the intelligence community to get them to coordinate and integrate their activities. I think almost the same thing could be accomplished if the President made very, very clear repeatedly of his support for the DNI. I think President Bush and President Obama have both done that, but not as forcefully and repeatedly as I think the job requires.

So a work in progress, a lot of progress made, still a lot to do in improving intelligence sharing in the Government.

Chairman KING. Secretary Ridge, do you have anything to add to that?

Mr. RIDGE. Just one comment, I appreciate Lee Hamilton's perspective on that and I share it. The role of the DNI, if you look at it loosely, might be to coordinate activity. Well, this is a tough town to coordinate activity between agencies that have a mindset that are led by very strong personalities. So to the extent that we could clarify with great specificity the role of the DNI, is it strictly oversight? Does he have budgetary control? It is one thing to control in this town, or at least to have the opportunity to coordinate activity, but I think it would be well stated if you really want to get someone's attention, you control the purse strings.

So I think the men who have served us as DNI have done a remarkable job. I think it is a very difficult task, given the institutional mindset of all the agencies over which he has that has that oversight responsibility and coordination responsibility. I dare say obviously I was not privy to some of the conversations that the DNIs have had with respect to intelligence community leaders, but it is pretty difficult for them, and I think as Congressman Lee Hamilton has pointed out, perhaps further clarification with greater specificity as to who is in charge might be helpful.

Chairman KING. My time is running over. I would like to ask one very important question to Chairman Hamilton and Secretary Ridge, this is an issue that the Ranking Member and I fully agree on: Can you just emphasize, if you would, the importance of radio interoperability and allocation spectrum, Lee or Tom?

Mr. HAMILTON. Look, this is another no-brainer. The people of responsibility at the scene of a disaster must have the ability to communicate with one another, not just verbally, but exchanging all kinds of data and information that can be helpful to the first responder. This is a source of enormous frustration to me—why we can't solve this problem 10 years after the fact.

I know there are two bills pending in the Congress. You can argue it round, you can argue it flat, I don't really want to get into that this morning. I think it is less important which of these approaches is taken than it is to get it done. We cannot permit delay of this, we lost lives at 9/11, we lost lives at Katrina, because we were not able to get good communication.

One thing you know when you study these disaster events is that communications under the best of circumstances are going to fail. It is a chaotic situation, but going into the event, you want to have the best communications you can, so my plea to you is get this thing resolved. I think it is an urgent question. Shame on us, shame on us if we have not solved that problem when the next disaster strikes.

Chairman KING. Secretary Ridge.

Mr. RIDGE. Once again, I find myself joined at the hip with Lee Hamilton, to put it simply, ladies and gentlemen, the technology exists, where is the political will to get it done? By the way, there are competing measures before the House and Senate, but I will tell you this: Policemen and firemen, emergency responders want you to make a choice, all they want is a system. The opportunity to get voice and data and video over the broadband, not just in response to a terrorist attack, but a natural disaster or horrible accident or incident. I mean, what it will do for this country, although it is an investment based upon the reality and the horror and the tragedy associated with 9/11 would dramatically improve public safety across the board. To repeat again, it is not a matter of the technology that exists, I guess it is somebody's charge to pull together the political will in order to execute on the commitment and the recommendation of the 9/11 Commission.

Mr. HAMILTON. I want to commend the Chairman and the Ranking Member for the bill they have introduced here; that is excellent leadership.

Chairman KING. Thank you. I thank the Ranking Member for his indulgence and the Ranking Member is recognized for as much time as he wants.

Mr. THOMPSON. Thank you very much, Mr. Chairman. For Mr. Hamilton, jurisdiction is the heart and soul of a committee's ability to get things done. As you know, that's an issue we tried when Democrats were in charge, we tried when Republicans are in charge to get the jurisdiction of the committee consolidated. Your testimony, as well as Secretary Ridge's, have both indicated that it is, again, another one of those no-brainers for us not to get done. Can you just for the umpteenth time repeat how important consolidated jurisdiction is.

Mr. HAMILTON. Well, I think both the Chairman and you, Mr. Thompson, have articulated it very well in your opening statements. I don't know how many committees and subcommittees are now involved, I think close to 100 in oversight in both Houses in oversight of the DHS. Governor Ridge, Secretary Ridge can speak to that better than I, but it is an enormous burden to put on a Secretary to come running up here all the time, as important as that is on occasion, and to answer all the questions in the reports so that the fragmented jurisdiction becomes a real hindrance to the effective performance of the Department of DHS, and they have enough problems without an additional one here.

Now, I served, I think, on every Congressional reform effort we had in this Congress during my years in the Congress, and I think our results were less than spectacular, but I know something about how difficult it is to change jurisdictions. I think what has to be done here is for Members of Congress, and particularly the leadership of the Congress, to recognize that in setting up these jurisdictions, they are not just moving boxes around to placate members of their caucus; they are dealing with the lives of the American people. The jurisdiction, an integrated jurisdiction of oversight committees is essential to the effective performance of the Homeland Security Department.

Mr. THOMPSON. Mr. Secretary, do you want to take a shot at it?

Mr. RIDGE. Thank you, Congressman. I can remember very proudly and happily the 12 years that I served in the Congress of the United States. I must say sitting down at this level, I think I probably enjoy asking questions more than answering them, but that is another story, I am certainly enjoying this conversation we are having today.

But I remember time and time again, with colleagues on both sides of the aisle, walking over to get a vote and we would be scampering from a committee or subcommittee, and we would all lament, ugh, we are so overscheduled, we don't get a chance to spend an hour or two in committee, because there is so much jurisdiction that has been shared, and there aren't too many people that stay focused on one or two committees, because the diversity of assignments is really a burden, even on the Members of Congress.

I believe that the Department still is evolving, still trying to integrate the business line formalities associated with procurement reform and budget reform and finance and HR and IT, and you still have the responsibility to develop and execute on policies, your partnership, the partnership of the Congress of the United States,

the strategic partnership that is absolutely essential to the success of the Department in enhancing security of the United States is enhanced if you can compress the number of committees and subcommittees so that there is a certain level of broad-based expertise among a smaller group of Members, of House and Senate Members, to help oversee the continued evolution of the Department.

Again, that responsibility falls on leadership, and we are hopeful that one of these days we create that true strategic relationship in partnership by integrating some of these committees so that there is not as much oversight. I can recall, in my own experience, we had a conducting war in Afghanistan and Iraq, and I appeared before the House and the Senate more often than Secretary Rumsfeld did. That is not just yours truly, that is the Under Secretary and the Deputy Secretaries.

By the way, everybody takes their responsibility to appear before you seriously. There are briefing books, there are boards that we sit in front of our colleagues and ask questions that we might anticipate from you, and obviously there are questions from the record. You would be a much stronger strategic partner if you would consolidate the jurisdiction. I think the DHS, regardless of administration and who is in charge would benefit from it and certainly appreciate it.

Mr. THOMPSON. Thank you very much.

Mr. Dodaro, there is a question about resilience in spending. You have looked at what the Department is doing well, and what they need to improve on, but there are some people who say we have invested several hundred billion dollars in DHS, can we look at that investment and say that there is a level of security that we can reach that won't guarantee that nothing bad will happen, but we need to also prepare the public for when something bad happens, how we come back as a Nation, whether it is a county, city, or State. Have you looked at that issue from an investment of dollars standpoint and see whether we should be also preparing for something to happen?

Mr. DODARO. Yeah, we basically looked at the concept of resiliency and the fact that it needed to be built better into the planning efforts of the Department along with the response plan. We focused a lot on the initial recovery from an event, or excuse me—I got it backwards. The initial response, but the recovery efforts have been ones that take longer, and still go on over a period of time. So we have looked at it conceptually.

We haven't, I don't believe, looked at it in terms of how many dollars are going to that area versus the other areas. What we have looked at, though, is a lot of the investments that have been made over the years. I do think the Department greatly needs to expand its capabilities to make those investments more wisely and prudently.

We made many recommendations, they developed better plans but they have to implement those plans in order to make sure that whatever investments they are making, whether through initial response or recovery or resiliency are going to provide a good return on the investment for the American People. I think they have had some major problems right now on their IT portfolio; there are 46 projects over $3 billion that are in need of serious management at-

tention by their own accounts on the board. So this is a broad-based problem, Congressman, it is not one just focused on resiliency versus——

Mr. THOMPSON. The point I am trying to get at is: Do we continue to throw good money after situations? Or is there a point where we have to, from a policy standpoint, prepare this country to be able to come back after an occurrence, notwithstanding doing the best job you can.

I think the resiliency aspect of the Department is something we need to put front and center, because every situation that occurs historically, we throw millions and sometimes billions of dollars after it. In the Christmas day bombing instance, we bought machines for airports that people already said will not detect other items that we already know that will be coming through airports. So is that good money after—that is what I am trying——

Mr. DODARO. Basically, I agree there is a need to make more prudent investments. We have said many times in our reports that the technologies need to be tested in operating environments before they are deployed, and we made many recommendations to make sure that they strengthen their ability to do that. There is the initial reaction that people want to do something quickly. You know, we have suggested they need to put better processes in place to make sure whatever they do when they make those investments, they actually work in practice, and so I agree completely with you. I know we made many recommendations. I think the Department's trying to improve their acquisition processes and their investment policies. We are going to stay focused on that issue to help make sure that they do.

We have the managing transforming implementing the Department of Homeland Security on our high-risk list that we keep for the Congress. One of the main reasons it is on the high-risk list is because of management practices that support these provisions haven't been implemented using best practices.

Mr. THOMPSON. Thank you. Thank you, Mr. Chairman.

Chairman KING. I thank the Ranking Member, and I now recognize the gentlelady from Michigan, Ms. Miller, for 5 minutes.

Mrs. MILLER. Thank you very much, Mr. Chairman. I appreciate all the witnesses coming today and your service to the Nation. Just a quick observation before I ask my question, and I will pick up on something Secretary Ridge said when you mention about the underwear bomber, the Christmas bomber in lack of sharing information. You know, this particular incident has sort of fallen off the National radar screen, but I tell you, it sure hasn't for us that are in the Detroit area, because it is crazy watching this guy go through the Federal court system. He is now representing himself. Of course, we had to give him his Miranda rights, we sent him to University of Michigan, the best burn place in the entire Nation. Here is a guy who, in my mind, should have been tried as an enemy combatant in GITMO or a military tribunal, and it makes me nuts.

I know you are a Vietnam veteran, my husband as well. I am pretty sure when you were in Vietnam and you were looking at the enemy, you didn't think about giving them the Miranda rights or what have you, and letting them go through the Federal court sys-

tem. We are facing a different kind of enemy. Every time I look at the poster in the back showing the Twin Towers, I think about the cockroaches, these murderers, these terrorists that are after us now.

That particular day, that guy saw the battlefield in an asymmetrical term, and the battlefield in his mind that day was on seat 19–A on that Northwest flight. I think it is outrageous that this administration does not treat these terrorists as enemy combatants; that is what they are. We need to have a very clear view of the enemy that we are facing if we are going to be successful, I believe, in securing our borders and securing our homeland.

I would like to ask a question about the visa issue that both the Secretary and Mr. Dodaro mentioned as well. I am the chair of the Border Subcommittee, Border and Maritime. My Ranking Member, Mr. Cuellar and I are going to have a hearing next week actually focusing on this entire visa situation, which is of great consternation, as pointed out in the 9/11 Commission recommendation. Continues to be obviously something of great consternation. It has been advanced that about half of all the illegal aliens that are in our country actually did not come here across the border, they actually are here because they overstayed their visas. As was mentioned, four of the nine terrorists on 9/11 were here on expired visas. The Department of Homeland Security right now has a backlog that they are vetting, 757,000 expired visas that they are trying to vet right now that have been overstayed.

I know you mentioned about the entrance vehicles that we have for visa, but the exit strategy the exit program that we have is sorely lacking. There has been a lot of talk about the expense of whether it is biometrics or whether it is iris scan, whatever we would do for that. Perhaps you could flesh out—I haven't read all of your 1,500 recommendations yet, I will try to do that. But in regards to the visa, is there anything you could tell us pre our hearing?

Mr. DODARO. Yes, first I mentioned the visa security program, this is where DHS is working with State Department in the initial screening before the visas are given. Right now, there is only, I think, about—they are not fully deployed in all high-risk areas. I can provide the statistics for the record, but our basic point there is that having DHS work more with the State Department can enhance that initial screening process, and that is particularly important because of this overstay issue and it will take us a while to deal with that issue. So we think DHS can either be deployed more to work with the State Department, but also can work with remotely here to work with them, to screen them and communicate electronically.

The main point there is that all high-risk countries should be covered and can be covered. Right now they are not covered. Also, on the visa waiver countries, the electronic notification system, that is working fairly well and about 98 percent of the people are authorized using the electric system, but 2 percent are not, and that is over 600,000 people. So those are trying to—we made a recommendation to the Department that they figure out why they were allowed to enter even though the electronic notification did not work properly in that area. Then there is the exit system and

strategy. There have been a number of pilots and tests, but they haven't provided satisfactory answers. That is one of the things I wanted us to do more work on to see if we can help identify some means to do this. It is a huge issue, but it is very important. Until we have all three of those initial—screening in countries that are not in a visa—that are required to have a visa that are not in a visa waiver, those that in visa waiver, and have an exit system, you won't have a complete system of protection.

Mr. HAMILTON. Can I just add in response? A biometric system is required today by law, it is in the law. The DHS will tell you that it costs too much to implement. Well, if that is the case, then they should come back to the Congress and give us a plan as to how they are going to deal with it and ask you for the money. But like anything that is complex, the thing to do here under the present circumstances is to phase it in, and that might take a period of a few years. You can start with the vast majority of travelers who go by air, and you can have a biometric exit system today incorporated into our current airline operations without much difficulty, very similar to the way that you get a seat upgrade in a reservation situation. You can do it with one fingerprint per passenger.

So what I am saying is that it is a tough problem, it is not easy, it is expensive. But the law is the law and it is vitally important to the security of the country that we have a biometric exit system. If you can't do it all at once, which you probably cannot, at the very least we ought to phase it in.

The next stop, the Canadian border, you are right up there with the Canadian border, you could make that land border entry to Canada an exit of the United States and new technology could play a role into making exit a reality there at a reasonable cost. I want to see us move ahead on this.

Mrs. MILLER. Thank you very much.

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

Ms. SANCHEZ. Thank you, Mr. Chairman. Again, gentlemen, thank you for your service to our country and for being before us today. I wanted to comment a little bit on the whole issue of jurisdiction, because you all have no problem with us up here wanting to solidify the jurisdiction of this committee. It is very frustrating on our part to put so much time and effort into understanding the issues that the Department is dealing with, to doing our oversight to it, to trying and to going along and drafting legislation and to trying to pass it, passing it up committee in many cases, and then having it stymied because it has got to have another jurisdiction, it has got to go to another committee, and they never take it up or they—they really never take it up. So when you look at the actual legislation that comes out of this committee it has been very little in the 5 or 6 or 7 years we have been around now because we are stymied by those jurisdictional issues. So anything you can do to continue to sort of push the Congress to get it all in one place, or at least in less than the 88 subcommittees, committees both on the Senate and this side, that I last counted that have some piece of jurisdiction would be important for us here to be able to actually follow through on a lot of the work that we do.

I am also very concerned with the US–VISIT program. Before Mr. Cuellar I was the chairman of, when the Democrats controlled, the chairman, of the Maritime Border Committee, and that was a very big issue for us. In fact when Secretary Napolitano was before our committee this year I asked her specifically about the exit part of the US–VISIT program, and she said basically that the Department was not going to continue to work on that exit piece and instead would prefer to put monies into ICE and that there was really no way that—the Department has stopped working on the back end of that. So in a minute if you could give a comment to that, whether you think that is wise or whether we should continue, as my good friend Mr. Hamilton said, to at least begin to implement it in the airport situation.

I also want to ask you about the TWIC program, if any of you are familiar with it. That is a transportation worker identification card. In particular maybe to our Secretary over there. Because we have had so many problems in putting this together. It is a biometric card, it is a card that is supposed to be read by a reader, there are no readers yet. It is just—and it is a big, big problem in particular for people who—for workers who have to go every day and who have to take time away.

Do you think a mail-in system to renew, we are almost coming on the fifth year of the renewal of this TWIC card for many of our workers and they are going to be facing some of the very same problems they faced 5 years ago when we started into this program of how do I get it, where do I go, do I have to drive 2 hours to go to a station to pick it up? As you know, right now it is just a flash card rather than a reader card.

So if you could comment to that. The last thing is the issue of the continuity of the Congress, in particular as it relates to the House of Representatives. We really have done nothing to ensure—and as you know, in the House of Representatives if something should happen to a majority of us there would need to be special elections in order to put someone forward and be able to constitute the House back. That might be a laborious process. If you could comment at all to whether the Congress should or this House should really be concerned about doing something about the continuity of the Congress. Any of you who would like to.

Mr. DODARO. I will start. On the TWIC card, and I would be happy to submit our report on this card for the record, we find a lot of control problems with the card in terms of how DHS enrolls people to use the card, the fact that they don't require updates as to whether people still need the card or not. We actually had undercover investigators gain access to ports with fake TWIC cards and false documents. So there is a lot of control problems in order to make it work effectively under the current program. We have made a number of recommendations. I will submit that report for the record.

With regard to trying to address the overstay issue with ICE resources, basically that would be helpful, but that is really not going to address the problem in our opinion. ICE basically has about 1,000 cases a year where they identify overstays. That is compared with estimates of 4 to 5 million people in the country. So I think the exit system is very important. It needs to be implemented,

whether it is in phases or not. The volume is too big. It is always more difficult to find people after they are here than to make sure you know when they are leaving.

So those are my comments on those two issues.

Mr. HAMILTON. On the continuity of Congress question, I have not looked into that in great detail, but obviously you ought to—we ought to be very sympathetic to that. The airplane that came down in Pennsylvania we think was headed for the Capitol building. Had it struck at the right time and the right place you could have had a high number of casualties among Members of Congress. So I think it is a serious matter. It is a few years back probably not so serious, but becoming more serious. The technology that is becoming increasingly available to the terrorists, including anthrax, and we saw the effort to acquire castor beans for the production of this ricin, a very toxic poison. Those kinds of things could strike on Capitol Hill very quickly. So I am quite sympathetic to efforts, and I don't know the detail of them on the continuity of the Congress.

On the committee jurisdiction question, I have wrestled with that one. It seems to me that if it is going to be done it has to be done at the beginning of a session, because that is when you consider the structure of the Congress, and it has to be done by a bipartisan agreement among the leadership. It could not possibly be done by the leadership of a single party. The perspective that has to be taken is that this is a National security matter, lives of Americans are at stake on the basis of the quality of oversight of the Congress, and this is not a matter of placating members of your party caucus, this is a National security matter.

Now, we all know that the leadership wrestles with an awful lot of problems, and they tend to solve those problems, my experience would be, on the basis of their caucus, a leader's report to the caucus and follow the will of the caucus. I have suggested to the Executive Branch that they—and incidentally the Executive Branch is enormously frustrated by this, really frustrated. Director of Intelligence, DHS, and Tom has—Governor Ridge has expressed that very well. I suggested the other day to some of the Executive Branch people that maybe what should be done is to put together kind of a super committee, if you would, of past National security people who have great stature, Republican and Democrat, and go to the leadership prior to the beginning of a new Congress and just try to explain to them how important this matter is, that this is really critical for the National security of the United States. All of them would say that, I have had no doubt about it, because I have talked to all of them. Try to get the leadership to see this problem in terms of a National security problem rather than helping particular Members retain jurisdiction of the DHS. It is a very tough problem, and I am very open to other suggestions on it, but maybe this is worth a crack. Bipartisan leadership action will be necessary to get it done.

Chairman KING. Thank you. The next person in line to ask questions is Congressman Walberg, but Congressman Marino has been called back to his district on an emergency and Congressman Walberg has agreed to let Mr. Marino go. The gentleman is recognized for 5 minutes.

Mr. MARINO. Thank you so much. I appreciate it. Mr. Dodaro, being a former prosecutor, a district attorney, a U.S. attorney, I know the importance of trying to be able to communicate with agencies, whether it is a terrorist attack, whether it is an automobile accident or a drug raid. I am all for coming up with a system and implementing it whereby if we needed to someone in Pennsylvania could be talking to someone in Florida via some type of direct communication.

Have you ever calculated or estimated what the cost of something like that would be, because I know in my area of northeastern and north central Pennsylvania the mountains cause a great many problems, so we are probably talking about satellite. Do you have any idea what that would cost us?

Mr. DODARO. As a Pennsylvanian native myself I understand the mountains.

Mr. MARINO. I am a graduate of Lycoming.

Mr. DODARO. All right. Very good. I don't believe we have. I know we have done a lot of work looking at the development of standards to ensure that the interoperable communications could take place. I will go back and I will check with my team, and if we have anything on that I will give it to you. But I can't think of anything off the top of my head where we have done the calculation that you are requesting. It would be an interesting exercise.

Mr. MARINO. This is one area where I am leaning in the direction of it would pay for itself 10 times over. But thank you, I appreciate that.

Mr. HAMILTON. The CBO has made estimates on this and it is expensive, there isn't any doubt about it. To put a D-Block network construction in place the estimates run between $11 billion and $24 billion that I have seen. Now, you are going to have to do all you can of course to control costs. The auction of some of the spectrum can be used. I know that is a very complicated matter, difficult matter. But like all tough decisions in Government it is a matter of priorities here. The capacity of the first responders to talk to one another is so important it seems to me the costs have to be worked out. It is a very high priority. We lose hundreds of lives because of this.

Mr. MARINO. I have experienced that myself.

Mr. RIDGE. Congressman, if I might, being familiar a little bit with Pennsylvania myself, I dare say it would be a long time I suspect before we have the kind of technology that will reach into every community in every State, I suspect, as good as the wireless is and as good as the technology and the dramatic improvements within the private sector on a regular basis to expand the reach. But I don't think we ought to make the perfect the enemy of the good. I think it is also—it is like the mindset you bring to homeland security, you manage the risk. What do you do to reduce the risk in this instance, you say to yourself. You say to yourselves: What do we do to bring the maximum best communication capability with existing technology to as many people, communities, and States as we can? It already exists. I think you probably, with the existing infrastructure and technology we have, you probably cover 90, 95 percent of America. I think we ought to move as quickly as possible.

Mr. MARINO. Congressman Hamilton and Governor Ridge, this final question. There has been some talk among colleagues, among people out in the field, that do you think at this point there should be at least a discussion as to combining Department of Homeland Security as a department with another department? Would there be any efficiency in that? For example, Defense.

Mr. HAMILTON. Creating a new department of Government is arduous work. Once you have created it the work is just beginning in a sense. I was around here when we created the Department of Energy back in 1976, and sometimes I wonder whether we have got an integrated department there even today. DHS has had very good leadership. Tom Ridge, a good example of that.

Mr. MARINO. That wasn't my intent at all. I just want to make that clear.

Mr. HAMILTON. No, no. But getting, what was it, 22 agencies or something like that, that were brought together, it has now got a budget of $50 billion, or whatever the figure is. And if you suddenly move to a new reorganization I would be quite skeptical of that at this time. I think the focus at this point should be on getting the DHS to work and to work much better. Because when you reorganize a major department of government in the Federal Government you have really got a formidable task on your hand.

Mr. MARINO. Governor, I have 8 seconds.

Mr. RIDGE. Well, I recall the days where we were actually trying to identify the units of Government that we would pull together to aggregate them to create the Department of Homeland Security, and there was much discussion as to other entities that would be pulled in or not. I believe that the Congress, and working with the Executive Branch at that time, assimilated the right number in the right groups. The Congress and think tanks have been looking for a border-centric agency long before 9/11. All those reports, like a lot of others, just kind of gathered dust. So I think we need to remind ourselves that they weren't new individuals, that most of these were men and women working in existing agencies. That assimilation process continues, No. 1.

We also need to remind ourselves that in addition to Homeland Security, whether you are Customs and Border Protection, FEMA, the Secret Service, Immigration and Customs Enforcement, Coast Guard, they all have traditional missions as well, and on top of those missions we layered on additional responsibilities with Homeland Security. So I think if you want to integrate anything to make homeland security more effective and more efficient, you integrate Congressional jurisdiction because it is a National security issue. You don't need to integrate it with anything else, you just really need to integrate committee oversight so Congress can truly become the strategic partner that DHS needs.

Mr. MARINO. Gentlemen, thank you. Chairman, thank you. I am sorry, what Congressperson gave me their time?

Chairman KING. Mr. Walberg.

Mr. MARINO. Thank you, sir.

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

Ms. JACKSON LEE. Mr. Chairman, thank you very much. I believe it is appropriate during these days prior to the tenth anniversary

that conjures emotions amongst many of us is to really cite the patriotism of the three witnesses and the value that they have given to the necessity of securing the homeland. I pay tribute to each of you in your own responsibilities and ways that you have led, and thank you so very much for that service. I want to acknowledge as well our Chairman and Ranking Member because they are accurate that we have worked together. The one thing that we have not done on this committee is challenge Members' patriotism. We have disagreed on policy, but we have not challenged the patriotism. I consider each of the Members and myself a lover of this Nation and a patriot. I am so grateful that even though we critique studies that the 9/11 Commission will find its place in history along with Secretary Ridge, who had to feel your way after the aftermath of 9/11, but the 9/11 Commission report, Congressman Hamilton, will be a book that we will continue to learn from. I think it is important and would like to join the legislation of Mr. Wolf and Mr. King of reinitiating I think the 9/11 Commission, if I am correct. I think that is important.

I believe that it will be important for us to make two commitments. One, 10 years later we should have the ability to communicate amongst the first responders and of course anyone that is addressing a natural disaster or a man-made disaster. The second commitment is the combination of jurisdiction. The, if you will, combining, so that we have an efficiency of scale. I would like to put it at the level of saving lives.

The last point, as I approach a question, is to thank our first responders, but to add to that our rescuers, because there are those who came unlabeled at the World Tower. In Pennsylvania obviously there was devastation and lack of the possibility of anyone who would survive, but no one knew that in the Towers and there were a lot of those who were discovered and found. Let me thank all of those individuals. If I might say, I had hoped that maybe in these next hours the New York celebration will find a way to add our first responders and add those who may not have been able to find space. Get a big PA system and just put them all up in Manhattan and I think they would all be happy.

The reason why I lay that groundwork is because I don't think there is a more important task than what we have before us. I wanted to probe, Mr. Hamilton, the comment that you made about the inability to detect explosives and the comment in our memorandum that says that aviation in airports still remain vulnerable. Can you expand on your point about the inability to detect explosives and my belief that this is still, aviation in airports is still one of the more attractive targets for terrorists?

Mr. HAMILTON. I think a lot of effort has been made in the area of technology to develop a device that can detect immediately various kinds of explosives that may be hidden on your body or in your body. This is a problem that precedes 9/11. This too has been a great concern that over the years, and having spent a lot of money and having a lot of I guess very able scientists looking into it, we have not succeeded yet.

The GAO I think has issued a report on this, and I am sure the Comptroller General may want to comment. But I think we have to accelerate this effort as best we can and get our act together be-

cause this is a huge vulnerability in our air traffic system today. The Detroit incident has already been referred to here, but I think DHS really has to bear down on this. Governor Ridge, Secretary Ridge may be able to comment on it as well, to develop the technology to the point that we can make the detection of all kinds of explosives. All of us recognize the vulnerability.

Ms. JACKSON LEE. Let me thank you for your service and add these questions, if I might, Mr. Chairman, to let Secretary Ridge and——

Chairman KING. The time of the gentlelady has expired, so unless Mr. Ridge wants to answer the questions.

Ms. JACKSON LEE. Well, if I can put these questions on the record.

Chairman KING. On the record, sure.

Ms. JACKSON LEE. Since other Members went over, let me just ask this question that falls under——

Chairman KING. Well, no one asked a question beyond the 5 minutes.

Ms. JACKSON LEE. Well, it falls under my committee.

Chairman KING. Well, the gentlelady can ask questions. They won't be answered. They can be answered in writing.

Ms. JACKSON LEE. If you would comment in the course of answering the one about exposure of the value of a passenger fee for security and not privatizing TSA.

Chairman KING. I would ask if the answer would be given in writing to that question. The gentleman from Michigan, Mr. Walberg, is recognized for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman. I thank the panelists for being here today and for your service. Being a new Member on the Cybersecurity Subcommittee, it has been an eye-opener for me beyond just my normal thought that the light switch works when I turn it on and off and the computer screen comes on and I have the necessary protections on my computer that I can purchase for various things. But as I have got into this committee it has been amazing to think of what has to be done in an age when a small cell of terrorists can spend very little money to purchase resources that can break into and in fact can destroy infrastructure very quickly. Thinking of CMS Energy in my district and Detroit Edison and going through some of the processes that they do, amazing processes that deal with these cyber attacks that come in on a regular basis, and then hearing talk about from our own Government level of the need to have a public-private partnership in dealing with these concerns for our energy infrastructure, our computer communications infrastructure.

I guess my question would go along this line, specifically to Governor Ridge and Congressman Hamilton. What is the best way to address this threat to our critical infrastructure from those that don't even need to set a foot in our land, and also what can be done to improve this partnership, this public-private partnership that everybody talks about but at this point in time, at least to my understanding, doesn't seem to be implemented to a great degree yet and is always seemingly performing below expectations? Any solutions to this that you could address, Governor Ridge and Congressman Hamilton?

Mr. RIDGE. Well, first of all, I think the administration has clearly begun the decision with a piece of legislation that has invited a great deal of scrutiny and some criticism that as I have been participating in a couple of public forums it is pretty clear that at least initially they understand that it is something that they actually need to engage the private sector in in the discussion, as I said, standards and the like. But I think you have got a long way to go. I mean, take a look at the cyber infrastructure just in the Executive Branch or even within the White House. I think you have the CTO, a CIO, and the cyber czar, so who is really in charge of overseeing it all. Then you have the disparate elements. The different agencies have their own cyber responsibilities and commitments.

The second challenge I think we have in the digital world is attribution, we are getting better at, but then accountability. What is our strategy once we identify a perpetrator, how do we hold them accountable? That is worthy of a separate and independent discussion.

Then finally, and I have enormous regard for the men and women who serve their Government in unelected capacities, and we attract lawyers and scientists and cyber experts. But make no mistake about it, the great capacity of knowledge and information on this issue lies outside of Government. If there was ever an issue where Republicans and Democrats, both of whom talk frequently about public-private sector collaboration, if there was ever an issue where you might want to think of some of your standards and the regulations around attracting and inviting and creating a public, a true public-private partnership where you bring in a series of experts to work within the departments and then collaborate systemwide, this would be the issue. This is the issue that I think lends itself to the kind of holistic, deep collaboration between all the expertise you have in the private sector along with a well-intentioned expert, experts within the Federal Government, but just don't have the reach.

One final comment. When I tried to attract just an advisory board, nonpaying, to assist the Secretary of Homeland Security to deal with several issues, the requirements for the public sector and the kind of information they have to share with the Congress or regulators discouraged a lot of well-intentioned people to participate in the advisory board. I understand there is screening. But I do think on this issue and some other issues we have to get beyond the mindset that people with the expertise in the private sector somehow would seek to simply feather their own nest if we invited them in to work in a collaborative fashion with the public sector, with the Congress of the United States. I really think on this issue perhaps more than any, but at some point in time we have got to start trusting Americans to help America. When you create regulatory barriers and impediments to well-intentioned people who wanted to give me executives, to loan executives to participate on a day-to-day basis, I think we really frustrate the value of a true public-private sector collaboration. This is one that I think really needs to be done and needs to be done now.

Mr. WALBERG. Thank you.

Mr. HAMILTON. I appreciate the question. I think we are beginning in the Nation to seriously address it, but we are only begin-

ning to. You are quite right to point out the vulnerability. We are exceedingly vulnerable to a cyber attack in this country, both in Government and in the private sector, because the private sector controls an awful lot of the infrastructure.

Second, when you have an attack it is very difficult to know where it comes from and it is very hard to hold someone or some entity, some State, responsible. Not impossible, but not always easily done. Having said that, one of the things I think we need to do is to make very clear that an—a warning really—an attack on this country's infrastructure by cyber attack we will take exceedingly serious and we will respond, we will respond in the most appropriate way possible. We can't predict exactly how that would be. But if we can identify the perpetrator then we will go after them. We will go after them with whatever means are necessary to wipe them out. We cannot tolerate this kind of an attack.

Now, the next point is organization. Here I am a little fuzzy, to be blunt about it. But I think the Government, I hope the Government is beginning to get its organizational structure in mind to deal with cyber attacks. The line of responsibility between NSA and DHS is not all that clear to me, but I think it is moving, although not as fast as I would like to see. The technology expertise on this within the Government, so far as I know, rests largely with the NSA, and they are developing both offensive and defensive means of dealing with a cyber attack, and that needs to be encouraged.

I do think, and you make the point very well I think in your question, that we have to strengthen DHS's ability to work with the private sector. My judgment at this point on my experience is the private sector is quite uneven here. There are many people in the private sector who are very plugged in on this and know the vulnerabilities and are taking steps to deal with it and are consulting with Government, but there are also many areas of the private sector, tending to be not the huge companies, that are not so plugged in. So I think there has to be a lot more communication, as Governor Ridge has suggested, between the private sector and the Government to sharpen our defenses.

Mr. WALBERG. Thank you. Thank you, Mr. Chairman.

Chairman KING. The gentleman from Texas, Mr. Cuellar, is recognized for 5 minutes.

Mr. CUELLAR. Thank you very much. Mr. Chairman, I want to thank you and the Ranking Member for having this meeting and the work that both of you have done to improve homeland security. Certainly I want to thank the witnesses, also Chairman Hamilton, Secretary Ridge, and of course the Comptroller. Thank you for all the work that GAO has done, all three of you, all the valuable information and resources you provided for homeland security.

Let me ask you this question. It has to do with aviation. In the wake of 9/11 we made sweeping changes to our Nation's aviation security system, including strengthening security measures related to flight schools. I know, as all three of you mentioned, a lot of progress, but there is still a lot more work to do. However, as recently as 2 weeks ago we had a situation down close to my district in south Texas. Several Mexican nationals were discovered receiving flight training in south Texas without the proper visas. As you

recall, the 9/11 involved aviation flight schools and visas also. Those are the three major—well, three major factors that were involved. In this case, while there is no indication of terrorist intent on this particular case, we know that the aircraft remains a highly attractive target for terrorists. It is troubling that even 10 years after the 9/11 we still have foreign nationals taking flight training in the United States without the requisite vetting or oversight. In fact just a few days ago the FBI and the Homeland Security issued a Nation-wide warning about al-Qaeda threats to small training—I mean, to small aircraft just a few days ago.

Let me just give you briefly the facts the way I understand them. You had a pilot from Mexico that was accused of bussing a trio of boats in Fort Mansfield. That is how this got started. He was bussing some of the boaters out there. This person was taking flight lessons. He was one of several Mexican foreign nationals who traveled to the valley to get the pilot's license. Homeland Security went up there after the fact and deported three of them. Because I think the problem was that instead of using a proper M–1 student visa, because they were getting training, they were actually operating under a nonimmigrant B–1/B–2 visitor visa. So instead of using a student visa they were using tourist visas to get that training. Eventually FAA was asked and they said, look, Praat, which is a Mexican-based company that comes over to the United States to do the training, was leasing the aircraft to the pilots to train. Again, FAA's rule is basically the pilot is ultimately responsible for the use of the aircraft itself.

So the issue that I have is after 9/11 when you had aircrafts, you had flight school training, you had visa issues, here we are 10 years later, what does this incident suggest about our progress on the broader issues of aviation security, visa security, 10 years after 9/11? Secretary, since you were there with my friend President Bush, Governor Bush, do you want to go ahead and get started on that? Then the other gentlemen, if you can answer that.

Mr. RIDGE. The details are first made known to me today by your explanation on it. Thank you for that. My first reaction suggests that it points, the incident points to the lack of a broader infrastructure associated with not the question of getting access to the airports and flying lessons, but the broader infrastructure that seems still to be woefully inadequate with regard to the issuance of visas and the identification relative to the individuals who get the visas, their nationality and the reason they have been extended the visa. It just seems it would be problematic to me, and I don't know how this came to the attention of the Department of Homeland Security, but if there was a biometric card associated with this, that these were here lawfully but still on a visa, that I could check that they were here on a tourist visa, I am just not sure that as a proprietor I would have been inclined, one, to give them flying lessons, at least not until after I checked with Homeland Security to give us some more background information. So I think it speaks to a broader challenge that we have. I know this is not the place to deal with it all, but the broader challenge of immigration reform, and frankly the 21st Century infrastructure to identify and then monitor the activities of those who we grant the privilege of crossing our borders as guests on a visa.

Mr. CUELLAR. Secretary, this is only one flight school. Imagine what is happening or could be happening across the Nation. You are right.

Mr. DODARO. Congressman, we did work in 2004 and 2005 looking at the flight schools and TSA's oversight over the flight schools and found that there was need for improvement in that area and made some recommendations. We will be starting work soon following up on TSA's oversight over the flight schools.

The other comment I would have is as it relates to general aviation, we have a lot of aviation on commercial airports, there aren't the same level of regulations and requirements for general aviation. We have just issued a report on that. I would be happy to provide it for the record highlighting some issues there.

With regard to the visas I would just reiterate my previous points that there is a need for the exit approach. Whether or not in this particular case these individuals actually were overstaying their visa or not I am not familiar, as Governor Ridge mentioned, with the details. But that system still needs to be strict.

Chairman KING. Chairman Hamilton.

Mr. HAMILTON. Well, I just simply observe everybody. Every one of you have flown on private aircraft in general aviation, and you have all been impressed with how convenient it is as compared to the commercial airports and how easy it is. I have thought a hundred times as I have done that, boy, oh, boy, this is a vulnerability for us. I am glad to see now that the authorities are beginning to look into the small aircraft problem, because it is a hugely potential problem for us. I can't add to what the others have said.

Mr. CUELLAR. Thank you. Thank you, Mr. Chairman.

Chairman KING. Mr. Cuellar. The Chairman now recognizes the gentleman from Pennsylvania, the Chairman of the Counterterrorism Subcommittee, Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman. Thank you for this very distinguished panel for your, not just your presentation here today, but your, I would actually say at the zenith of your career, your commitment to these issues. Each of you has taken on a remarkable role in this. I appreciate the fact that you have looked back and taken the time to analyze what hasn't been done on the recommendations you had previously made. So I want to focus a question with respect to that.

Mr. Hamilton, I have had the opportunity to go back and revisit a site in which a terrorist incident was averted. It related to the situation in which there was a cartridge that was attempted to be detonated on an air carrier plane, a UPS plane. In the after-action review I got a chance to participate in, it was a case study of the point that you made about the lack of somebody really being in control at that facility at that period of time. From the perspective of the people who are trying to participate in helping, they are getting different demands from different agencies at the same time about the same information. How do we get it right in that critical moment when, as you have stated, decisions are being made that can be life or death choices? What do we need to do to get better at that at the point of incident?

Mr. HAMILTON. You are speaking about the first responders and the unity of effort at the site?

Mr. MEEHAN. Yes. Incident command, I think. You identified this in your report, which is why I am going back to that point.

Mr. HAMILTON. It is critically important. I don't want to suggest that nothing has been done, because I think a lot of some pilot programs have been run, some attention has been given to it, but I don't think it is a resolved question. Politically it is difficult to resolve. If you have a disaster at a site of any consequence, you almost certainly have a number of contending authorities. You have a governor, you have a mayor, you have a port authority, you have county officials, you have the President and Federal officials. Politicians don't like to address these kinds of problems ahead of time because they are difficult to deal with, who is in charge. But our whole effort was to encourage that decision to be made in every metropolitan area, if not the country.

At the time of Katrina the Governor of Louisiana was very heavily criticized, and I don't know a lot of the details of that, but she had four helicopters at her command. She needed 150. So I have come to the conclusion that if you have a major disaster in an area of multiple jurisdictions the Federal Government has to step in. The reason they have to is because they are the only one that has the wherewithal, the resources, to respond. You need water, you need housing, you need food, you need—hundreds of decisions have to be made fairly quickly about the response.

So I think we just have to keep encouraging local, State, and Federal officials to plan and to exercise their plans. It is not enough to have a plan. It is important to have a plan, but it is not enough. You have got to—like the military does, they constantly have maneuvers and exercises, you have got to have exercises in a given community, it seems to me, to get through this problem.

So those are some random thoughts on a very, very difficult problem.

Mr. MEEHAN. Thank you. I do want to see that we follow up on that.

Governor Ridge, this has to be sort of a remarkable moment that we are sitting here now 10 years later and you served in the Congress, you were Governor of a major State, but you were on the ground floor in the beginning of the creation of one of our most critical agencies responding to this issue. I think more significantly you were there every day sitting with the President as we were making decisions in real time. As you look back now 10 years later, what is it that still keeps you up at night about what we can be doing or doing better, or is there an observation you are making now say, boy, if we could do this now this is the way that I would do it?

Mr. RIDGE. Someone asked me in the first couple of months, actually while I was in the White House, before we even created the Department of Homeland Security, if I slept at night. I said I don't sleep much, but I sleep well. They were kind of astonished by the answer. The answer was that obviously the duties of the day required vigilance throughout the day and evening. But I knew that there were literally thousands if not hundreds of thousands of Americans working in the Government at all levels of Government and the private sector that were working together to make America more secure. I still feel that way today.

At the heart of combating—but there are two matters that I think we need to really embrace as we look at the next 10 years. First, it is a risk that we have to admit to ourselves that we can only manage, we cannot eliminate. The political world, the world of the private sector, the public sector, we can't guarantee ultimate safety, and we have to accept that. I think Chairman Thompson, or Ranking Member Thompson asked about resiliency. We have proven we are resistant. We are coming into a time of limited resources, reduced resources. Let's be smart, let's be judicious, let's target them, let's not fight the last war, but let's understand that we can only manage the risk. I think John Pistole in TSA is starting to move in that direction with its experimental program with people who frequently fly, they are dealing with background checks, we may deal with them differently so that the remaining TSA employees can focus on people they don't know and the baggage that belongs to people they don't know. But we have got to development a mindset I think politically around the country and I think we have. We shouldn't be breathless about the risk. It is manageable and we need to manage it very, very effectively. I still can't believe after 10 years, we talked a little bit about the infrastructure and the no broadband communications, but I still can't believe that incidents like the Detroit incident and Fort Hood would occur when people within Government, within the Federal Government, had information I think that was substantial enough to act.

I mean, there is a lot of criticism because we weren't adequately prepared for Katrina. You have to be in this day and age with the new norm of terrorism, you have to be a little less cautious, you have to act. When we had, as I understand it from public information, that the FBI was aware that Hasan was emailing to a radical cleric in Yemen and this individual was an active duty soldier, who and when they talked to the Department of Defense I will never know, but we talk about that. We use a euphemism to connect the dots. Every once in a while there is a dot, a big one, and I like the euphemism. It just flashes off an on, you got to act. The same thing with the father coming in to talk to the State Department I believe who—I mean, we ask for human intelligence. A father comes in to tell the State Department that he believes his son has been radicalized, and oh, by the way, I think my son is in Yemen. Now, you put those pieces together in a post-9/11 world with what we know about al-Qaeda on the Arabian Peninsula, and somebody has got to yank his visa to come into the United States until you sort it out.

So I think this information sharing is the heart of everything we do is still probably the most difficult and challenging, and by the way, as my colleague and friend Lee Hamilton said, the most difficult and complex characteristic or quality of combating terrorism. But you would think after 10 years we would be a little less cautious. I am not saying we are being politically correct, but there is some things that require action and we need to get into that mindset.

Mr. HAMILTON. May I suggest you visit your fusion center? We have 72 fusion centers around the country. Maybe you have already done it. They are of mixed, varied capacities. But they do

bring together the right people in an area, State, local, and Federal. It is in that center I think where you can see what has been done, what has not been done in a given area. I visited the fusion center in my State of Indiana, I have done it in a couple of other areas. I think they represent probably the best help for giving you the kind of response you want on unity of effort in any given crisis.

Chairman KING. The gentlelady from New York, my colleague, Ms. Clarke—I am sorry, Mr. Clarke from Michigan.

Mr. CLARKE from Michigan. Thank you, Mr. Chairman. My question to the entire panel is how can the Department of Homeland Security best judge an urban area's risk of an attack based on the assessments that it uses now? I represent metropolitan Detroit. We have a large international airport hub. That airport was the destination of the plane that the Christmas day bomber attempted to blow up. So there is a strong likelihood that our region could be the target of another attack.

Now, in addition to the likelihood of an attack, the Department also needs to look at the consequences of an attack. Metropolitan Detroit, I will use that as an example, we have a large population center, we have a border that is water, that is also the busiest international border crossing in terms of trade in North America, we also have a large regional drinking water system. My concern is that many metro Detroiters are at risk of being poisoned if a terrorist decides to dump a bunch of biological agents in that drinking water system.

So essentially it is this. The GAO report mentioned concerns about how the Department assessed risk. Any of you three gentlemen have any comments on how we can improve the accuracy of the risk of threat of attack to certain urban areas like metropolitan Detroit? Ten years later my people I represent, they are still at risk of an attack. I want to protect them the best I can.

Mr. HAMILTON. Look, there is no way we can give you certitude because we don't know the mind of the terrorist. But they have given us some two—two big hints. One is they are going to do as much damage to us as they can. The second is that they want to hit symbolic targets. So every community has to sit down and analyze what in this community is most vulnerable and they have to prioritize those vulnerabilities. You know your community better than the DHS Secretary or the President or anybody else. It is the local community that has to make the analysis of what are the targets in my community that are most likely to be hit given the standards that the terrorists have repeatedly given to us. They want to do as much damage. So you protect wherever people gather in large numbers, that is obvious. You protect iconic symbols and so forth. But it is a question of establishing priorities within the community.

So the leaders of Indianapolis, Indiana, or Detroit, Michigan have to come together and say, okay, we have got the following facilities, and there may be 100, there may be 200 of them that need protection. You have got to prioritize them, you can't do it all. That is a tough decision to prioritize, but it has to be made in order to reduce the risk. There is no 100 percent guarantee that you have got it figured out right, but that is the way you have to do it.

Mr. DODARO. I would say that in that framework that Mr. Hamilton just outlined DHS does do a lot of risk assessments by different sectors, water sector, transportation sector, et cetera. Our comments though have been that the information in these threat assessments and risk assessments should be shared more and used more in decision-making purposes.

So I think that is the issue. Governor Ridge kind of mentioned too acting on certain threat information or certain information. So I think the real challenge is how do we use the information that is now being collected more, both at a National level and at a regional and a metropolitan level? That is something we will be continuing to take a look at.

Mr. RIDGE. I don't know, Congressman, if you are referring to the methodology associated with urban area grants for homeland security. I can recall——

Mr. CLARKE of Michigan. Yes. Definitely including that.

Mr. RIDGE. I thought that is what you were referring to. I think that process clearly has evolved I think in a very positive way over the past 8 years. I can recall since we were there after Congress directed that the Department create a model, an assessment model for that very purpose that we went through a couple of iterations that were challenging and the like, but at the end of the day, and I have no idea the evolution since I left, but at the end of the day a significant portion of that calculation was based upon threat information gleaned over the periods, over the previous years, not just from the FBI but the broader intelligence community. I can recall getting a, let me call it a call of disappointment, from a Member of Congress that the city that they happened to represent was no longer viewed as a potential target and therefore wasn't eligible that year for the funding that it had received the year before.

So it continues to be one of the big challenges of Homeland Security. Generally it is probably one of the only departments where you have probably more political interest in engagement than any place else and you try to—you don't want to make those political decisions, but it is subject to political influence and you want to avoid that at all cost. I think at this instance relying on threat assessments from the intelligence community is probably the most effective way to channel those dollars.

Chairman KING. The gentleman from South Carolina is recognized for 5 minutes.

Mr. DUNCAN. Thank you, Mr. Chairman. I want to personally thank you for rehanging the pictures that are surrounding the room here to remind us of the tragic events that happened 10 years ago this weekend. I want to thank each of the gentlemen on the panel today for your service to our country in your very own capacities.

I want to take an opportunity, because I am near the end, most the groovy questions have been asked. Just to thank the firemen that are in the room today and the police officers, and Capitol Hill police officers. They are here defending us in what you do every day. Firemen and police officers and military personnel all around this great land for what they do to keep me and my family and our constituents safe. So thank you guys for your work on the 9/11

Commission report. I have got a copy of it with me, and I want to talk about that in just a minute.

But I noticed, I have talked about this numerous times in this committee, the 9/11 Commission report has identified a number of threats to the country and you use the terms to identify those threats such as Jihad 126 times; Muslim Brotherhood, 5 times; religious, 65; Hamas, Hezbollah, al-Qaeda, Khalif, Sharia, enemy, violent extremism, numerous times in the 9/11 Commission report. But if we look at the FBI counterterrorism lexicon of 2008, they use the word Jihad zero times, Islamism zero times, Muslim Brotherhood zero times, Hamas, Hezbollah, al-Qaeda, zero times.

The National intelligence strategy of 2009 uses those same terms zero times. The lessons from Fort Hood uses those terms zero times. I think it is important that we understand and can identify the threats of this country and discuss it openly without fear of using those terms, if that's a real threat to this country. So what I would like since you guys developed that report and you use those terms that many times, Mr. Secretary, I will let you start. Why do you see that we are not talking about on enemy or threats to this country in those terms anymore?

Mr. RIDGE. Well, I am not going to—first of all I respect and truly understand the question. I think——

Mr. WALBERG [presiding]. The mic please, Governor.

Mr. RIDGE. I appreciate the thoughtfulness of the question. I do think the more appropriate communicant in response would be the Attorney General. Having said that, I think there is a, depending on the mind-set that you want to bring to the work to combat terrorism it continues to be a discussion whether they should be treated and viewed as criminals, as I think the administration generally does and the Attorney General generally does, and I think that is reflected in probably the language that they use.

I don't agree with it. I did enough criminal defense work and prosecution work to appreciate the fact that most criminals that I ever either prosecuted or defended chose not to—preferred not to be caught and certainly didn't want to surrender their lives in the furtherance of their criminal endeavor. So I do think that language probably reflects a mind-set that is more appropriate to how the Attorney General believes this country should deal with the terrorists once we apprehend them.

I don't think there is any question in the Attorney General's mind that the fundamental problem is with those who within the Muslim community who have taken a traditional religion and wrapped themselves around a perverted and distorted version of it to justify the killing of innocents, but I think the language reflects his preference as the Attorney General of the country to treat them more as criminals. I don't share that point of view.

Mr. DUNCAN. Mr. Hamilton.

Mr. HAMILTON. Well, I believe the greatest current terrorist threat to the United States is from Islamist extremists. Whether or not they are part of the core al-Qaeda, or one of their affiliates, or ideologically affiliated, they represent the greatest threat. We have also had the addition of homegrown threats. Likewise, I think, Islamic extremists. I think it is very important that you make a dis-

tinction between the Islamists terrorists, the extremists and benign Islamists. I think the country has done that very well.

I still remember as I thought was an excellent example of what we should do. I remember President Bush soon after 9/11, it was a matter of days, I think, he went to a mosque and made that point. Think it was it was exactly the right thing to do, because he was drawing a distinction between the extremists and the good, if you would, Islamists. So I think we have to actively and aggressively counter the range of the ideologies that are violent advocates and do what we can to remove them.

I am not here to speak for others with regard to terminology. We said in the Commission Report, we had two enemies, one, al-Qaeda, and two, Islamic extremists. We thought quite a bit about what terminology to use. I am comfortable with the terminology we set out in that report.

Mr. DUNCAN. Thank you. My time's up.

Mr. WALBERG. Thank the gentleman. Recognize now the gentleman now from Massachusetts, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman, and thank all the panel members for their service. You know, about less than 10 months ago as a District Attorney I was investigating a death of a young man, 16-year old young man whose mutilated body showed up in the Town of Milton, Massachusetts. Our investigation took us to North Carolina, where this young man had hid himself in the wheel well of a 737 commercial airliner, and he had dropped out of the plane as the landing gear went down as he was approaching Boston.

Now, much has been said about transportation security this morning, and certainly about the screening checkpoints and the need to look at explosives there. The TSA has said that every commercial airport in the United States receives a security assessment every year, including an evaluation of perimeter security and access controls. However, in 2009, the GAO when they were reviewing this, said 87 percent of the Nation's commercial airports had not conducted any consequence assessments or those perimeter checks.

With so much attention on the gate and on the checkpoints there, it seems to me we are wide open on perimeter security. In this major airport, North Carolina, there had been, since this occurred, repeated breaches on perimeter security that we are aware of there. I can't imagine that airport alone.

How would you assess our ability to dealing with perimeter security around our airports? They could have easily—if he put his own body in that wheel well, he could have easily placed explosives there if he was a person—it was a tragedy of the young man and this family, but what if this person had a different intent? What if they were able to put explosives in there? It seems we are focused so much on that, and it is important at the gate. What about what is going on as we look out from that gate and the perimeters. I think that is a serious problem, and can you address how seriously that has been? GAO has commented, but I don't see much actions, frankly.

Mr. DODARO. Our recommendations have been more that TSA needs to do a joint vulnerability assessment with the FBI on the

perimeter security issues, but that this hasn't been done in a lot of cases, and we made recommendations along those lines. The other issue is the screening of workers who have access to the facilities on a regular basis. We believe that that issue needs to be addressed as well. I will be happy to provide our specifics for the record.

Mr. KEATING. Any other analysts comment on that?

Mr. HAMILTON. I am very pleased to hear your remarks. My general impression would be that you are right, perimeter security is still a great vulnerability, so I would be supportive of efforts to make more inspections and bulk up our efforts at perimeter security.

You know, there is so many areas of vulnerability and we have concentrated a lot on the ones that we think are the greatest risk, but others keeping popping up, and you have put your finger on an important one.

Mr. RIDGE. I think aviation, to the best of my knowledge, is a target area, I suspect that still comes up on reports that the intelligence community has as a potential target. I think the—should never said we have eliminated it, but the notion that someone or a group could hijack a plane and take a commercial airliner and turn it into a missile, I think that threat has been managed quite well. But I think we would be kidding ourselves if we didn't think that aircraft generally as a target remains a vulnerability and remains a continuing interest, a target of interest for those would bring us harm.

Mr. KEATING. Thank you. What is more frightening is we went back and looked at the videotape and even knowing it, he had done it, they still couldn't see him do it afterwards.

A quick question, maybe a yes or a no, since my time is limited. Secretary Napolitano, just a few months ago, told this committee that since 9/11, she considers the current period the most dangerous since 9/11 that we are in now, and she think it is at its most heightened state, would you agree?

Mr. RIDGE. Well, certainly the Secretary has access to more intelligence information than I do at the present time, but I think there is a new dimension that complicates her world and the challenges associated with this country and that is the homegrown terrorists. In the past 18 months, we have seen the arrest and involvement of 70 or 80 citizens or naturalized citizens are here with visas, so I think the world is a little more complicated for her and for this country.

Mr. HAMILTON. I am not aware of any immediate specific warnings, but of course, we found in the trove of information we got from Osama bin Laden's raid, their interest in doing something on the anniversary of 9/11.

So I understand that our security officials have ratcheted up the security levels quite a bit for the next few days, that seems to me to be entirely appropriate because the intent here has been expressed, it has been expressed in the information we got from Osama bin Laden's hideout.

Chairman KING [presiding]. The gentleman from Arizona, Mr. Quayle, is recognized for 5 minutes.

Mr. QUAYLE. Thank you, Mr. Chairman. Thank you for holding this hearing and thanks to the witnesses for being here.

Governor Ridge and Congressman Hamilton, my question is about what your thoughts are and the threats with our Southern border. With the drag cartels, the continuous battles between Sinaloa and the Gulf cartel and the Zetas and the level of violence that continues to escalate along our Southern borders and the sophistication of the weaponry continues to advance.

I was down earlier this spring at a port of entry in Douglas, Arizona, and one of the things we saw in video was the night before was one of the drug cartel agencies was took a stolen or made-up police vehicle and drove right by the port of entry, about a 100 yards from our border, entered into a restaurant, unloaded about 300 rounds of ammunition killing a number of people and wounding scores of people.

I just want to ask you, what do you think the level of threat to our homeland based on the level of violent activity being pursued by the drag cartels in Mexico, and how that affects our threat assessment from that area?

Mr. RIDGE. Well, first of all, I think the past 2 years and the attendant public awareness of the narco threat that our borders clearly demonstrate that areas of lawlessness adjacent to our Southern border that we all should be concerned about. But it is just a manifestation of a threat that has existed for decades, and we still haven't gotten our arms around it is that is the importation of drugs. I mean, we talk about weapons of mass destruction. Well, long before 9/11, this country was dealing with a weapon of mass destruction and it was called "drugs," that had been coming into this country from multiple sources around the world. We still haven't gotten our arms around that.

So my sense is, again, not privy to the kind of information frankly that I didn't enjoy knowing but I was glad I was part of the group that knew it and could potentially act upon it, is that there is still a greater need for us to develop trusted relationships with our counterparts in Mexico. There is probably a greater need within that arena of trust for information sharing, and frankly, we don't have—and I say this with great respect to friends and colleagues of mine with whom I worked in Mexico, we still don't have that decades-long, mature, trusted relationship with all the agencies of government down there, particularly within the law enforcement community generally.

So it is a real complicated—it is an enormous challenge to this country. I think we are up to the challenge, but it is going to take us a long time to deal just with the violence, let alone inescapable conclusion. It is just simply a manifestation of the greater problem, that is the importation of drugs. Someone who appreciates a supply but wouldn't be coming in if there wasn't a demand, so it is a little more complicated than arresting the supply.

Mr. QUAYLE. Congressman Hamilton.

Mr. HAMILTON. I am not sure I can add much, and I know your experience would be more immediate than mine. I am a long way away from the border. But I have been impressed over the period of years how difficult this has been for this country to deal with. I think we have increased the number of border guards every few

years around here for a good many years. I am sure that has been helpful. I know they do a lot of good work. I know we have built a fence, I don't know what the miles are, but an extended fence, which I think has had some impact, you would know that better than I.

We put into place a lot of new technology with mixed results, I think. I think all of those things have to be continued and strengthened to deal with the problem. I think the threat is very, very significant to the country. We have probably not focused enough on it, those of us who have dealt with Homeland Security. That is about all I can say.

I obviously agree with what Governor Ridge said. There are a lot of problems in this world that we can't solve by ourselves. I don't think we can solve this problem by ourselves. I think we are going need a lot of cooperation with the Mexican government as well.

Mr. QUAYLE. Thank you very much. Thank you, Mr. Chairman, I yield back.

Chairman KING. I thank the gentleman. I now recognize for the first round of questions a Member of the committee, the gentlelady from California, Ms. Hahn, recognized for 5 minutes.

Ms. HAHN. Thank you very much, Chairman, and Ranking Member Thompson, for welcoming me to this committee. I look forward to representing my constituents in the 36th Congressional district on this committee.

You know, I remember very well on September 11 as we all do, where we were, what our first thoughts were. I had just been elected to the city council of Los Angeles, and my council district includes the Port of Los Angeles and I represent over 100,000 people that just physically, you know, sit right next to the Port of Los Angeles. While the September 11 attacks were aviation-related, my first thought was the vulnerability of the Port of Los Angeles.

Ten years later, I am now representing those same constituents in Congress. I am still concerned about the Port of Los Angeles. Between the ports of Los Angeles and Long Beach, we account for about 44 percent of the trade that comes into this country. We have about 5,000 men and women who actually work on those docks on a daily basis. I think it is our seaports that are still probably the most vulnerable entryway into this country.

While you talk about how we have evolved in granting these Homeland Security grants to more represent threat, vulnerability and consequence, and Honorable Hamilton, as you say, they have given us a roadmap, the target will be something that does great damage and is symbolic. I think an attack on America's ports in Long Beach and Los Angeles could create a significant impact to our National economy and our global economy.

So I have spent 10 years on the city council working with my predecessor, Jane Harman, in improving the security of both L.A. International Airport and the Port of Los Angeles, but I would like to know from the panel what you think we in Congress should be doing, can do to improve the security at our ports?

Mr. HAMILTON. My judgment would be that we have not focused enough on the ports. I think the enormous vulnerability would be an inadequate inspection of cargo probably would be a major problem. I am not up to date on what has been done on that.

I do recall being disappointed again at the state of our technology with regard to detection. You have these massive amounts of materials coming into the country in ships and our ability to identify dangerous materials, I think, is lacking, at least that is my understanding at this point. So I think you play an important role by bringing up the question of the vulnerability of the ports.

Mr. RIDGE. I might add, all those it is a time of concern about the fiscal situation in this country in dealing with the deficit and the debt, I must admit that early on, being very much someone who believes that during my tenure and subsequent to my tenure, that the United States Coast Guard is one of the most overstressed, multi-tasked, under-appreciated institutions of this Federal Government. I think they are grossly, grossly inadequately funded for the multiple tasks they bring in their primary responsibility to this country.

These men and women for years—no, for decades literally get pretty much what is left over when it is divided among the rest of the agencies. They have multiple tasks and they never—they just don't—I dare say, the generals and admirals in the other branches of the service would be up here en masse if they received as little funding on strategic needs that the Coast Guard does.

For whatever reason, there is this mindset that we can do. If you want to do one thing to improve maritime security in this country, you go back and take a look at the Coast Guard's budget and bring in not just the incumbent commandant, but the three or four that have preceded him. I can recall flying in a helicopter, overseeing the G8 exercise at one time, and the pilot asked me if I wanted to grab the control.

So as an infantry soldier, I was really reluctant but I will pretend like I am flying like the TV commercial. I said to the pilot, is this one of those helicopters that has a failure rate, an engine failure rate, that the FAA would have grounded had it been flying commercially? He said, yes, it is. One of the passengers in the back seat said: Can we change the conversation?

I remember going, as Secretary, to appeal—you opened the door for me and I have to take advantage of it, I rarely do budget secretary's appeal—budget decisions to the highest level. Well, I took the Coast Guard's budget number from—up to the appeal board, and I brought in a piece of steel, a metal plate on one of their 20- or 30-year old ships that had been bent because of the use, because it is a multi-tasked vehicle, ship.

So if you want to do something really significant to improve maritime security, I think you go back and give the Coast Guard the money they need to do their job more effectively.

Mr. DODARO. I would say, Congressman, we have done a lot of work on maritime security looking at the process, looking at vessels, people, and cargo issues. We find some progress being made in these areas, but it is very difficult to determine yet what the degree of progress and readiness really is at the ports.

You have also, have mentioned already the Transportation Worker Identification Card and the problems associated with that. That has a lot of problems and needs to be addressed. Also, the key issue regarding technology and how different technologies could be used to help scan cargo and containers. We have done work, which I will

provide to the committee, looking at the emerging technologies to really address that. The volume of activity really has to entail some technological solution.

Ms. HAHN. Thank you very much, my time is up. I will say, until we are screening 100 percent of our cargo, I think we have got a problem.

Chairman KING. I will say to the gentlelady on that, there is a bipartisan concern on this committee. I would suggest actually meeting with the Secretary if she takes this issue very seriously. As a practical matter, the 100 percent is going to be difficult, but they are improving it, and they are trying do it on threat-basised analysis, but we actually passed back in 2006, I know it has been continued since, legislation sponsored by your predecessor and also by Mr. Lungren.

Again, in a bipartisan way, we are concerned and we realize the vulnerability. I remember just when there was a strike against the Port of Long Beach, the billions of dollars that were lost just in a brief period of time. Imagine what that would be if there was a dirty bomb attack. So we share your concern. Thank you.

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

Ms. RICHARDSON. Thank you, Mr. Chairman. First of all, I would like to talk about the cuts that the House of Representatives supported and actually many colleagues here. I don't know if you gentleman are aware, but actually of the appropriations bill we—not we, I didn't actually support this—$2.7 billion was removed, about 6 percent less than what was originally requested by the administration. Specifically, within Customs and Border Protection, $89 million was cut, 1 percent less than requested; Transportation Security Administration, $292 million, 4 percent less; Coast Guard, something that you were just talking about, $37 million was cut, 0.4 less than requested; and then within FEMA, the most dramatically cut $1.4 billion, which was 21 percent less than requested.

What would you say the Members of the Congress and the Senate who, despite your efforts in your reports, seem to not value these services to the level that you say that we need to have them, what would your response be?

Mr. HAMILTON. You were suggesting a number of cuts that have been made on Homeland Security in general?

Ms. RICHARDSON. That is correct. My question, was specifically, what advice would you give to Members of Congress who actually supported those cuts and what would you urge us to do?

Mr. HAMILTON. Look, I am no expert on the budget of Homeland Security Department. But having said that, I would look with great skepticism on any cuts in this area because you are dealing with Homeland Security. You are dealing with the protection of the lives of the American People. So budgeting is always a question of priorities, and I know how difficult it is to make judgments with regard to priorities, but I am very skeptical and probably would oppose cuts on Homeland Security.

Ms. RICHARDSON. Okay. Mr. Dodaro, I am going to pause and ask you my second question because I think that is about all the time that I will have. You know, I was really surprised with the exchange with the previous Member, because I am sure the Ranking

Member will recall that we have asked the current Secretary twice what is her intentions of implementing 100 percent scanning of cargo. Actually, the response hasn't been supportive. In fact, the response has been really there is absolutely no intention, what I have gotten from those hearings, to actually implement 100 percent screening of cargo.

In fact, what the Secretary has said for the record, the Secretary has said is that they are exploring other means, which you, sir, reference in your report, for example, doing screening by paper and looking at continual shippers and things that might be of concern, and really getting away from the agreement, if, in fact, they are going to be able to do screening.

So first of all, I thought we needed to clarify for the record what the current Secretary has said and what so far her intentions are.

So, sir, I would like to ask you in regards to your report on page 114, you talk about this whole issue and my question to you would be you said, you know, the Secretary, the administration are preparing this report, it doesn't look like they are really going to follow through on what the commission asked of 100 percent inspection. Could you expand more on where you plan on going further in your evaluation?

Mr. DODARO. Basically, what we have recommended, as I recall, is that the Department do a feasibility study on the 100 percent requirements. As part of that study to look at different alternatives. So, that is our recommendation on that. Now we are taking about cargo to be screened outside the United States before it arrives, because there is other different types of cargo to screen once it arrives on our ports. But as it relates to that type of cargo screening, we have recommended a feasibility study. There are a lot of practical problems that we identified in our work about reaching 100 percent requirements. But there needs to be a study and alternatives developed.

Ms. RICHARDSON. I have 30 seconds left. Mr. Hamilton and Mr. Ridge, what do you think of the Secretary, not only this current Secretary, but the previous Secretary's non-commitment to meet your requests in your recommendation of 100 percent inspection of cargo?

Mr. RIDGE. Well, I think, again, I can't speak to them, I truly believe that it is in—literally speaking, it is probably physically impossible to do, if you really think about the volume of the cargo in this country, within each one of those containers, there are containers within containers and the like. Having said that, I do—I am familiar with some technology of detection that will enable, I think, if it proves to be successful, enable us to become—get much, much closer to reaching that goal.

Again, it is managing the risk and are there venues and are there ports of call around the world through which cargo might go that we would want to do, make our best efforts to inspect all 100 percent? I dare say, yes. Again, it is managing the risk, I am still one who believes as difficult as it may be, empirically, to get to 100 percent, we encourage the research and development in detection technology, we can get very close to it.

Mr. HAMILTON. I do not recall that the 9/11 Commission recommended 100 percent screening for the reasons of the difficulty

achieving it. But we certainly supported the idea that Secretary Ridge has indicated, and that is risk management.

I think in dealing with the bulk of cargo that comes into this country on a daily basis is a practical matter. You obviously want to improve the technology to the highest degree that you can achieve. But even after you do that, you are going to go have to make judgments about cargo coming from different ports of the world and that involves a risk management decision.

Chairman KING. The gentlelady's time has expired. The gentleman from New York, Mr. Higgins, is recognized for 5 minutes.

Mr. HIGGINS. Thank you, Mr. Chairman. I want to get back to the purpose of hearing, which was the progress we have made in the past 10 years and the security gaps that still exist and the management and operational improvements that still are needed.

Last December, *The Washington Post* reported that the top secret world of counterterrorism has become so large, so unwieldly, so secretive, that no one knows how much money it costs, how many people it employs, how many programs exist within it, or exactly how many agencies do this work.

A new book out by Dana Priest called *Top Secret America, The Rise of New American Security State,* characterizes this as the terrorism industrial complex. We have 800,000 people who now hold top security clearances.

We have 51 Federal organizations and military organizations that are involved in tracking the flow of money inside and out of terrorist organizations; we have 2,000 private companies; and 1,200 organizations and intelligence agencies that are involved in counterterrorism.

It seems as though this hearing and the information that has been presented by both the panel and ancillary information is very disconcerting. What the American people should have expected in the aftermath of 9/11 is a bureaucratic response that is lean, muscular, transparent, and effective. It seems as though what we have is a bureaucratic response that is bloated, immobile, ineffective, and not doing the very things that the 9/11 Commission said was most important. That was to remove the barriers that existed between Federal law enforcement agencies toward the goal of sharing good information, because that was most effective in thwarting preempting terrorist activity.

Lawrence Wright's book, *The Looming Tower,* recounts—there is a passage in there that an FBI agent got physically sick because after he realized what had occurred, he said that the intelligence existed to stop that very incident on 9/11.

So, you know, the American people have been misled. I think what we did in the aftermath of 9/11 was said, we got attacked, we don't know specifically who it is, here is a bunch of money, go out and do something about it. We created a bureaucracy that is not meeting its moral and operational objective.

So I just ask all of you, who have committed yourselves, to try and improve this situation to comment on the information that has been presented here.

Mr. HAMILTON. Well, I think you raise a question that probably would not have been raised a few years ago. You are, of course, right when you indicate the figures that show enormous expansion

of Homeland Security activities, and we have not much focused on the matter of cost effectiveness. Up until this time, until fairly recently, every—the security people win every argument, because they come in and say if you don't do this, your vulnerability is going to be much greater. In the aftermath of 9/11, we tended not to worry too much about cost. Therefore, you get an $80 billion budget for the intelligence community.

I chaired the Intelligence Committee back a good many years ago when the budgets were, I think, in the range of $10 billion. I am not precise about that but roughly. So we have had an explosion of cost here without any doubt about it. The question of cost effectiveness needs to be brought much more into the debate than it has been thus far.

Having said that, may I go back to the point of oversight? This is why you need a Congressional intelligence oversight which is focused, in my view, should be in an Appropriation Subcommittee on Intelligence, and on—and as well as having effective oversight of Homeland Security.

In effect, you have a very fractured oversight of Homeland Security and, in effect, you have an inadequate oversight of the intelligence budget and in both areas, you have had an explosion of cost. One of the reasons oversight is necessary is to keep your eye on exploding costs.

So I do not think Members of Congress can say you are innocent on this, you folks haven't done the job with regard to oversight. That is part of the answer, not the entire answer. But I like to see questions of your kind coming forward because I think we need some push-back on the explosive growth that we have had in these areas. That is a fairly typical response by the American Government, I guess, to increase things very rapidly in Homeland Security.

Mr. HIGGINS. Reclaiming the time that I don't have. Mr. Chairman, can I just make a final point? This is my concern, this is my concern, we had a hearing in this committee a couple of months ago on Hezbollah. Hezbollah committed to violent Jihad. They act as a proxy for Iran, Syria, and Venezuela. The information that was presented to this committee indicated that Hezbollah had a presence in North America, including five cities in the United States, and four cities in Canada, so as to have close proximity to the United States.

One of the cities in Canada was Toronto, 90 minutes from my hometown of Buffalo, New York. We have Niagara Falls which is a huge tourist attraction. We have the Niagara Power Project, which produces the cheapest, cleanest electricity in all of New York State. We have The Peace Bridge, the busiest Northern border crossing for passenger vehicles. My concern is that we are so preoccupied with this bureaucracy and so immersed in it, that we are not agile. We can't adjust to changes in the ground. That the terrorist threat today is very different from the one that existed 10 years ago. At the younger, it is more aggressive, it is more vicious, and it is technologically savvy. So we are preoccupied with this false sense of security that we built up within this bureaucracy. The terrorists are way ahead of us because they are smaller, they are mobile and they are able to move and that is a major concern

that every American, regardless of whether you live in western New York or throughout this Nation, should be very, very concerned about.

Chairman KING. I would ask if the witnesses have responses, do it in writing.

Mr. HIGGINS. Thank you.

Chairman KING. I recognize the gentleman from Louisiana for 5 minutes.

Mr. RICHMOND. Thank you, Mr. Chairman. Thank you, Ranking Member. Thank you for the witnesses today.

In evaluating where we are today compared to where we were, I would like to shift away from preventing the attack and talk a little bit about a response to a terrorist attack. Just grading 9/11 in terms of resources provided, in terms of unified command in terms of money appropriated, how would you grade the U.S. Government's response after the attacks of 9/11 to the city of New York and to the other places that were affected? If you just had to rank in terms of poor, fair, good, or excellent, how would you characterize it?

Mr. HAMILTON. At the time of 9/11?

Mr. RICHMOND. Yes.

Mr. HAMILTON. It was very poor, very poor.

Mr. RICHMOND. The resources provided on the ground in New York?

Mr. HAMILTON. There was a great deal of confusion within our Government, we weren't prepared at many levels to deal with it, both in terms of the emergency response, and in terms of the defense of the country. Multiple mistakes were made from the ticket taker in Logan Airport in Boston to the President of the United States. Nine-eleven, we said, look, we were not charged with responsibility of accountability and didn't we did not get into it, but we said there was a systemic failure. That failure was literally scores, hundreds, maybe thousands of people in the country, it was a very poor response, it was a major failure of Government. We failed to protect our people.

Mr. RICHMOND. Governor Ridge.

Mr. RIDGE. I think there is evidence to suggest that for years and years, at least within a small group of men and women within the intelligence community, it was greater and greater sensitivity to a potential attack, the nature of which we were still quite unaware, but the rise of these Jihadists was known to a few. I think the decisions made probably not just when President Bush became President or decisions that were not made, but even prior to previous administrations set us up so that clearly we weren't as prepared as we would like to think as Americans we would be for such a catastrophic event. Again, I am not—I know the 9/11 Commission didn't look into that. I thought that—I know individually that people at FEMA and everybody associated with the recovery efforts did everything they could, but this was a—I am not sure anyone's imagination was so expansive as they thought about preparing even for a potential terrorist attack that they could envision commercial airplanes being turned into missiles or that the Twin Towers would fall.

So while we certainly proved ourselves—we became more aware of our vulnerabilities, we are not more vulnerable because of it. Even on our best days, I don't think whether you are Republican or Democrat in the President Bush administration or President Clinton administration you could have ever seen even those within the intelligence community thinking about the Jihadists and extremists and a terrorist attack it being at that level. We need to understand there is a blame game we often play, but I don't think anybody anticipated an attack at that level.

Mr. RICHMOND. I represent New Orleans, Louisiana, which in the aftermath of Katrina the Government response was very, very poor in terms of getting resources there quickly unified command and all of those things. My question now would be if, in fact, position of the House, we have a pay-for for disaster response, how is that going to affect our response to the next big disaster or terrorist attack? If it means us coming in and cutting our agreeing on cuts in order to provide funding, how would that hamper the response to a future terrorist attack?

Mr. RIDGE. If I might, Mr. Chairman, I will take a little extra time. I think it is a really pivotal question here. Katrina—as you look back and reflect on Katrina, I think there were a lot of lessons learned, and there probably more painfully aware than most Members of Congress since this affects your constituents in the city and the people for whom you are responsible. There we saw, I think, the failure of the local and the State and the Federal Government to coordinate its activity and to err on the side of preparation. You don't need to be a meteorologist to see that a Cat 4 or 5 heading to a city that needs a pump to keep it above—14 feet above—below sea level anyhow. So, I think there was plenty of blame to go around. I am not here to revisit that.

Since that time I believe that, frankly, I think right now FEMA has got one of the strongest and best administrators we have ever had in this country, Craig Fugate. We worked with him when he was running the operation down in Florida. The year before Katrina he had four hurricanes bouncing around ad he took care of every one them. Collectively they weren't Katrinas.

So I think the lessons learned were painful, but I do think they are far, far better prepared than they have ever been before to deal with a major disaster.

One final comment. Never in the history of the country have we worried about budget around emergency appropriations for natural disasters and frankly, in my view, we shouldn't be worried about it now. I realize you have fiscal problems as a real challenge, but we are all in it as a country. When Mother Nature devastates a community we may need emergency appropriations. We just ought to deal with it and deal with the fiscal issue later on.

Mr. HAMILTON. One of the ways to look at this is the progress that has been made. If you look at the response of 9/11, very poor; response of Katrina, as you said, very poor; response to the oil spill, better; response to Irene, better. We are learning the progress, they may not be as rapid as we would like but we are getting better to responding to disasters, even though there are some gaps.

Mr. RICHMOND. Thank you to the witnesses. Thank you Mr. Chairman.

Chairman KING. The time of the gentleman has expired. Now my second chance at getting Ms. Clarke for 5 minutes, my friend from New York.

Ms. CLARKE of New York. Thank you very much, Chairman. I thank the Ranking Member as well and I thank our panelists. On the eve of the 10th anniversary of 9/11 terrorist attacks on our Nation, the possibility of another attack still casts an ominous shadow over the United States. I believe that we are definitely safer; however, safety is a relative term in an effort involving threat environment against our Nation and her people.

These changes may, in the transportation industry, and in the intelligence community, have definitely prevented another successful attack for this moment. Even with the death of Osama bin Laden, we must continue our vigilance and the build-out of a robust defense as well strengthen our capacity to be resilient.

On behalf of the people of the 11th Congressional district New York, I would like to express to those who lost a family member, a loved one or friend on September 11, 2001, terrorist attacks, that their loss will never be forgotten.

As a Member of this committee, and a New Yorker, I would like to emphasize the importance of fully implementing the recommendations of the 9/11 Commission. We must partner with local, State, and private sector partners to keep our Nation safe.

After witnessing first-hand the inability of first responders to communicate on September 11, 2001, and the excessive loss of life as a result, I fully support efforts that would give first responders specific portion of the spectrum known as D-Block for a resilient state-of-the-art communications network. Our first responders definitely need to be able to communicate with one another in times of crisis. So my question is what are your thoughts on a set-aside of the dedication of the D-Block spectrum for first responders?

Mr. HAMILTON. Well, I favor it and I am pleased to know that the Chairman and Ranking Member here and a good many Members of the committee favor it.

I think it is the most expeditious and surest way to get reliability of the communication. Now once you set aside the D-Block, you are not through. There is a lot of more work that has to be done. But it is essential, I believe, to make it possible for the first responders to talk with one another. The best way to do that is to set aside a portion of the radio spectrum, the so-called D-Block, directly allocate that to the first responders. I favor that. I think it's very important.

Mr. RIDGE. I would hope the balance of the Congress would take the lead from the Chairman and Ranking Member of this committee and get about the business of dedicating the D-Block that, let the private sector begin embedding the technology that we need. There may be political differences, but I think the first responders community is just generally saying work it out, we need the technology and we need it now. So I hope Congress follows your lead, Congresswoman.

Ms. CLARKE of New York. Thank you. My next question is about how we deal with enhanced security, while at the same time, preserving our very cherished civil liberties. Representative Hamilton,

would you expand on the ideas you mentioned in your testimony regarding the privacy and Civil Liberties Oversight Board.

Mr. HAMILTON. Well, I am impressed with the capacity of Government to intrude on the lives of people. I mentioned earlier in the hearing today that I had a briefing on this yesterday and it is just absolutely incredible what these sophisticated devices can do with regard to intruding on your privacy and civil liberties.

Now, even if you take the position that under present circumstances, the civil liberties and privacy are being reasonably protected, I simply didn't know enough about that, but for sake of argument, say they are being reasonably protected, the history of abuse of Government power is enough to give us pause here. To try to set in force, in place, some kind of counterpressure, if you would, to the people who want more and more intrusive measures. I think all the members of the Commission felt that you needed a robust civil liberties board to push back and to try to protect our liberties and our core values and our privacy.

I am very disappointed that we have not put such a board in place. I don't think the job of the board is easy, I think will be very, very difficult. But you need some counterpressure, some pushback to the security agencies which press for more and more power, more and more ability to intrude into the lives of Americans.

Now, I have to say that most of us think that the powers that have been expanded are probably appropriate, in many cases at least. But at the very least, you need a rigorous oversight of that in order to protect our core values. So I think it is terribly important that that board be created. I haven't fully understood why it hadn't been created, but it has not, and let's get about the business of getting it in functioning order.

Mr. RIDGE. I might just add very briefly I certainly want to associate myself with my colleagues' remarks. But when Congress passed the enabling legislation creating the Department of Homeland Security in its wisdom, and frankly foresight, it anticipated the challenges associated with a department that may be using information. They certainly wanted to use it in an appropriate way to protect America, but the Congress mandated, I think was the first privacy officer mandated by Congress in any of our cabinet agencies. I think that mindset, the appreciation, liberty and privacy is very much a part of how the Congress thought about that any agency that I think my colleague has pointed out, you take that concept and enshrine it in broader oversight community, over the intelligence community generally.

Ms. CLARKE of New York. Did you want to share anything?

Mr. DODARO. Yes, setting aside the board recommendation, I think that has already been commented on. We looked at how the privacy officers and agencies have implemented their responsibilities. DHS is doing more in this area to do as privacy assessments. Our recommendations have been that they need to be embedded in all the decisions that are made when new systems are put in place that collect information that this concern needs to be addressed up front. We think that will help further solidify the balance between security and civil liberties protections.

Ms. CLARKE of New York. I thank you, Mr. Chairman.

Chairman KING. The time of the gentlelady has expired. I thank the gentlelady and I yield to the gentleman from Illinois, Mr. Davis, for 5 minutes. We are coming up against votes, but we have more than enough time for your question.

Mr. DAVIS. Thank you very much, Mr. Chairman. Let me thank you and the Ranking Member for holding this hearing. I also want to thank our witnesses for their expertise in this arena and also for the tremendous services that they have all provided to the country and continue to do so.

I think all of us can reflect on September 11, 2001. I happen to have been in Tel Aviv, Israel, at the moment. Of course, we were there for a week because we couldn't leave. So, I have had the opportunity to reflect upon the tremendous impact, not only to our country and our way of life, but what has happened internationally around the world.

I am also reminded, and I am pleased that the last few minutes we have had some discussion of budgets, of priorities, of the economy and its impact. I am always reminded of something Frederick Douglass said when we talk about what we need and what we want. He often said you can't have the rain without the thunder and the lightning, meaning that priorities are very important, and you have to determine what you are willing to give in order to get what it is that you are trying to get.

We have now had almost a decade of spending money in the Homeland Security arena. My colleagues have mentioned cuts and cutbacks. I guess my question, as I have listened, would be: What have we really learned since 9/11 about what spending works and what does not work? What seemed to work best? How do we adequately prepare or make the best use of the resources that we are willing to spend? What areas have we been most successful in, which ones we have been perhaps least successful in? How do we prepare to the best of our ability for the future? If each of you would just respond to that question, I would thank you very much.

Mr. HAMILTON. Well, it is a very, very broad question. You can look at our response in terms of the cup being half-full and the cup being half-empty. We have really made a very great deal of progress, I think, at all levels. When you get on an airplane today you are safer than when you got on it prior to 9/11. I think that the sharing of information in the intelligence community is much, much better than it used to be. In all aspects of preventing attack, we have made some progress. We spent the morning talking about areas where we think more progress needs to be made, that would be in your category, I think, where we have been less successful, in terms of unity of effort, whose in charge at the site, the communication problem and many other areas that have come up today.

So I think you have to think of Homeland Security in terms of a work in progress, a lot of progress having been made, but it takes constant effort to make the American people as secure as they ought to be and could be. That is why oversight is terribly important. So that is a quick, quick summary. I think we are safer today than they were, but we are not as safe as we could be and that would be my summary of where we are after 10 years.

Mr. DAVIS. Thank you very much.

Mr. RIDGE. I thought your question highlights an issue that we addressed during the course of this hearing, and that is the need for a much smaller group in the Congress of the United States to take a far more holistic approach towards its oversight over still this relatively new agency to set in a very thoughtful and judicious way, the kinds of priorities that you need, because there are plenty of wants that you need to address that the priority should be the needs first, and you have highlighted that.

I think in a couple of areas we have decided we have erred when we thought more was better. That article that one of your colleagues referred to about the explosion of the infrastructure around the counterterrorism was a perfect example where we thought if we employed now thousands and thousands of more analysts and private sector contractors we would be safer, but in spite of all of that, we had Fort Hood and a few other instances that we were lucky that things didn't happen.

So I think we have learned that perhaps more judicious identification of priorities, and candidly and respectively with more aggressive oversight on the part of the Congress of the United States, which, again, is very difficult to do when it is dispersed throughout the entire Legislative Branch.

So I think it is a very appropriate question. I am not in a position to assess basic outcomes. In balance, I think the Congress has identified and funded some of the most immediate needs. I do think there have been dollars that have not been expended very appropriately. I think Congress, along the way, lost sight of the admonition that was involved in the enabling legislation, that is, take commercial off-the-shelf technology and apply it. I think we are still in search for the perfect technology. I don't think we are going to find it at the border, I don't think we are going to find it at the airport. I think we might want to be able to be a little bit more judicious in encouraging and review kind of the procurement and the testing process about these technologies within the Department. But I think as someone who is privileged, and I have served and worked in—served in Congress and worked with my colleagues during those first couple of years. I think they did a remarkable job. Remember, there was no architecture, there was no plan. No one was prepared for that attack, the nature of attack, and frankly what this country endured after where, as I have said before and I say again, we went from unprecedented grief to unprecedented guard. We found solidarity at the outset, we made some mistakes along the way, but as my colleague, Lee Hamilton, has said, and one of the reasons we are safer in our country is because of the work he and Tom Kean and the 9/11 Commission accomplished. We made a great deal of progress. Let's not be reckless about the threat. America can manage this threat. Let's just be smart about how we go about dealing with it in the future.

To that end, would just love to see there being a broader role for a smaller group of Congressmen in the House and the Senate to help to continue to build on the success and enhance the maturity and the effectiveness of the Department. But your question was very well stated. I am sorry I gave you a long-winded response to it.

Mr. DAVIS. Thank you very much.

Mr. DODARO. I would say, Congressman, the other panelists have talked more broadly about this, and I agree that we have spent a lot on addressing the aviation area and maritime security. The chemical, biological, and nuclear area and cyber area really needs more attention going forward as the threats evolve. As it relates to resource investments narrowly, I think what we have learned is that you can't rush deployment of untested technologies. That has not worked effectively. There are the airport so-called puffer machines, the SBInet virtual fence, the advanced spectroscopic radiation monitors all have failed because they haven't had adequate testing. Also, on the secure flight area was on a success side. I think they took their time. Congress enumerated specific areas that needed to be met. GAO had a monitoring role, including the protection of civil liberties and privacy in that system. I think that was a good effort on that side.

So I think going forward there really needs to be risk-based approaches to investment decisions. Funds are not unlimited. There also has to be careful application of good management practices in testing and deploying technologies.

Mr. DAVIS. Thank you. Mr. Chairman, I want to thank you and the Ranking Member for your leadership, as well as the witnesses. I personally feel much safer now than I did then.

Chairman KING. Thank you, Mr. Davis. Let me thank the witnesses. The Ranking Member and I were discussing, you know, listening to your testimony. The depth of knowledge you have about such a complex issue and how unfortunate it is that too often a political debate, especially on the issue of homeland security, there are so many cheap sound bites that are out there. They take the most complex issue—too many people in politics today in both parties take the most complex issue and try to reduce it to a 10-second sound bite. While there are specific answers which we are looking for or definite actions that should be taken, I think the three of you have demonstrated today, none of this is easy, all of this is complex, and there are many people who are well-intentioned trying to do the right thing. Actually no one has done more than the three of you.

So I want to thank you for your service, especially thank you for your testimony today. I will yield to the Ranking Member for any final remarks he has.

Mr. THOMPSON. Thank you, Mr. Chairman. I would like to support your comments. We have a lot of people who come before this committee who consider themselves experts, but I have not had integrated depth of knowledge presented here this morning by the three of you on a very complex subject. That depth goes beyond just the high point. I think it is a tribute to what you do every day. I want to personally, just as the Chairman said, thank you for your service and thank you for hopefully getting this committee where we need to be as the Committee on Homeland Security. Your leadership in getting us there and this testimony will go a long ways toward accomplishing that. I thank you.

Chairman KING. I thank the Ranking Member. In conclusion, I would just say, as Chairman Hamilton and Secretary Ridge well known for their experience, Members of the committee may have some additional questions, and we will ask you to respond to those

in writing. The hearing record will be held open for 10 days. Without objection, the committee stands adjourned.

[Whereupon, at 1:10 p.m., the committee was adjourned.]

