

HOW IS AMERICA SAFER? A PROGRESS REPORT ON THE DEPARTMENT OF HOMELAND SECURITY

HEARING BEFORE THE SELECT COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTH CONGRESS FIRST SESSION

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HOW IS AMERICA SAFER? A PROGRESS REPORT ON THE DEPARTMENT OF HOMELAND SECURITY

TUESDAY, MAY 20, 2003

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON HOMELAND SECURITY,
WASHINGTON, D.C.

The committee met, pursuant to call, at 9 a.m., in room 345, Cannon House Office Building, Honorable Christopher Cox [Chairman of the Committee] presiding.

Present: Representatives Cox, Dunn, Young of Florida, Dreier, Rogers, Boehlert, Smith, Weldon, Shays, Goss, Camp, Diaz-Balart, Istook, King, Linder, Shadegg, Thornberry, Gibbons, Granger, Sessions, Sweeney, Turner, Thompson, Sanchez, Markey, Dicks, Frank, Harman, Cardin, DeFazio, Lowey, Andrews, Norton, Lofgren, McCarthy, Jackson Lee, Pascrell, Christensen, Etheridge, Lucas, Langevin, and Meek.

Chairman COX. Good morning. A quorum being present, the Select Committee on Homeland Security will come to order. The committee welcomes Secretary Tom Ridge for his testimony on the progress the Department has made since he was sworn in as its first leader on January 24th and on two initiatives designed to improve America's readiness in case of another terrorist attack, Operation Liberty Shield and TOPOFF II.

It has been 116 days since Governor Ridge became Secretary. It has been exactly 80 days since the majority of the agencies that make up the Department of Homeland Security, including Customs, the Border Patrol, the Coast Guard, TSA, and FEMA officially joined the Department. Measured in bureaucratic terms, 80 days is the blink of an eye; but in the real war against terrorism, 80 days is a deadly serious long time.

Your presence here this morning, Mr. Secretary, is requested so that Congress and this committee can get authoritative answers to questions that are so vitally important to every American: How safe are we? How far has the Department come in fulfilling the mandate of Congress to establish this new Department? What has become of the billions of dollars Congress has appropriated since September 11, 2001 for antiterrorism, homeland security technology, overseas operations and first responders? How has Liberty Shield increased the protections for America's citizens and infrastructure? And what have we learned after \$16 billion and the energies of over 800,000 people from 100 Federal, State, and local agencies were invested in the simultaneous terrorist attacks on Chicago and Seattle?

It is the intention of the Chairman and the Ranking Member that as many members of this committee as possible have the opportunity to ask questions on these topics in the course of this hearing. To ensure that that is possible, given that our committee has 50 members, the Secretary has agreed to be with us the entire half day. We will also ask that members abide by the 5-minute rule.

And Mr. Turner and I ask unanimous consent to waive opening statements beyond the Chairman and Ranking Member. Without objection, so ordered.

Last week Chicago was attacked by terrorists using pneumonic plague as a weapon. The panic and death that spread rapidly throughout the city were compounded by a disaster at Midway Airport when a medical helicopter crashed into a plane full of passengers as it made an emergency landing. Two hundred victims littered the runway.

About 40 miles south of Seattle, terrorists simultaneously attacked Pacific Lutheran University with a dirty bomb that hit 150 people; 92 were taken to hospitals. Rescuers sought 20 people believed to have been buried in the rubble created by the blast, and 2 were reported killed in the immediate scene.

This exercise raised many questions. Those participating were given advance notice. Critics of the exercises argue that this made the exercise ineffective.

Does the Secretary believe this exercise was still a useful one? Will future exercises live more uncertainly for the participants to confront?

Press reports indicated that there were capacity problems in Chicago's hospitals. Is this true? If so, what contingency plans are being put in place? Media reports indicated that the government had trouble quickly putting in place a system that could reliably track the radioactive plume from the dirty bomb. What is being done to address this weakness?

These are just a few of the questions I hope, Mr. Secretary, that you will address.

The Chair now recognizes Mr. Turner, the Ranking Democrat Member, for any statement that he may have.

PREPARED STATEMENT FOR THE HONORABLE CHRISTOPHER COX

Homeland Security Select Committee Chairman Christopher Cox (R-CA) held a hearing today for the purpose of gaining authoritative answers to the vital questions about the safety of the American people. Chairman Cox made the following statement today as he welcomed the testimony of Homeland Security Department Secretary Tom Ridge:

The Committee welcomes Secretary Tom Ridge for his testimony on the progress the Department of Homeland Security has made since he was sworn in as its first leader on January 24, and on two initiatives designed to improve America's readiness in case of another terrorist attack: Operation Liberty Shield, and TOPOFF II.

It has been 116 days since Gov. Ridge became Secretary. It has been exactly 80 days since the majority of the agencies that make up the Department of Homeland Security -- including Customs, the Border Patrol, the Coast Guard, TSA, and FEMA -- officially joined the Department. Measured in bureaucratic terms, 80 days is the blink of an eye. But in the real war against terrorists who would destroy the United States, 80 days is a deadly serious long time.

Your presence here this morning, Mr. Secretary, is requested so that Congress and this Committee can get authoritative answers to the questions that are so vitally important to every American:

How safe are we?
How far has the Department come in fulfilling the mandate of Congress to establish this new Department?

What has become of the billions of dollars Congress has appropriated since Sept. 11, 2001, for anti-terrorism, homeland security technology, overseas operations, and first responders?

How has Liberty Shield increased the protections for America's citizens and infrastructure?

And, what have we learned after \$16 million and the energies of over 8,000 people from 100 federal, state and local agencies were invested in the simulated terrorist attacks on Chicago and Seattle?

Last week, Chicago was "attacked" by terrorists using pneumonic plague as a weapon. The panic and death that spread rapidly throughout the city were compounded by a disaster at Midway Airport, when a medical helicopter crashed into a plane full of passengers as it made an emergency landing. Two hundred victims littered the runway.

In Seattle's scenario, 150 people were "injured" by the explosion Monday, and 92 were taken to hospitals. Rescuers sought 20 people believed to have been buried in the rubble created by the blast and two were reported killed.

About 40 miles south of Seattle, participants at Pacific Lutheran University near Tacoma acted out a simultaneous attack on the campus, where a smoke bomb was set off to simulate a car bomb.

This exercise generated many questions:

Those participating in the exercise were given advanced notice of many of the details of the planned crises. Critics of the exercise argue that this made the exercise ineffective. Does the Secretary believe that this exercise was still a useful exercise?

Will future exercises leave more uncertainty for the participants to confront?

Press reports indicated that there were capacity problems in Chicago's hospitals. Is this true? If so what contingency plans are being put in place?

Media reports indicated that the government had trouble quickly putting in place a system that could reliably track the radioactive plume from the supposed dirty bomb. What is being done to address this weakness?

These are just a few of the questions I hope the Secretary will address.

Mr. Secretary, we appreciate the fact that you have submitted extensive written testimony for the record concerning the achievements of the Department during 2003. We invite you to summarize for the Committee, with particular emphasis on those portions of your testimony concerning the lessons learned thus far from Liberty Shield and TOPOFF II. We recognize that the 22 agencies comprising the Department have wide-ranging responsibilities, such as response to snowstorms, seizing illegal drugs, and icebreaking to keep commerce flowing in the Great Lakes, but our time here is limited and necessarily we must focus on the purpose of today's hearing.

With that, we are happy to have you here, Mr. Secretary. We look forward to your presentation.

Mr. TURNER. Thank you, Mr. Chairman.

Good morning, Mr. Secretary. We are called here today by our constitutional duty to provide for the common defense. The mission of the Department of Homeland Security is to provide the American people a common defense from the threat posed by international terrorism.

Mr. Secretary, the mission of this Congress and this committee is to be a full partner with you in this effort to protect America. In the past few days we have witnessed renewed al Qaeda attacks in Saudi Arabia and in Morocco. And, according to recent news reports, we gather this morning in the wake of new warnings of terrorist attacks against the United States.

America's enemies are dedicated to doing us harm and destroying our way of life and we must be united in our efforts to stop their evil plans, for as we learned from the firefighters, the police officers, the health care providers, and the construction workers during the attacks of September 11, America is at her best when we stand together.

In that spirit, Mr. Secretary, let us move forward, united in the task. To protect America we have to improve our intelligence capabilities to thwart the enemy before it attacks.

Congress created the Department of Homeland Security to do a better job of connecting the dots of our intelligence. But serious questions remain. Are the various intelligence agencies responsible for our security fully sharing counterterrorism information? Does the Department of Homeland Security have the capacity to analyze threat information and direct resources to appropriate vulnerabilities? And, finally, is intelligence information being provided to Federal, State, and local officials who are on the job every day to ensure the safety of the American people? We must get the intelligence aspects of homeland security right. If we fail, then much of the rest of what we will do will have little meaning.

To protect America, I believe we must move faster and be stronger than we are today. We must secure America's borders on land, sea, and air. That means more Border Patrol agents on the front lines, putting more Coast Guard patrols to sea, and ensuring that every passenger airliner flying in the United States has had passengers and cargo cleared by security.

Mr. Secretary, we need stronger forces on the front line. We must prevent catastrophic attacks against the American people that could involve chemical, biological, or nuclear materials. Every major city in America should have detection devices and specialized equipment to neutralize the effects of a chemical attack. Every port of entry in America should have the capability to screen and detect nuclear materials that might be a part of a smuggled weapon of mass destruction. Every hospital in America should have access to the training and expertise necessary to identify and turn back a biological attack.

Every day that these preparations lag is a day that we continue to be unnecessarily at risk. Mr. Secretary, I believe we must move faster. We must also prepare our communities in case even our best efforts to prevent an attack come up short. The lessons of September 11 speak to us today. Our first responders must be able to communicate with each other on standardized equipment in time of crisis. And just as we provided the best training and equipment to our soldiers on the front line in Iraq and Afghanistan, we must also provide the training and equipment first responders will need on the front lines of the war on terror.

Last month this Congress provided \$62 billion to the Department of Defense for the 3-week war to remove the threat of Saddam Hussein in Iraq. We have always joined together in the defense of our Nation. But we have appropriated less than 10 percent of the sum we spent on the war in Iraq for our first responders who defend us here at home.

In the days after September 11, flags appeared on roadways and front yards all across America and there were home made signs saying "United We Stand." It is our challenge, it is our duty, Mr. Secretary, to live up to that call from the American people.

We must ask business to join us with a public/private partnership to secure the 85 percent of the critical infrastructure such as nuclear, chemical, and computer facilities that are in the private sector. We must work together, Mr. Secretary, to build sustained

strategies to protect the American people and win this war on terror.

The Congress and the President working together in a true partnership comes only through consultation and collaboration. That is the only real way to move forward. Speaker Hastert charged our committee with making certain that the executive branch is carrying out the will of the Congress and serving, as he said, as the eyes and ears of Congress as this critical Department is organized. We need enhanced communication, cooperation, and consultation with the Department as the months move forward.

Let us live up to the promise of those early days of September 11 that united we will stand and working together we will win the war against terror.

Thank you, Mr. Chairman.

Chairman COX. I thank the gentleman for his outstanding statement.

Chairman COX. The Chairman observes that beyond the permanent record of this hearing that is being created by the House, it is being televised nationally on C-SPAN and simultaneously Web cast on homeland.house.gov. The Internet video record of this hearing and the written records of the hearing on the Web will remain indefinitely available at homeland.house.gov.

Mr. Secretary, we appreciate the fact that you have submitted extensive written testimony for this hearing concerning the achievements of the Department during 2003. We also recognize that the 22 agencies comprising the Department have wide-ranging responsibilities, such as response to snowstorms, seizing illegal drugs, and ice breaking to keep commerce flowing in the Great Lakes. And of course, our time here is limited.

We must necessarily focus on the purpose of today's hearing, so we invite you to summarize for the committee for 5 minutes, with particular emphasis on those portions of your testimony concerning the lessons learned thus far from Liberty Shield and TOPOFF II.

With that, we are happy to have you, here Mr. Secretary. We look forward to your presentation.

PREPARED STATEMENT OF THE HONORABLE NITA M. LOWEY

Thank you, Mr. Secretary, for appearing before this unique select committee today. As federal officials, we share a grave responsibility to the people of the United States, and I believe strongly that our unprecedented military might - shown once again in the war with Iraq -- must be matched strength for strength by our security at home.

The Department of Homeland Security's mission - to prevent terrorist attacks in the US, protect the American people and the country's critical infrastructure, and ensure an optimal response capability - is a big job that demands clear priorities.

Everywhere you look, there are tremendous challenges.

It seems that we are doing a capable job of securing our borders. But we still inspect less than 5% of container ships entering major seaports, and we don't have anywhere near the manpower to "extend" our borders by operating in foreign ports, warehouses, and travel hubs. I was very disturbed to learn that only five major overseas ports have U.S. inspectors present to inspect cargo before it leaves for the United States.

I'm not satisfied that we've improved how information is gathered, shared, and analyzed. Immediately after September 11th, there was a call for better intelligence across America. Ray Kelly, our Police Commissioner in New York City, who clearly recognizes that New York is the most symbolic target for terrorists, created a counterterrorism bureau. Today, NYC police officers are monitoring Moscow, London, Tel Aviv, Islamabad, Manila, Sydney, Baghdad, and Tokyo. They're watching

Al-Jazeera and other foreign news broadcasts, and have language specialists who speak Arabic, Pashto, and Urdu, to name a few.

Because the FBI and CIA, as well as defense-related intelligence resources, remain outside the Department of Homeland Security, New York's action reflects the significant concern about the Department's ability to assess threats without access to "raw" intelligence from foreign sources and domestic law enforcement. This is a critical lapse that demands correction, and I look forward to discussing your sense of intelligence gathering and sharing.

I also believe we must do a better job of setting clear priorities for the protection of vulnerable assets. It is not possible to safeguard every facility within our borders, but some are clearly more tempting as targets and, therefore, more deserving of comprehensive security improvements.

The nation's 103 nuclear facilities are excellent examples, particularly Indian Point, just north of New York City. Nearly 300,000 people reside within 10 miles of the plants. The 50-mile "peak injury" zone encompasses all of New York City. I called for the orderly decommissioning of Indian Point in February 2002 after extensive research, and have worked since to ensure that the plants are as secure as we can make them, as long as they remain open.

I've been shocked that FEMA, which is now part of the Department of Homeland Security, and the Nuclear Regulatory Commission, haven't taken the basic steps necessary to secure this facility. Searches of Al Qaeda caves in Afghanistan produced detailed plans and studies of nuclear power plants, and yet we can't seem to get the agencies to take seriously the potential of a large-scale terrorist attack on a nuclear or chemical plant.

I believe strongly that we must federalize security at nuclear plants, as we've done at airports since September 11th. We should strengthen qualification and training standards for security personnel - many of whom have no law enforcement or military background; and conduct more frequent, realistic emergency exercises, with more rigorous drills and planning standards for plants adjacent to high-density urban areas like ours.

We also must improve security of spent fuel pools. The pools, filled with enormous quantities of flammable radiological material, are generally considered the most vulnerable part of a plant. In test drills at Indian Point, the three spent fuel pools were poorly defended and easily penetrated.

Unfortunately, the lapses at our nation's nuclear facilities seem to be part of a generalized failure.

As I've traveled throughout the New York area and talked with mayors and supervisors, law enforcement, emergency responders, doctors, parents, and teachers, I've heard the edge of frustration in their voices. They are anxious to prepare but are looking for credible direction and real money.

It's glaringly obvious that we need both more resources and better coordination at all levels of government.

I'll give you an example. During the last Congressional work period, I sat down with representatives of local hospitals, to get a sense of their readiness and discuss their concerns. I asked them about their experience with an impressive new resource I had visited with HHS Secretary Tommy Thompson - a health "emergency center" that links the federal health department to every hospital in the country. Not one of the hospitals with which I met had any idea such a resource existed. As far as they knew, their facilities were not connected to this headquarters.

That's bad news. The good news is: resources are finally becoming available, and I want to thank you, Mr. Secretary, for your public support for adjusting federal formulas for homeland security funding.

The "base plus per capita" funding formula is very detrimental to many high-threat areas. Even though New York is universally acknowledged to be the top target for terrorism, the federal government sent us only \$3.21 per state resident, compared to \$22.46 for Wyoming resident, in initial homeland security grants for fiscal year 2003.

The New York delegation felt very strongly that this was the wrong approach, and we worked with our Governor, Mayors, County Executives and others in a bipartisan way to change how the federal government funds preparedness. I'm very pleased that this bipartisan effort was successful, and that the \$800 million now available to high-threat, high-density urban areas is being distributed under a formula that takes into account credible threat, vulnerability, the presence of infrastructure of national importance, identified needs of public agencies, as well as population.

As opposed to the base plus per-capita formula used in the past - under which New York State as a whole got about \$70 million - under this standard, New York City ALONE was allocated \$150 million.

So we're making progress, but there's much more to do. The money is a good start, but it's not enough. We must put more resources into local preparedness, and we must work at every level of government to coordinate our needs and our plans. I know you are as concerned and focused as we are on doing all we can to prevent terrorist attacks in America and on Americans wherever they are.

I thank you for your efforts to date, and look forward to your testimony and our discussion today.

PREPARED STATEMENT OF THE HONORABLE LINCOLN DIAZ-BALART

Thank you Secretary Ridge for coming before us to testify on the progress, status, and plans for the Department of Homeland Security. I look forward to your testimony, and to working with you as we continue the process of securing our homeland.

I commend President Bush, you, and the Administration for what has already been accomplished in establishing the Department of Homeland Security, constituting the largest federal reorganization since World War II.

Obviously it has been no small task, yet there is much that we have yet to accomplish. I look forward to working with you particularly to ensure that we weigh the level of terrorist threat versus our vulnerability. I believe we must do all we can to protect our ports, borders, and critical infrastructure from potential terrorist attack whether it be through changes in physical security or through improvements in intelligence collection and dissemination.

I also look forward to hearing from you with regard to how the Department will create an effective partnership with our nation's emergency first responders. Clear lines of communication must flow from the Department to the states, and to county and local governments.

As the recent wave of terrorist suicide bombings abroad have indicated, the war against international terrorism is far from over—and our efforts to secure our homeland must be pursued tirelessly.

PREPARED STATEMENT OF THE HONORABLE BENNIE G. THOMPSON

Mr. Chairman, thank you for taking the lead and organizing this hearing. It is with great pleasure that I welcome Secretary Tom Ridge before today's Committee hearing. Mr. Secretary, I would like to begin by commending you on the absolutely great effort put forth by you toward accomplishing the daunting task of putting together the Department of Homeland Security. I also would like to thank you for your willingness to come before the Select Committee. With this hearing, I hope that we can begin to create an atmosphere between this body in the House of Representatives and the new Department that is conducive to frequent constructive dialogue and the welcomed free exchange of ideas, all focus with the same goal in mind—securing The United States of America.

Despite our country's continued success with the "War On Terrorism", last week's suicide bombings in Riyadh, Saudi Arabia and Casablanca, Morocco are a brutal reminder of recent tragic events and make it quite evident that there is still an element functioning out there that is ready, willing, and able to cause harm to American citizens and interests at a moments notice. These attacks just emphasize the fact that as we continue this international manhunt we, the U.S. Congress, must do our part to come together and work to protect people here at home from threats of all nature.

We must work to secure our borders by land, sea, and air. We must work to develop and properly disseminate quality intelligence and state-of-the-art technology. We must develop and stockpile the latest bio-countermeasures. We must eliminate the federal bureaucracy so that states and localities can have access to the funds necessary to train and equip "first responder" so that they can successfully carry out their duties. And we must educate our citizens so that they are well informed and are prepared in the event an attack occurs. These tasks will by no means be completed overnight, but I know that we will continue to work and with every passing day this county will indeed become more secure.

Thank you again Mr. Chairman for organizing this hearing. Mr. Secretary, I look forward to hearing your testimony and having the opportunity to ask you a couple of questions.

PREPARED STATEMENT OF THE HONORABLE LORETTA SANCHEZ, FOR
THE MAY 19TH HEARING WITH SECRETARY TOM RIDGE

Thank you, Mr. Chairman. I would first like to thank Secretary Ridge for taking the time to be here with us today. This Committee has been anxious to have you

come before us, and I know that we all have a number of questions and concerns that we are glad to present to you.

As you well know, since September 11th I and other Members of this Committee have been focusing a large amount of our attention on Homeland Security, both in our districts and throughout the country. During this time, I have met with police and firefighters, medical personnel, port authority personnel, hospital administrations, and many constituents. I have visited the ports of Los Angeles and Long Beach, local hospitals, and many potential targets, such as Disneyland.

During these meetings, one question is inevitably raised: "Is our nation more secure than it was before September 11th?" Unfortunately, I do not feel that I can answer "yes." This is why we are here today. I hope that this is the first of many hearings that may provide us, as members of this historic Committee, with answers and a continued dialogue with you.

Mr. Ridge, you have a very difficult task in front of you. But when it comes to Homeland Security, we cannot be patient. We need to be aggressive and we need to be smart.

We need to assess our borders. The entry/exit system, U.S. VISIT, set out by the Department is a good step, but we need to make sure that this system has the funding needed to make it work. We need to make sure that under this system, foreign students have access to our valued universities while terrorists, who intend to manipulate the system, do not. And we need to fully staff and train personnel at our borders so that the US VISIT system is adequately administered, while still facilitating legitimate immigrant entry.

We should have Custom officials at every vital port throughout the world, but have the assurance that we are still fully staffing the 361 ports here at home. Our ports should be provided adequate federal funding to assist with the installation of basic security measures mandated under the Maritime Security Act. Furthermore, a comprehensive cargo supply tracking system and other upgraded technologies should be implemented at every port so that workers are not spending their time inspecting packages unless they are reliably deemed as compromised.

We should have a critical infrastructure priority list based on a sound risk assessment so that a national critical security action plan can be established. In the meantime, we should be developing public/private partnerships to facilitate access to better technologies and to formulate incentives to private industry to upgrade their security without losing out in the national market.

For financial security, the key players in the government securities market should have integrated communication networks and up-to-the-minute data and software backup repositories to ensure that, in case of a national incident, our government has sufficient funds for American financial institutions.

And our first responders need a funding source that is streamlined, timely, and based on local needs, so that no matter where they are in the county or what threat they might face, they have the means necessary to respond effectively.

Secretary Ridge, as you know, these are just a few priorities that your Department faces. And as our nation once again stands at an increased level of alert, the truth is, right now we don't know where or when the next attack on our own soil may occur. The Department needs to work fast to ensure that all of our nation's vulnerabilities are addressed in the quickest and best way possible. I look forward to hearing your testimony, and I hope that you will address many of these questions today and over the next several weeks as you continue the challenging process of fully establishing the Department of Homeland Security.

PREPARED STATEMENT OF THE HONORABLE NORM DICKS

Thank you, Mr. Chairman. I would also like to join you and others from this Select Committee in welcoming our former colleague, Secretary Tom Ridge. Many of us enjoyed serving with you in the House, Mr. Secretary and we appreciate your service afterward as Governor of Pennsylvania. So we welcome you back, Mr. Secretary, and I just want to say that we hope you will be visiting this panel more frequently to discuss your new Department's progress on securing our homeland from future terrorist attacks and perhaps even to listen to some of the suggestions from our Members, who are all serious individuals committed to the success of your task.

First of all, Mr. Secretary, I want to commend you for your commitment, your energy and your patriotism. When the President called after 9-11 to ask for help, you set aside your career and responded immediately to assume a new post within the Administration. And now as Secretary, you have the monumental task before you of overseeing the formation of an entirely new Cabinet department from the dozens of existing government functions ... and at the same time assuring that we are taking any and all prudent actions to make our nation safer from terrorist threats.

Clearly, Mr. Secretary, there is no more pressing issue before the Congress this year than that of protecting our homeland from those that wish to do us harm. From my viewpoint, however, I am not convinced that we are putting all of our resources where they can best accomplish the task. I remain deeply concerned that, in their zeal to cut taxes for investors, both Congress and the Administration are under-funding programs that are absolutely critical to our national security.

Since just after September 11 the President has championed the role of first responders—and we all know how important these firefighters, police and other first responders have been and are for homeland security. They are the men and women upon whom we will rely most heavily in the event of future attack. But I worry, Mr. Secretary, that in this case our actions have not matched our rhetoric, and I fear that we're not giving the first responders the equipment and the training they desperately need.

Last year, the President requested \$3.5 billion for first responders. This amount, taken at face value, would have provided significant assistance to state and local jurisdictions. However, about half the funds are cut from existing first responder programs for law enforcement and firefighters. Congress restored this funding; but as a result, only about \$1.4 billion in new money was actually appropriated for first responders, far short of the President's announced target.

The supplemental appropriations bill passed last month helped to fill some of this gap, but we remain nearly \$1 billion short of the \$3.5 billion goal for this year, with little hope of seeing any additional funding allocated for the remainder of this year. I understand that the competition for funding has been very tough this year, Mr. Secretary. But, again, I worry that the Bush Administration is shortchanging the very real and very urgent needs of your Department, and I want you to know that there are many of us on Capitol Hill (certainly on this committee) who stand ready to help you make the case for additional funding.

I am likewise disappointed that the Administration's strategy for the next fiscal year appears to be more of the same. Again, \$3.5 billion is proposed for first responders, but again, half the funds are cut from existing first responder programs. Clearly, the threat of terrorism within the United States has dramatically increased, but I am sure you know that there has been no corresponding reduction in the threat of violent crime or fire. Slashing funds for these programs makes very little sense, and I believe we must work harder to make the case for sufficient funding for these vital programs within your Department.

During the recent congressional recess, I took the opportunity to meet with many of the first responders in my district. In addition to concerns about the amount of money being made available, many also expressed concerns with regard to the *inflexibility* of the grants.

For example, lists of available equipment that may be purchased are rather narrow, and I am told that grant funds cannot be spent on either training to use and maintain this equipment or for its upkeep. This is an issue that must be addressed, as it does little good to provide state and local jurisdictions with equipment that they can neither use nor maintain properly.

Port security is another area where I believe we are falling short. The Coast Guard is currently working with the ports to assess vulnerabilities and make improvements, but progress is far slower than we had hoped. The Coast Guard estimated that in FY 2003 \$938 million was needed for the first year of this process; however, the President's request was well short of this figure and, even with supplemental appropriations, we are falling half-a-billion short.

In addition, other programs critical to border security, such as the Coast Guard's Deepwater plan, the Container Security Initiative, and northern border staffing from the Bureaus of Customs and Border Protection and Citizen and Immigration Services remain dangerously under-funded.

This is, of course, an issue of priorities. Our top priority as a nation, an Administration, and a Congress must be to secure the people of our country from acts of terrorism. Knowing you and your reputation, Mr. Secretary, I am confident that you share this Committee's priority for quick action. You know that tomorrow is too late for us to be prepared for threats we face today. In this regard, I look forward to your testimony today, and I look forward to working with you, Mr. Secretary, in addressing the very real and very serious threats to the safety and security of the American people. Thank you.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON-LEE

Thank you, Chairman Cox and Ranking Member Turner for convening this very important hearing to hear testimony on America's level of safety, and the progress of the Department of Homeland Security's national security efforts.

In the wake of the September 11th terrorist attacks on the World Trade Center and the Pentagon, the United States government has taken many steps in its efforts to stop terrorists and other dangerous people from entering the country. These efforts are absolutely essential to the security of our nation.

Last week, we conducted the TOPOFF II exercises to simulate the devastation of a terrorist attack and to assess our cities readiness to deal with an attack. Many Members of Congress have undertaken efforts to prepare their own communities for dealing with a terrorist attack.

For example, I, along with Congressmen Jim Turner, Gene Green, Nick Lampson, and Chris Bell participated in a valuable homeland security initiative in Houston entitled the "The Homeland Security Briefing With Testimony—Community and Local Government Readiness If Subjected To A Terrorist Attack." This was one of the first briefings of its kind in the nation to bring Members of Congress, local community officials, and members of the public together to engage in dialog on the issue of community preparedness to deal with a terrorist attack.

We heard invaluable testimony from Houston's first responders, hospital administrators, school superintendents, and community organization directors. Each of these individuals is an integral part of community homeland security preparedness efforts. Their testimony provided previously unheard recommendations on preparing their segment of the local community to deal with terrorist attacks.

It is critical to develop comprehensive procedures and policies to protect Americans from a terrorist attack. As we develop these procedures it is equally critical to protect the civil rights and civil liberties of every American resident including our immigrants.

Long-time skeptics of immigration have tried to turn legitimate concerns about security into a general argument against openness to immigration. It would be a national shame if, in the name of security, we were to close the door to immigrants who come here to work and build a better life for themselves and their families. Like the Statue of Liberty, the World Trade Center towers stood as monuments to America's openness to immigration.

Workers from more than 80 different nations lost their lives in the terrorist attacks. According to the Washington Post, "The hardest hit among foreign countries appears to be Britain, which is estimating about 300 deaths ... Chile has reported about 250 people missing, Colombia nearly 200, Turkey about 130, the Philippines about 115, Israel about 113, and Canada between 45 and 70. Germany has reported 170 people unaccounted for, but expects casualties to be around 100." These men and women from other countries were not the cause of terrorism. They were its victims.

The problem is not that we are letting too many people into the United States but that we are not keeping out the dangerous ones who come to our country with bad intentions. Immigrants come here to realize the American dream; terrorists come to destroy it. We should not allow America's tradition of welcoming immigrants to become yet another casualty of September 11th.

American lives and the quality of life in this country depend to a substantial extent on the security measures that the Department of Homeland Security will provide. You have an enormously important responsibility. Nevertheless, the economic state of this country is vital too, and that can be adversely effected by how your Department handles the millions of legitimate international visitors who come to our country every year.

Visiting international tourists and business entrepreneurs are a valuable component of our nation's economy. Last year, more than 41 million international visitors generated \$88 billion in expenditures and accounted for more than one million jobs nationwide. As the Department of Homeland Security moves forward, you will be faced with many challenges with respect to international traveler facilitation.

I also have concerns about the programs that seem to give too little regard to civil liberties. For example, I am troubled by the methods that have been employed to implement the Special Registration Program. I believe that this program is fundamentally flawed in both design and implementation. It will not enhance our security. It is a needle-in-a-haystack approach. The call-in registration program seeks to identify tens of thousands of law-abiding temporary visitors to our country and require them to come to government offices to be fingerprinted and photographed. The haystack being created by this program is huge.

The persons coming forward to comply with call-in registration are those who are seeking to obey the law. The program is ineffective at seeking out and identifying those in the United States who might actually be intending to harm our nation.

The resources being expended to fingerprint, photograph and interview thousands of people coming forward to comply with this program are staggering. Some offices have turned away would-be registrants because they do not have the staff to cope

with the work. This program is diverting resources from the more important work of investigating and prosecuting the people who may truly be dangerous. We need to implement initiatives that address our security in an effective manner. Effective initiatives would target terrorists, not innocent immigrants. At the very least, they would not so frequently alienate the immigrant communities whose cooperation we need to identify the terrorists in our midst.

Another major concern of mine, and I'm sure every American and Member of this committee is the amount of time domestic preparedness has taken. The Department of Homeland Security is over a year old. Our local first responders still lack the funding, equipment, and training necessary to properly wage the war on terrorism, and to protect our local communities. Many hearings and briefings have been held but few concrete changes have been implemented at the local level.

Mr. Chairman and Mr. Ranking Member, I want to emphasize that I have supported and will continue to support the efforts of the Department of Homeland Security to enhance national security. My objective is ensure that the methods the Department employs to secure our homeland are effective and give due regard to the civil liberties that make this country great. I also want to be sure that local communities receive the funding and equipment they need to efficiently protect our homeland.

I look forward to hearing Secretary Ridge's testimony today and learning more about the progress of the Department of Homeland Security.

Thank you.

PREPARED STATEMENT OF THE HONORABLE BOB ETHERIDGE

Thank you, Chairman Cox and Ranking Member Turner, for holding this hearing. I have been looking forward to hearing from you, Mr. Secretary, for several months now, and I am anxious to get your perspective on the progress the Department of Homeland Security has made in protecting the United States from both foreign and domestic threats.

I have met with many of the first responders in my district to hear their concerns and get their feedback on their efforts in protecting North Carolina, and I want Secretary Ridge to understand their predicament. Last month I held a summit in Raleigh to bring together first responders, emergency management officials and all those involved in homeland security to get their perspective from the front lines.

They have plenty of concerns: Our local police and firefighters will be the first on the scene in any disaster—natural or man-made—and it is absolutely critical that the federal government supports their efforts with funding, training and region-specific intelligence.

Despite national efforts to prepare the country to respond to a disaster, many first responders are frustrated because they continue to operate in a vacuum.

They are forced to ramp up patrols, surveillance and other protective measures in the case of an elevated code status, such as the recent Code Orange alert, but they do not have appropriate information about the possible reasons for the alert status or the relative risk to their jurisdictions. Nor are they compensated for the additional costs they incur during heightened alert status for necessary expenses like overtime pay. In addition, too often the bureaucracy is more hindrance than help.

For example, the Department encourages first responders to apply for fire or COPS grants, yet the Administration has changed the rules in mid-stream for COPS grants. Instead of allowing small departments to use the grants to hire personnel that can respond to all a community's needs, the Administration is now giving priority to jurisdictions that wish to hire personnel devoted to homeland security, which tend to be larger departments that can devote personnel to that specific purpose.

It is absolutely imperative that the Department of Homeland Security recognize that domestic security functions must be integrated into daily first responder duties and training. House fires keep burning, drug dealers still push their poison and hurricanes do not wait for Orange Alerts to be rescinded.

It has taken us a long time to get to work on our oversight duties, and I appreciate the effort both the Chairman and Ranking Member have put into hiring staff and hammering out the details of the committee administration, but as we can see from the tragic bombing in Saudi Arabia and Morocco last week, the terrorists are not going to wait for our committee to staff up or hold hearings. We need to move forward as quickly as possible with our business of protecting out country.

I agree with your statement that the best defense against terrorism is to *prevent* attacks. However, we must also be prepared to respond to all threats. Thank you

again for giving us the opportunity to begin discussions about the role of the Department in maintaining our security.

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN

Thank you Chairman Cox and Ranking Member Turner for calling this hearing today.

I am pleased that we are finally going to have the opportunity to question Secretary Ridge. Frankly, I think we have waited much too long for this inaugural appearance. The House created this Committee on Tuesday, January 7, 2003. The House leadership appointed Members to the Homeland Security Committee on Wednesday, February 12, 2003. A full 97 days have passed since we were appointed to this committee. It is unacceptable that this committee is getting its first report from the Department of Homeland Security (DHS) today.

We have too much important work to do to have to wait over three months for this initial hearing with the Secretary. I call on Chairman Cox to pick up the pace. I understand that there is much work to be done when a new House Committee is created, however, the mission of this committee is urgent and it requires us to move faster. The American people have real concerns about our domestic security, and this committee should be in the business of addressing these concerns. I sincerely hope that we will not have to wait another three months before we see Secretary Ridge again.

I am looking forward to hearing from Secretary Ridge today and hopefully learning about the progress being made in the development of the Department of Homeland Security. I know that he has the monumental task of leading the largest federal reorganization since World War II, and that this effort will take time.

However, the need to protect our citizens and critical infrastructure is urgent. Last week's terrorist attacks in Saudi Arabia, Morocco and Israel prove that the war against terrorism did not end with the fall of Baghdad. The threat of attack against the United States and our allies is very real. The DHS must be ready to continue this fight.

Secretary Ridge, I have a few areas that I would like to cover during the questioning today.

First, I want to hear about the integration of the INS into the Department of Homeland Security. I have had the misfortune of working with the INS as a former immigration attorney and now as a Member of Congress attempting to identify and fix the problems that plagued the INS and now the DHS. Now that the INS is no more, and its duties have been absorbed into your agency, I am hoping that you are having more success in fulfilling its mission. I have real concerns that the problems of the former INS still exist within your agency. Are immigration officials within your department and the State Department still using outdated technology like microfiche, and even paper files, to track visitors to this country? Are legitimate legal visitors like students, professors, and scientists being kept out of the United States to the detriment of our national interest? At this critical time in which you are formulating your management plans for the immigration bureaus within the DHS, you have a tremendous opportunity to institute change free of the shackles of bureaucratic tradition and standards that often plagued the INS.

I also would like you to comment on the Department's efforts to help the states and cities better protect themselves from terrorist attack. I hope you will take some time to explain the DHS formula for awarding state and local grants. I have concerns that large states like California, New York and Texas are being short-changed on a per capita basis. These large states have not only greater numbers of people, but also they tend to have more landmarks and key critical infrastructure that could be at risk and thus require greater protection. I am from San Jose, which is located on the Southern edge of San Francisco Bay area. In this relatively small area, we have national landmarks like the Golden Gate Bridge, important Federal installations like NASA Ames, and of course Silicon Valley, home to many of the country's most innovative high tech companies.

Has DHS provided enough funding, training and advice to the local officials in the Bay Area to sufficiently protect these critical sites? If so, why does California rank dead last in the per capita allocation in homeland security state and local grants under the DHS formula? Why does Wyoming rank first? Is Wyoming at greater risk than California? This needs to be addressed and explained.

Finally, I hope that you will also take a minute to talk about your efforts to address cybersecurity efforts at the DHS. As you may know, I serve as the ranking member of the Cybersecurity, Science and Research and Development Subcommittee. I would like you to assure me that cybersecurity will be a priority at the agency and will receive your personal attention.

Secretary Ridge, I look forward to your remarks today and hope to work closely with you in the coming days and months.

STATEMENT OF THE HONORABLE TOM RIDGE, SECRETARY,
DEPARTMENT OF HOMELAND SECURITY

Secretary RIDGE. Mr. Chairman and distinguished members of the committee, I do apologize for the delay in getting here and I will briefly summarize so we can get into the question and answer period.

It is a pleasure and a privilege to be here today to discuss the progress and the outlook for the Department of Homeland Security. Since this is my first opportunity to appear before you, let me begin by congratulating you on the creation of this new committee. I thank you for your willingness to serve on a body that shares both a common focus and a common purpose with the Department of Homeland Security. Your commitment to the security of our homeland and the success of our Department will be critical to achieving the mission for which we were created.

It has been slightly less than 4 months since the Department of Homeland Security came into existence, and less than 3 months since we truly became an operational entity. Given that brief time span, I believe we have made a great deal of progress in this enormous undertaking, and I hope that you will share my assessment that we are off to a good start, understanding that we still have a long way to go.

During this short period of time, the Department of Homeland Security has, as it has been noted, launched Operation Liberty Shield to prepare and protect our Nation, including our ports and critical infrastructure, during a heightened threat period; completed TOPOFF II, the most extensive terrorist response exercise in history; launched a multimedia ready-public information campaign to help families, businesses, and schools become safer and stronger citizens; announced the U.S. VISIT system which will use biometrics to track the comings and goings of visitors at our airports and seaports by the end of the year; and expedited the distribution of nearly \$4 billion in grant monies to States and localities.

We also began to engage the Congress to make sure that we put a grant system into place that maximizes every Federal security dollar.

These are just the most visible signs of the progress we have made to date. As we speak, across the country people have been hired, trained, and deployed. Equipment has been provided, investigations have been run, and campaigns have been conducted that have the terrorist networks off balance.

This quiet but remarkable progress has made a real difference. It was made possible by the sustained partnership between Congress, the President, and the Department in conjunction with the States and the localities of our country. We greatly appreciate the work you have done, the laws Congress has written, and the resources Congress has provided. And in that spirit I want to talk with you briefly about how we can build on this progress in the months to come.

To that end, I ask for your support of the President's Department of Homeland Security budget request for fiscal year 2004. I believe it lays a critical and solid foundation for the future. At \$36.2 billion, the budget request represents nearly an 8 percent increase in funding for DHS programs over the fiscal year 2003 and active base levels. You will note that it contains critical initiatives to advance the efficiency and effectiveness of our Department, as well as to sustain ongoing programs and vital services unrelated to security, the traditional missions of many of these departments that so many of the Members are legitimately concerned about, and so are we within the Department.

In short, the budget request for the Department of Homeland Security supports and carries out the President's National Strategy for Homeland Security a strategy that provides the right framework to preempt threats as best possible and prepare for an incident, should an incident occur. It helps meet our needs in every phase of homeland security from border and transportation security to infrastructure protection to emergency response and recovery. It also engages the academic and scientific community and private sector to find solutions to these challenges.

In sum, it enables the 180,000 dedicated men and women of DHS to maximize their strength so that together we can help our Nation rise to a new level of readiness each and every day. I would add that all of this makes us a stronger and healthier country as well, better able to cope with disasters, diseases, and incidents of every kind.

As we go forward into the future, I want to assure you the Department of Homeland Security will vigorously pursue our detection and prevention missions, while at the same time work to respond and recover from acts of terrorism. We cannot choose one mission over the other. We must put an equal effort in all.

Today we are significantly safer than we were 20 months ago. We are safer because as a Nation we are more aware of the threat of terrorism and much more vigilant about confronting it. We are safer because our homeland security professionals now have the single Department leading them, and our States and cities have a place to turn for financial, technical, and operational support. We are safer because Congress and the President have devoted an unprecedented amount of resources and training to this effort. And with the help of our partners in Congress and the private sector and the cities and States of this country, we will become safer every day.

As Winston Churchill once said, when faced with another grave worldwide threat to peace and liberty: "This is not the end. It is not even the beginning of the end. But it is perhaps the end of the beginning."

In many ways we are still just at the beginning of a new chapter in America history, a chapter of renewed commitment and capability in the fight to safeguard the liberties, ideals, and precious lives that we hold sacred. I assure you it is a chapter together we as a Nation will write.

Mr. Chairman and members of the subcommittee, I thank you for your commitment and for helping us build the capabilities to

achieve our mission, and I thank you for the privilege of appearing before you here today.

I will be happy to respond to any questions you might have at this time.

PREPARED STATEMENT OF THE HONORABLE TOM RIDGE

Good morning Chairman Cox, Congressman Turner, distinguished members of the Committee. It is a pleasure and a privilege to be here today to discuss the progress, status and plans for the Department of Homeland Security.

Since this is my first opportunity to appear before you, let me begin by congratulating you on the creation of this new committee and thanking you for your willingness to serve on a body that shares both a common focus and a common purpose with the Department of Homeland Security. Your commitment to advancing the security of our American homeland and your interest in the success of DHS are critical to our ability to accomplish the mission for which the Department was created. Today's hearing marks a significant milestone in our combined effort to ensure the Department of Homeland Security fulfills its promise and potential.

It has been slightly less than four months since the Department of Homeland Security came into existence and less than three since we truly became an operational entity. Given that extremely short time-span, and with not all components even yet on board, I would be reluctant to call my testimony here this morning a "State of the Department" address, but to some extent, that's what I hope to provide. We recently completed our first 100 days as a Department. While somewhat arbitrary, this seems to be an increasingly popular point at which to assess whether an undertaking is getting off on the right foot. I'd like to share some of the Department's accomplishments since the 24th of January in the hope that you will share my assessment that we are indeed, off to good start.

Since its inception on January 24, 2003, the U.S. Department of Homeland Security has:

- Orchestrated and launched Operation Liberty Shield, the first comprehensive, national plan to increase protections of America's citizens and infrastructure;
- Deployed new technologies and tools at land, air and sea borders;
- Established the Homeland Security Command Center, a national 24-7 watch operation;
- Launched the Ready campaign, a national multimedia public information program designed to build a citizen preparedness movement by giving Americans the basic tools they need to better prepare themselves and their families. Since its launch, Ready.gov has become one of the most visited Web sites in America.
- Expedited distribution of millions of dollars in grant monies to states and cities, with more to come.
- Initiated a comprehensive reorganization of the border agencies as well as other administrative measures to enhance departmental services and capabilities;
- Completed transition of 21 out of 22 component agencies into the Department in the largest federal reorganization since World War II;
- Conducted a series of listening sessions at strategic ports throughout the U.S. and began development of regulations that will require security assessments and plans for vessels, facilities and ports as required by the Maritime Security Act of 2002 and;
- Completed TOPOFF II, the largest terrorist response exercise in history.
- Began, in conjunction with the Office of Personnel Management, the development of a Human Resources Management System that both meets the critical needs of the Department and protects the civil service rights of its employees.

Other accomplishments to strengthen security and improve services include:

Border and Transportation Security

- The Transportation Security Administration (TSA) inaugurated the federal Flight Deck Officer Training Program. The first class concluded on April 19th, with 44 pilots certified to carry firearms in the cockpit as Federal Flight Deck Officers
- All front-line Bureau of Customs and Border Protection (BCBP) inspectors across the country have received personal radiation detectors that alert them to the presence of radioactive material.
- The Bureau of Immigration and Customs Enforcement (BICE) launched a special operation to identify and remove persons with unknown or questionable identities with access to restricted areas of military installations. The effort called Operation Joint Venture, resulted in 37 arrests, of which 28 were removed from the United States.

- BICE acquired and deployed additional “A-STAR” and “HUEY” helicopters to bolster enforcement efforts along the U.S. Southern border.
- Operation Green Quest (a multi-agency task force) continued its efforts to ensure the integrity and lawful operation of U.S. Financial systems.
- Project Shield America continued. This effort, a BICE initiative, continued to prevent sensitive U.S. technology and munitions from falling into the hands of terrorists and other U.S. adversaries. Under this initiative, BICE agents partner with U.S. manufacturers and exporters to guard against illegal arms exports.
- The BICE Office of Air and Marine Interdiction (OAMI) provided 24-7 airspace security coverage over Washington, D.C. During Operation Liberty Shield, OAMI expanded this mission to include airspace security coverage over New York City as well.
- BTS created a 24 hour Radiation/WMD Hotline to assist BCBP and BICE officers with scientific and technical needs regarding Chemical, Biological, Radiological and Nuclear (CBRN) alerts along the border.
- TSA screeners at Denver International Airport developed a pilot program, “Tots Friendly,” designed to put children at ease as they go through security. The program is being evaluated for possible nationwide expansion.
- Working with other federal agencies and private industry, TSA took steps to improve customer service by coordinating screening across different forms of transportation. For example, passengers who are disembarking from cruise ships in Miami can now have their baggage screened for their flight home right at the dock as they depart from their cruise.
- We have held bilateral meetings with UK Home Secretary David Blunkett, Canada’s Deputy Prime Minister, John Manley, and Mexico’s Secretary of Interior, Santiago Creel, to continue progress on security initiatives of mutual interest.
- DHS recently provided \$65 million in grants to 20 transit agencies for security enhancements.

Coast Guard

- Coast Guard forces served on the leading edge of maritime security for Operation Liberty Shield by providing maritime security off our shores and in our harbors. During this effort, Coast Guard units escorted 1,809 ferries and passenger ships, and conducted 1,597 air and 12,049 surface patrols, respectively. Coast Guard sea marshals and security teams boarded 1,059 merchant ships to assure their safe transit into and out of U.S. ports.
 - In April, the Coast Guard awarded a \$140 million shore-based response boat contract, which will dramatically improve Coast Guard capabilities. This contract calls for the delivery of up to 700 new vessels that will be capable of speeds in excess of 40 knots (46 miles per hour), have an enclosed cabin for crew protection allowing for all-weather operations, weapons mounting capability for light machine guns and less than lethal technology, state of the art navigation systems and a communications system enabling Coast Guard personnel to communicate with other homeland security partners.
 - The Coast Guard’s Helicopter Interdiction Tactical Squadron (HITRON) was tasked to develop airborne use-of-force tactics to counter possible terrorist threats, and operating guidelines for the employment of HITRON assets for homeland security missions. HITRON was originally developed for counter-drug operations and is comprised of fully armed MH-68 helicopters capable of providing precision disabling fire, lethal fire, as well as close in suppression fire.
 - Coast Guard cutters and over 1,100 personnel deployed to the U. S. Central and European Commands continue to participate in coalition efforts to bring freedom to Iraq.
- Since March 1st, the Coast Guard has:
- Interdicted 193 Haitians, 335 Dominicans, 310 Cubans and two Ecuadorians who were trying to illegally enter the U.S.;
 - Seized 20,828 lbs. of cocaine and 1,870 lbs. pounds of marijuana destined for the U.S. and;
 - Uncovered five significant violations of domestic fishing vessel regulations and made three catch seizures as a result of illegal fishing activity.
 - In the wake of the most challenging ice season in 25 years, Coast Guard icebreaking cutters, in concert with their Canadian counterparts, worked to keep critical Great Lakes sea lanes open, permitting passage for 619 ore carriers and other vessels carrying cargo worth an estimated \$620 million in this economically vital region.

Emergency Preparedness and Response

- Since March 1st, the Directorate of Emergency Preparedness and Response (EP&R) processed fifteen major disaster declaration requests that were subse-

quently favorably acted upon by the President and 12 emergency declaration requests related to various events, including the President's Day snowstorm.

- Following President Bush's emergency declarations for Texas and Louisiana after the Space Shuttle Columbia incident, I directed EP&R to lead the federal effort to help protect public health and safety, recover materials and reimburse the affected localities. With the help of federal, state and local partners, and more than 25,000 people, the effort produced 82,500 pieces of material totaling almost 84,800 pounds to assist NASA with its investigation.

- EP&R accepted 19,949 applications requesting more than \$2 billion from the Assistance to Firefighters Grants program (AFG). Grant announcements are expected to be made in late May after a peer review process. The AFG has approximately \$750 million to distribute to an estimated 8500 fire departments over the next twelve months to help better train, equip and prepare our nation's firefighters.

- The Emergency Management Institute (EMI) expanded its training partnership with the Centers for Disease Control and Prevention to include integrated emergency management for bioterrorism, Incident Command System (ICS) training for federal, state and local public health agencies and health care-specific, exercise-based training for specific jurisdictions. The new facility EP&R acquired during the Homeland Security transition, the Noble Training Center in Anniston, Alabama, will host some of this training.

- EP&R trained a record number of leaders from volunteer fire departments for its Volunteer Incentive Program. This reflects a 42% rise in admissions for the program.

- EP&R's National Fire Academy trained 27 FBI agents and investigators at an Arson Training Course to help improve their investigatory skills. The training included use of site burn buildings, scenario simulation labs, classroom and NFA curriculum.

- To improve on-site management of federal assets in the immediate aftermath of an incident, EP&R initiated plans for the rapid deployment of DHS Incident Management Teams.

- To significantly strengthen DHS emergency response capabilities, EP&R began incorporating Domestic Emergency Support Teams, Nuclear Incident Response Teams, the National Disaster Medical System and the Strategic National Stockpile into its planning and response capabilities.

- In support of Operation Liberty Shield, EP&R enhanced operational readiness of the National Interagency Emergency Operations Center (NIEOC), Regional Operations Centers, National Disaster Medical System, Domestic Emergency Support Teams and other specialized support teams.

- Citizen Corps signed a partnership with the U.S. Junior Chamber (Jaycees) to raise public awareness about emergency preparedness, first aid, disaster response training and volunteer service.

- Citizen Corps initiated a partnership with the National Volunteer Fire Council to work together to raise public awareness about emergency preparedness, fire hazards, volunteer service programs and the development of fire safety training.

- Citizen Corps has added 15 additional states and territories and 266 local governments to the Citizen Corps Council roster. This brings the total of Citizen Corps Councils to 43 and 524 respectively.

- For the first time in more than eight years, the National Flood Insurance Program is operating in the black and currently has surplus funds, which it has begun investing through the U.S. Treasury.

- EP&R delivered the first set of digital flood map products to the Map Service Center. These new tools are integral to the emergency planning of local communities.

Information Analysis and Infrastructure Protection

- In March 2003, IA&IP began implementing its requirements under the Homeland Security Act, as well as, specific objectives identified by the President's National Strategies to Secure Physical Assets and Cyber Space.

- DHS' Information Analysis and Infrastructure Protection Directorate (IA&IP) provides infrastructure coordination for physical and cyber disruptions, maps threat against vulnerability information, and a process to provide indications and warnings of potential attacks.

- IA&IP is implementing a plan to conduct standardized vulnerability assessments for infrastructure sectors to be conducted with other federal agencies, states and industries in order to ensure interdependencies are understood and protective measures are prioritized for implementation.

- DHS recognizes that partnering with the private sector is central to successfully securing the Homeland. Representatives from the private sector Information Sharing and Analysis Centers (ISACs) participate in IA&IP analytical and protec-

tive efforts. In addition, a thorough review of the ISACs is being conducted to ensure that their requirements are being fulfilled by IA&IP structure.

- Consistent with the President's direction, we are reducing America's vulnerability to terrorist attack by working closely with Congress and the White House to develop legislation that will secure commercial chemical and nuclear facilities.

- DHS is also an active partner in establishing the Terrorist Threat Integration Center (TTIC).

- We recognize that many of our nation's infrastructures and processes are highly reliant on cyberspace. DHS is committed to making the protection of our nation's cyber infrastructure and prevention of cyber attacks a strategic priority.

- Consistent with the President's strategy, DHS, DHS is developing tools to model, simulate and game potential disruptions, natural or deliberate, on, on our national critical infrastructures. DHS is working with closely with the National laboratory complex on this important effort.

- As directed by the Homeland Security Act, the Department is developing a Critical Infrastructure Information management system to guide DHS' handling of private sector information. The draft regulations establishing the process and procedures for managing this information were submitted for public comment and comment and published in the Federal Register.

- In support of Operation Liberty Shield, Secret Service personnel acted as local department liaisons to designated Homeland Security Advisors and provided these advisors with information on the locality's critical infrastructure sites.

- Approximately, two and half months ago DHS, inherited disparate lists that represented the federal government's best guess as to why one facility or one component of a sector was more important than another. Efforts are currently underway with the help of the private sector to provide a rational analytical basis for determining criticality and importance under a various threat scenarios.

Science and Technology

- DHS' Science & Technology division (S&T) established the Biowatch program in several metropolitan areas across the country. The Biowatch program employs devices to detect terrorist agents like anthrax in time to distribute life-saving pharmaceuticals to affected citizens.

- S&T released the first Homeland Security Broad Agency Announcement through the Technical Support Working Group for rapid prototyping of off-the-shelf or nearly off-the-shelf technologies for use by DHS agents in the field.

- S&T also developed draft guidelines for technical performance and testing of radiation detection equipment.

- Pilot programs to test radiation detection equipment were launched at various sites in cooperation with the Port Authority of New York and New Jersey.

- S&T initiated the Homeland Security Fellowship Program, which provides scholarships for undergraduate and graduate students pursuing degrees in the physical, biological, and social and behavioral sciences and interested in careers aligned with the mission and objectives of the Department. We've established a website at www.ornl.gov/dhsed for potential applicants.

- S&T created the Homeland Security National Laboratory composed of all the incoming DHS labs across the country.

Citizenship and Immigration

- The Bureau of Citizenship and Immigration Services (BCIS) has now developed the technology to accept electronic filing as an option for two of the most commonly submitted immigration forms—the application for replacement “green card” (Form I-90) and the application for Employment Authorization (Form I-765). These forms were selected in part because filings of these applications represent over 30 percent of the total number of applications filed with BCIS annually. The system will go online shortly.

- Approximately 165,000 new citizens have been processed in the months of January, February, March and April. In May alone, BCIS plans to conduct over 290 ceremonies and the naturalization of approximately 50,000 citizens.

- BCIS also processed approximately 6,500 requests for expedited citizenship for military applicants since July 2002. In the last 30 days, eight requests have been processed for posthumous citizenship, which is granted to non-citizens whose death resulted from injury or disease incurred while on active duty with U.S. Armed Forces during specified periods of military hostilities.

- BCIS launched a pilot project to standardize the English, government, and United States history tests administered to citizenship applicants. The first phase of the two-stage pilot focused on the English language test. Five cities participated in this first phase of the naturalization pilot: Newark, Los Angeles, Sacramento, San Antonio and Atlanta.

Reorganization and Administration

- DHS launched the effort to create a new human resources management system that merges the personnel and pay systems of all DHS component agencies into a single system. The target timetable for the new system is late 2003 or early 2004..
- CBP consolidated incoming agencies into a single face of government at ports of entry by establishing a new organizational framework involving Interim Port Directors to integrate all of the incoming border agencies into one chain of command.
- BICE combined all the investigative functions of Customs, Immigration and the Federal Protective Service into one bureau. ICE has taken steps to provide a single point of contact within DHS for U.S. Attorneys and other law enforcement agencies.
- IAIP integrated the legacy operations of the National Infrastructure Protection Center (NIPC), the Critical Infrastructure Assurance Office (CIAO), the National Communications System (NCS), the Federal Computer Incident Response Center (FedCirc), the DOE's Energy Assurance Office, and developed the functional organizational components of its IA and IP divisions. The NCS, NIPC and FedCirc combined their watch and warning functions into a single, more effective "virtual" watch. In addition, IAIP has consolidated critical infrastructure outreach and awareness programs into a coordinated process, and has implemented partnership building support mechanisms with public sector, private sector, and international communities.

This list is far from complete, but I believe it shows that DHS is hard at the task before us. We are shaping a new department, improving the security of our country and still sustaining the centuries old traditions of operational excellence that our individual components have brought to DHS.

Fiscal Year 2004 Budget Request

To continue our progress we will need sufficient resources to ensure this critical work is done properly. I ask for your support of the President's Department of Homeland Security Budget request for Fiscal year 2004 which lays a critical and solid foundation block for the future of the DHS. It is a \$36.2 billion commitment to advancing the safety and security of our American homeland and those whom we exist to serve. This request represents an 18.3% increase in funding for DHS programs over the 2003 baseline enacted level. It contains critical initiatives to advance the efficiency and effectiveness of our Department, supports ongoing efforts and programs, and sustains vital, non-security services and missions throughout the Department.

The President's budget contains \$18.1 billion for Border and Transportation Security. It reflects organizational improvements, funds personnel enhancements and training, and improves the technologies needed to support the Department's two strategic goals to improve border and transportation security while at the same time, facilitating the unimpeded flow of legitimate commerce and people across our borders and through our seaports and airports.

The budget request also calls for \$3.6 billion to strengthen the readiness capabilities of state and local governments that play a critical role in the Nation's ability to prepare for and respond to acts of terrorism and moves us toward a "one-stop" shop for state and local response funding and training needs within the Office for Domestic Preparedness.

Funding requested for Emergency Preparedness and Response totals \$5.9 billion. These funds will be used to enhance nationwide readiness to manage and respond to disasters, whether caused by the forces of nature, or the forces of evil. In addition to fully funding traditional FEMA programs, the President's budget includes needed investment in America's pharmaceutical and vaccine stockpiles. It also includes nearly \$900 million for Pproject BioShield, a critically needed incentive for the development and deployment of new and better drugs and vaccines to protect Americans from the threat of bioterrorism.

The request for Information Analysis and Infrastructure Protection is \$829 million. The funds will support the directorate's efforts to analyze intelligence and other information to evaluate terrorist threats, assess the vulnerability of critical infrastructure, issue timely warnings to private sector industries, and work with federal, state, local and private stakeholders to take or effect appropriate protective action. The President's request provides the resources necessary for us to carry out this most important and unique DHS responsibility.

Roughly \$803 million is requested for the directorate of Science and Technology. In the quest to secure our Homeland, we face fanatical and sinister enemies. Their willingness to contemplate the most evil of means, and the possibility that others might help them to acquire those means, create an absolute imperative that we sustain a scientific and technological edge to stay ahead of our enemy. The funds requested for Science and Technology will support the essential research, development, testing and evaluation needed to do just that, through existing programs and

institutions as well as new entities like the Homeland Security Advanced Research Projects Agency.

The President requests \$6.8 billion for the United States Coast Guard, a 10 percent increase over the 2003 base enacted level for this vital component of the new Department of Homeland Security charged with pushing our maritime borders farther out to sea. This request will support continued and enhanced operations of the service across its broad portfolio of indispensable missions. It enables the Coast Guard to grow to meet its ever-increasing security responsibilities, while at the same time sustaining operational excellence in non-security functions. The request provides for vital recapitalization of the Coast Guard's offshore, near shore, and communications assets.

The proposed budget also contains \$1.3 billion for the United States Secret Service so they may perform their unique mission of protection and criminal investigation. The funds will support the Secret Service's protection of the President, the Vice President and their families; heads of state; the security for designated National Special Security Events; and the investigation and enforcement of laws relating to counterfeiting, fraud and financial crimes.

\$1.8 billion of the President's budget request will support the Bureau of Citizenship and Immigration Services, including \$100 million to reduce the backlog of applications and begin ensuring a six-month process standard for all applications.

In summary, this budget request for the Department of Homeland Security supports the President's National Strategy for Homeland Security. This strategy provides the framework to mobilize and organize the nation—federal, state and local governments, the private sector, and the American people—in the complex mission to protect our homeland.

Liberty Shield and TOPOFF II

As you know we recently completed Operation Liberty Shield, a nationwide effort to enhance Homeland Security during the most active portion of Operation Iraqi Freedom. We also just concluded TOPOFF II; an exercise intended to test and refine our processes and protocols during response to a terrorist incident. While full analysis of these two major undertakings is still being conducted there is one immediate and immutable truth that they both reemphasized: as costly as adequate preparation and prevention may seem, it is a cheap by comparison with response and recovery from a successful terrorist attack. That is why DHS must and will vigorously pursue our detection and prevention missions while at the same time ensuring we are prepared to respond to, and recover from, acts of terrorism. We cannot choose. We must do both.

Conclusion

I hope my testimony here today has helped to answer the question posed in the title for this hearing, "How is America Safer?" I believe we are safer, and with the help of the American people, and our federal, state, local, private and international partners we are getting safer each day. We are safer because our armed forces, and those of our allies, are able to find and destroy the organizations and individuals that threaten our country. We are safer because all those who serve and protect here on our own shores are ever diligent and ever willing. We are safer because you, the Congress, recognize the threat and are taking bold steps like creating the Department of Homeland Security to ensure that our government is properly structured and properly resourced to counter it. We are safer because we are more aware, better organized, more focused and more committed to protecting America, Americans and American ideals.

Thomas Jefferson is credited to have said that, "The price of freedom is eternal vigilance." While attribution of the quotation seems somewhat uncertain, the truth it contains is not. The history of the Department of Homeland Security is short, but the future of this great republic and the challenge of safeguarding our homeland is long. We are at the beginning of a new chapter in American history. I believe it is a chapter of renewed vigilance and commitment to secure and preserve the things we hold sacred. I believe we must do this so that future generations of Americans can live in a nation that is free, is safe and is ever mindful that the blessings of liberty must not only be secured but they must also be kept secure.

Mr. Chairman and Members of the Subcommittee, we arrive at this point in history together. The challenge is ours, the opportunity is ours and the responsibility is ours to lead this effort forward. I have no doubt that we will succeed and I have no doubt that we will do it by working together.

I thank you for the privilege of appearing before you here today, I look forward to your partnership and I would be happy to answer any questions you may have at this time.

Chairman COX. Thank you very much, Mr. Secretary, for your concision and your brevity as well as the extensive written testimony that you have provided.

I would like to begin with some questions about TOPOFF II. This was a very significant exercise, the largest, as you say, simulated terrorist exercise in our Nation's history. The \$16 million cost is either a lot or a little, depending upon what we got out of this and the lessons learned. And I think we will have an opportunity today to bear down on that question.

Now, the purpose of an emergency drill is to learn where one's weaknesses are so that we can address those areas. One of the things we need to know as a result of our investigation of TOPOFF II is whether more such exercises will be necessary, as well as whether we can immediately take lessons learned and put solutions into place through regulation or through legislation. It appears that there were capacity problems in Chicago's hospitals during the exercise. It also appears that we had difficulty distributing antibiotics as fast as we would like; in particular because one of the workarounds that we tried to develop, using volunteers supervised by nurses, was ruled out because of potential legal liabilities for the volunteers and or their supervisors. The executive director of the DuPage County Health Department, Leland Lewis, reportedly approached you and said, here is what we would like to do. Here is how we can get antibiotics to these people who are going to die otherwise. And we hit this roadblock, and I wonder if you could describe to us where does that roadblock exist? Is this a Federal problem, a State problem, both? Can you address it in regulation? Does Congress need to address this legislatively, Mr. Secretary?

Secretary RIDGE. Mr. Chairman, first of you all as you indicated, we did spend \$16 million on this exercise, and I need not remind my colleagues in public service that the Department of Defense spends hundreds of millions of dollars each and every year to train and practice and exercise, and so I think, on balance, as we look toward training and practice and exercising our first responders and developing the communication partnership among the Federal, State and local authorities that respond, it is a good investment.

The capacity problem that you alluded to with regards to hospitals and with regard to professionals' availability is something that we talked about publicly right after the exercise. We weren't quite at the saturation point, but again as part of the exercise, we concluded that we needed to determine what we would do if we did get to the saturation point.

And at that point in time in the exercise, we know that the Department of Defense has portable hospitals, so we made a very appropriate request to DOD. We know the public health system has emergency teams, and we alerted an emergency team and theoretically they were on their way with 125 additional nurses and 25 additional doctors. So again, as part of the exercise, while there was still a beds capacity in Chicago and there was still not a human resource problem, there does get a time when you are treating such an intense event that the personnel in these hospitals would need to be relieved and there might be a strain on the physical facilities. So we just plugged that into the system to see how we would resolve that problem.

It's interesting, the Public Health official from DuPage County in Chicago said look, under the law I need to use Public Health nurses to distribute these medicines. And he mentioned to the Governor that it would be a lot easier if a Public Health nurse were supervising the distribution of medicines with three or four different volunteers. And he had concluded that the only thing the Governor needed to do—that it was a State-related matter that the Governor, by executive order, could deal with the whole question of liability.

I think it just offers us an opportunity to take a look at all the State laws, the whole question of liability of Public Health supervision on the distribution team so we could facilitate the division of those pharmaceuticals. It raised a very appropriate question. One of the reasons we have the exercise is how can we improve of the delivery of services? That is a fair, practical suggestion. We will just have to determine what the legal implications are.

Chairman COX. Last week was a bad week, if one were to take the simulated terrorist exercises as real, for our country. Simultaneously, while all of this horror is occurring in Chicago, we also had horrible things going on in Seattle. And one of the problems that we didn't know we might have as a result of the dirty bomb detonation in Seattle is that we got apparently different assessments from EPA and the Department of Energy about the extent of the radioactive plume, with the result being that Mayor Nickels was betwixt and between, uncertain how to warn area residents what area he should warn, because they didn't know whose advice to rely upon.

What are we going to do to coordinate the advice that the Federal Government provides through different agencies, both with scientific expertise, in the event of a radiological attack so that this won't happen again?

Secretary RIDGE. We will identify a single source within the executive branch to provide the relevant scientific data upon which the State, the local, and the Federal Government can operate upon. The Congress, in the years gone by, has provided executive branch assets and resources to the EPA, the Department of Energy, et cetera. There are even some national labs out there that do some modeling. And so we had all that capability at the scene. But coordinating and getting a final answer, getting model on which to work, frankly, took too long.

Again, that is the reason we have the exercise. We have got the assets there. The modeling was done. But we need to centralize it and look at a primary source, so we can act upon it quicker, and that's exactly what we will do.

Chairman COX. Well, Mr. Secretary, I think it is a good thing that these exercises seem to have raised more questions than they have answered, because that is their purpose. I am very, very interested with not only in those things that went well during these exercises but also those things that didn't, because it is focusing our attention where it belongs.

I hope that you will continue to plan such exercises as needed. Albeit this tradition began before September 11, the planning for this is something that has been ongoing in our government. The need for it, since September 11 and indeed since the events of re-

cent days, couldn't be more plain. And so I am pleased that we are doing this.

And I will yield to Mr. Turner for 5 minutes.

Mr. TURNER. Thank you, Mr. Chairman.

Mr. Secretary, I have and I know many Members of the committee have had some frustration with the lack of information that we have received from the Department, particularly in the intelligence area. And I sometimes think I learn more from reading the Washington Post than I do from serving as Ranking Member of this committee.

I think that it is important for us in our oversight capacity to inquire of you regarding the intelligence piece of your Department's responsibility. I wrote a letter, or our staff wrote a letter to the Department back the first part of April, I believe it was April 4, asking the Department to provide in essence a catalog of the intelligence products received by the Information and Infrastructure Protection Directorate, which is the directorate charged with the intelligence analysis function of your Department. We felt it was necessary to begin our own assessment of whether the Homeland Security Act was being carried out; specifically, is the Intelligence Community sharing information with you, and are you using it to inform policy decisions?

Now, we received a partial answer toward the end of last week, and I was disturbed by what I read. The Department, according to your letter, received no hard copy CIA reports to date. The department, and I quote, "is not receiving CIA top secret cables because the CIA's message handling system does not contain Department of Homeland Security addresses."

Now, as you know, Mr. Secretary, much of the important terrorism information is above the secret level. And your Department and the directorate charged with intelligence analysis has adopted no—according to your letter—automated document registration system for products assessed on line and are currently recording the few hard copy products received to date by hand.

Now, what does all this mean? It is very simple, as I understand it. And that is, despite our repeated inquiries regarding the intelligence that you are receiving and the analysis you are making, we have got no response; and perhaps it is because of the deficiencies recorded in the most recent letter that we have received from the Department. It is hard for me to understand how the Department can fail to produce, to date, a single analytical intelligence briefing or document for this committee.

And as we travel across the country, many of us have been told by our local mayors, our local law enforcement officials, that they haven't received any tailored intelligence product from the Department to date. How can this be, given the mandate of the law? You have hired, as I understand it, a first-class intelligence officer, Assistant Secretary Redmond. But no matter how skilled he is, he is going to need some support in order to function as required by the statute.

So I have basically three questions:

What Intelligence Community products do you plan to receive? In other words, what is going to be the input to your Department to carry out your responsibilities?

What analytical process do you plan to apply to that input?

And, finally, what tailored analytical intelligence products do you plan on creating and disseminating not only to this committee but to the State and local law enforcement officials that needs the information that your Department is charged with collecting?

Secretary RIDGE. I appreciate your notice of the extraordinary talent of Mr. Redmond, who is our Assistant Secretary for Information Analysis. In time we hope to build—we have several analysts that are working with him, and I am confident that with his leadership, we will be able to complete the mission in a comprehensive way, as you have indicated. We are fast on our way to doing that right now.

Let me respond to those questions that you have.

First of all, under the President's executive order, the Threat Integration Center, which is the basic data collection point for all the intelligence agencies, will include analysts from the Department of Homeland Security, from the Information Analysis Unit. We have access through our representatives in the TTIC to all the raw data and all the source material that we need. That is the intention of the President. That intention—that goal—will and is being met.

Second, we have the capacity, because of this new unit within the new Department, to go back to the Threat Integration Center with intelligence requirements, because we have a very unique mission which is really the second piece of your question,—what is the analytical process? Our responsibility under the legislation is to take a look at the threat information, identify the potential threats against this country, map it and match it against the infrastructure or the vulnerabilities that we might have, and then work with either the private sector or the State and locals to reduce or eliminate those vulnerabilities. We have that capacity because we also have within the analytical piece an infrastructure protection piece. So at the end of the day, the analytical work is to get the intelligence piece, map it against the vulnerabilities and then give direction to the potential target as to what additional measures it needs to take in order to protect itself.

We have begun the process of developing both information bulletins and information advisories to send down to the State and locals where we work with the CIA and the FBI to take secret or classified information and mold it in such a way so that we can give the State and locals an idea as to the nature of the threat, but, perhaps even more importantly, give them direction and recommendations as to what they can do to either reduce the threat or eliminate the threat. We provide them the guidance as to what they should do with the information and how they should harden these particular targets.

So again, I think we are well on the way of establishing not only a relationship with the TTIC, but an analytical component that matches the threat information with the vulnerabilities. And then to a very relevant point, Congressman, we will only be as secure a country as we are strong in our relationship with the State and locals. And getting that information down to them in a way that it is actionable is at the very heart of what we are doing in the Information Analysis and Infrastructure Protection Unit.

Mr. TURNER. Thank you, Mr. Secretary. And I do hope as you move forward that you will share that with us because I think that is an important function. If this committee is to assist you in carrying out the responsibility we have, we need to know the same information that you know, because we are here making choices, determining priorities, assessing vulnerabilities, and trying to decide where we spend the limited dollars we have. We can't do that well unless you help us learn more about the nature of the threats and how we are analyzing the information that we get.

And I might mention in passing, as I have urged you in my opening statement, to try to share more information with us, I sent you a letter the other day regarding the matter that involved the Texas legislature and the possible misuse of Federal resources.

Secretary RIDGE. Right.

Mr. TURNER. And I made a request of you that you allow the committee to hear the tapes of those conversations between State officials and your Department. And I got back a response yesterday indicating that because an inspector general investigation had been launched, we will not be allowed to hear the tapes.

Now, those tapes have been released in part to the press and I think—from what I determine and advice received from legal counsel—there is really no basis for the Department to deny the committee the opportunity to hear the tapes that we requested. And I only raise it in the context of this hearing because I think it may set a precedent regarding our relationship.

I think there are certain pieces of information that this committee is entitled to, that we ought to be able to hear, we ought to be able to see, in order to do the job we are charged with doing.

Thank you Mr. Secretary.

Secretary RIDGE. If I might just comment briefly, I will go back and review that denial, but we are under the impression that, number one, that prejudging what may or may not have occurred based on press reports may end up being an inappropriate thing to do. You may reach the right conclusion or you might not. But I think it is somewhat premature based on some of the accounting.

Second, we thought it was appropriate based on multiple inquiries that we received from Members of Congress, including yours, that we deploy the means which Congress has given us, and that is an inspector general within our Department who, by the way, is from Texas, has recused himself and assigned the investigation to another individual within his office. So I will refer back to legal counsel to review that decision. But again, the Congress of the United States said under circumstances like this we think it is best to use the inspector general, and that is precisely what we did.

Mr. TURNER. Thank you, Mr. Chairman.

Chairman COX. The gentlelady from Washington, the vice chair of the full committee, Ms. Dunn, is recognized for 5 minutes.

Ms. DUNN. Thank you, Mr. Chairman.

And welcome, Secretary Ridge, we are happy to have you here today. I want to move back to your previous comment about how important it is to show commitment to working with State and local officials. Right now, we in Washington State are very grateful for the \$41.14 million in ODP funds that you have sent back to us for the purpose of funding first responders.

In addition, because the city of Seattle is the seventh most vulnerable in the Nation, we have received an additional \$29.45 million. There is discussion, though, in Congress about changing the formula for administering first responders grants, because many communities simply believe that they deserve money and they are not getting this funding. Do you think that such a change is necessary and, if so, what recommendations would you have to us as a committee?

Secretary RIDGE. I believe that both the legislative and executive branch want to make sure that every dollar we send out to secure America is a good security investment. And for that reason, I think it is very appropriate that we review the traditional grant-making formula that Congress provided through the Department of Justice in the Office for Domestic Preparedness a couple of years ago, that it basically starts with three quarters of 1 percent, goes out to the States for distribution.

I think it is necessary for us—and there are some other factors—but I really do think that we need to work together to see if we can find a better means of distributing these dollars based not only on population, but on threat, on vulnerability, on the presence of critical infrastructure and the like. We will be working with this committee and your colleagues in the other body to devise that kind of formula.

But I am grateful for the question and the inquiry, because I think we need to try to devise a better means of distributing those dollars. As you know, in the supplemental, Congress gave the Department \$700 million in rather broad discretion. We expanded the list of cities as we looked at population, critical infrastructure, threat and the like to 30 cities, but we also, using that discretion in the direction you gave the Department to focus on urban areas, used additional dollars to enhance port security as well as mass transit and subway security as well.

So, again, I think it is definitely a work in progress. And to Congressman Turner's point of view and everybody else, this is the place where we have an opportunity to collaborate and cooperate and hopefully can find a common ground on this one.

Ms. DUNN. That is good. I hope so, too. Let me ask you another coordination question, Secretary Ridge. The Department is doing an excellent job coordinating between other departments, but we still have questions coming from constituents of mine, for example, about coordination at the regional level. For example, FEMA. The regional office of FEMA operates totally separately from the local Bureau of Customs and the Border Protection Office, even though they are located within the same region. There are currently no regional coordinators to oversee the different areas and agencies of the Department.

I am wondering how the Department plans to better coordinate regional offices so there is a much more efficient and effective way for communities to interact with the Department and for local officials to be able to know whom to go to for the proper answers.

Secretary RIDGE. Congresswoman, the range of regional offices among the 22 departments and units that we inherited are rather significant. I think the Animal and Plant Health Inspection Service

has two regional offices. I think you can go to Customs, and they have over 30.

And so, again, we have different units that have a different number of regional offices. As we look to reorganizing and restructuring the Department for command and control and coordination purposes, not consolidation—we have assets and places that we need to keep in places—we are looking at a regional concept. We have not made any decision as to where or what it would entail, but as we go about restructuring these 180,000 people from 22 departments so that there is a regional command and control structure, that is very much on our mind.

We would like to centralize the planning, the budgeting, the strategic goals, the training, and the exercises, but decentralize the execution of some of those responsibilities at a more regional level; but also to your point, would give us a point of contact for Governors and mayors within that region a more direct point of contact. So again, we are looking at a regional concept and obviously, as soon as we get closer to concluding what is the best way to deal with this issue within the Department, we will come up and discuss this with members of the committee.

Chairman COX. The gentleman from Mississippi, Mr. Thompson, is recognized for 5 minutes.

Mr. THOMPSON. Thank you, Mr. Chairman.

Welcome Mr. Secretary. If we will go to the budget, if we take the 2003 request and the 2004 request, it represents an 18 percent increase overall. But if we include the supplemental of 2003 in overall numbers, it makes the 2004 request much smaller.

Secretary RIDGE. Right.

Mr. THOMPSON. Six or 7 percent. I am wondering, looking at that time, is what you are requesting in your mind sufficient; or can we expect another supplemental at some point for next year?

Secretary RIDGE. Well, for the time being, Congressman, we believe that the President's budget request gives us adequate resources not only to expand the operation of the Coast Guard, but there is also additional personnel for the border and transportation security operation. That also enables us to set up, I think, in a fairly robust way, the Information Analysis and Infrastructure Protection Unit as well as the Science and Technology Unit. So to that end, we believe it is adequate.

I should forewarn the committee, however, given the rash of natural disasters that we have had during the past couple of weeks, sometime in the future, depending on the request by Governors for Presidential declarations to provide individual assistance or business assistance and the like, we might have to come back for a supplemental to deal with the natural disasters. But right now, that would be the only thing that I see on the radar that we might have to do, depending on how Mother Nature treats us over the next couple of months.

Mr. THOMPSON. So is it safe to say with what you have shared with the committee, that there are no new initiatives or anything you see coming out of your shop next year for which you don't have money?

Secretary RIDGE. I think that is safe to say at this point, Congressman. We have quite a few new initiatives within the 2004

budget. We take the President's National Strategy for Homeland Security, which prioritizes some of our goals, and built that into the budget. So we are comfortable that if the Congress will embrace the total sum and then direct it as requested, that we will have adequate resources to get the job done.

Mr. THOMPSON. I'd like to talk a little bit about the grant-making process. Right now the Department of Homeland Security, the Office of Domestic Preparedness, and the Directorate of Border and Transportation Security awards formula grants to States and localities. At the same time, Emergency Preparedness and Response Directorate handles the State and local fire grants. Then there is the Office of State and Local Government Coordination, which serves as the State and local liaison, but handles no grants.

Do you feel that the current approach to providing money to the States is the right approach?

Secretary RIDGE. One, Congressman, I do hope we can revisit and rework the distribution formula. Two, one of our goals this year within the 2004 budget process is to set up a one-stop shop within the Department of Homeland Security so the State and locals can go to one unit within the Department to deal with the grant-making process.

So right now, as the Department is configured with ODP in the BTS unit, and you have State and Local as a separate unit, we think putting the State and the Local and the Office for Domestic Preparedness together and taking the fire grants from FEMA and putting it over and making a one-stop shop under State and Local would be the best way to deal with the technical and the financial assistance that the Congress will distribute to the States and localities in years ahead. So we need to make those realignments.

Mr. THOMPSON. I don't think you get much disagreement among the committee on that, and I would encourage you to move forward in whatever direction that would accomplish that.

Secretary RIDGE. Thank you.

Chairman COX. The gentleman from Kentucky, the chairman of the Appropriations Subcommittee on Homeland Security, Mr. Rogers, is recognized for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Secretary, good to see you, although it is difficult from this vantage point. Let me ask you about the story that ran last Friday in the Washington Post but originated in the Los Angeles Times, indicating that more than 24 screeners at the Los Angeles airport have been found to have criminal records. And at least 50, at JFK similarly. We don't know at this point how widespread that is, but it certainly raises very serious questions about the hiring practices of TSA's screeners workforce of some 55,600 employees.

Can you help us out with this? How come these people were hired, and why aren't they fired?

Secretary RIDGE. Congressman, first of all, as you know, in order to respond to the congressional intent and all of our—actually it wasn't just the congressional intent, but the national intent to significantly improve security at our country's airports, we went through not only the process of identifying needs, both personnel and technology, but there were specific mandates as to when the personnel and the technology was to be deployed. Clearly, the abil-

ity to vet through all possible Federal sources the 55,000 potential employees was not something that the Federal Government had the capacity to do. Much of this, or most of it, was given to outside sources. It is clear that while they went through several phases of background checks, some of the information they relied upon was inaccurate. Admiral Loy is revisiting this issue in the entire process to take the necessary corrective action.

Mr. ROGERS. Well, I mean, we have spent several hundred million dollars, approaching a billion dollars, for the screening of the screeners, and yet we come up with this kind of a result.

Secretary RIDGE. There were several phases to it, Congressman. The first thinking they tried to do, and I think we have to understand that trying to do background checks on this volume of people within the time frame directed by Congress was a task that I think, very appropriately concluded, we couldn't possibly get the FBI and others to do that. So we had to engage companies within the private sector. The first background check they did was just a name check. And then right now, OPM is going through a check based on fingerprints.

So again, there is a series of checks that we had to take. But remember, we have 55,000 people. And I am not trying to condone the sloppiness or the inaccuracy of the work that was done. We saw that ourselves, and Admiral Loy is taking the necessary corrective action.

Ideally, from the outset, we would have done a fingerprint-based check, a credit check, and a variety of checks that are normally associated with government employment. Given the number and the time constraints, it was privatized. And now we over the past several months have begun to use Federal assets to, again, add another level of screening to that done by the private sector. The appropriate remedial action—if necessary, disciplinary action, if necessary, and corporate action will be taken.

Mr. ROGERS. Do I hear you say that the contractors who were paid big dollars to do the screening of the screeners somehow will be held accountable?

Secretary RIDGE. I assure you that accountability is something that not only the Congress of the United States will insist on—we regard every dollar that flows through the Department of Homeland Security—but so will all of us within the Department.

Mr. ROGERS. Will you be—will you submit to us a report on how this took place?

Secretary RIDGE. We would be pleased to do that for you. As you may or may not know in your conversations with Admiral Loy, we had some questions with regard to the performance of some of or at least one of the companies that was engaged in part of this process, and have withheld a substantial sum from them pending completion of our investigation and discussions with them. We have withheld quite a bit of money from one of these contractors.

Mr. ROGERS. Well, now, while these screeners are being rechecked for criminal background, we know—surely you know that many of them have in fact a criminal background, (a); and (b), that they lied on their application for the jobs, saying they did not have a criminal background. And yet many of them are still working. I can't figure that one out.

Secretary RIDGE. They lied with regard to their criminal activity. Depending on the nature of that criminal activity, they will lose their employment. I don't have the specifics, but as I said to you, Congressman, we would be happy to submit the report to you as soon as we complete our work in this regard.

The report indicated above was not received by the Committee at the time of the printing of this hearing.

Chairman COX. The gentleman's time has expired. The gentlelady from California, Ms. Sanchez.

Ms. SANCHEZ. Thank you, Mr. Chairman.

Good morning, Mr. Ridge. Secretary.

Secretary RIDGE. Good morning.

Ms. SANCHEZ. Thank you for coming before us. We have all been anxious to ask you questions and I am glad you are finally here. In the interest of time, I am going to submit some questions for the record that I hope your different Department heads will get information back.

But I do have a couple of comments. I go back to the whole issue of are Americans safer 20 months later after September 11, and I guess my assessment in everything that I have learned so far is barely. I mean, we are—I don't think that we are that much safer. And one of the areas, of course, that if you went and you asked firemen or law enforcement, they would tell you that this whole process has been pretty messed up and that basically a lot of the local agencies have been paying the money to try to be up to speed and be ready for any attack.

But I am actually really more interested in the whole issue of not having attacks happen in the United States. And I sort of break it down into four different areas. We have the whole area of intelligence, and because of more intelligence gathering and working to get this intelligence together, Americans in my opinion have really lost some of their civil rights; and, you know, that certainly is a question for the Judiciary Committee maybe to take a look at.

I look at the whole issue of cybersecurity and the fact that, you know, it seems to be a revolving door at your Department with respect to that. And I hope Ms. Lofgren will speak a little on that and ask you some questions on that.

I look at the movement of goods and people, and it hasn't really changed much across our borders and through our ports and that really worries me.

And I look at also the whole issue of fortification of our assets or protection of our assets and that is, you know, ports and transportation, nuclear, et cetera. And I know, I hope some of the members like Mr. DeFazio and others will talk a little about what they have seen.

So we are talking—you know, people are coming to us, they are talking about incredible amounts of dollars to protect all of this and do all of this. Any of these responses that we don't really take a look at and take seriously could mean an extreme economic loss to our Nation. I have already talked about the losses with respect to civil rights that I think have happened.

I have really three questions for you sitting as the Ranking Member on the Border and Infrastructure Committee. The first is, all of these different areas, I am having a hard time assessing who

in your Department—or whether it is you, or how often you look at that, how are you going about making the overall priorities—because there is so much to be done here. There isn't a lot of time. You know, we are told that any day could be an attack. And there just doesn't seem to be—it is hard for me at least to figure out who is running the store.

So my first question is if you could sort of give a layout of what you are really doing with the overall priority of all of this.

Second is back to these assets. You know, we had one of your Under Secretaries come in and talk about this list of assets, and all the States have done a list, they have all got different ways and details of what they have put on the list or what they haven't. How are you going to get it together? We have no idea. He had no idea of a real time line for a list of assets and what it would take to protect them and how fortified they are or they are not.

So I guess what I would like to know is how are you going to get this list together? How are you going to work with States? Are you going to have them redo it, because they all have different criteria by which they base their assets that sit on their lists, and what is a time line for this?

And the third question I would have for you is the whole issue of all the private assets. Your Department tells us that 85 percent of our assets that we need to worry about are held in private hands. What are the initiatives that you are going to use to help or to force the private sector to enhance security preparations? What is the strategy? Are you going to ask us to do regulation enforcement, tax breaks, insurance incentives?

I think, you know, I would like to—I am trying to find out what we need to protect, what are the priorities, how we are going to go about this. And I know it is difficult to get an agency up and running, you know, but time is wasting and are Americans safer? Not much in my opinion.

Secretary RIDGE. Well, first of all, let me begin by saying that there are 180,000 of your fellow citizens who go to work every day, trying to make this country safer in the Federal Government. And they work for what used to be the INS, and they work for Customs, and they work for TSA, and they work in national labs. And I think they would probably respectfully disagree with you that the work they are doing today doesn't make the country safer than it was on September 10, because of certain things that they have done and we have done in the past 80 days in setting up this new Department; because of resources that have been provided them; because of, at the borders, the improved relationship they have with our friends in Canada, Mexico; because of the multibillion dollar investments that Congress has made in our ports, our airports; because of the work that the Coast Guard has done working with the 55 strategic ports to set priorities and to identify vulnerabilities; because of the creation of the Terrorist Threat Integration Center; because of the work that—50 Governors have all created homeland security advisors that we talk to twice a month, if not more; because of the outreach and technical assistance that Information Analysis and Infrastructure Protection is providing.

Secretary RIDGE. So I think that, in respectful disagreement, we are much safer. I think we go to a new level of readiness every day.

That is not to say, Congresswoman, that we still don't have a considerable distance to travel, and your question raises some of the challenges in traveling that distance, and let me try to respond to it.

First of all, what are the priorities? Well, I think the Congress very appropriately identified the kinds of things that the Department had to focus on in order to meet the three goals of the President's strategy. The President's strategy was let us configure this department so we can do a better job of preventing a terrorist attack, reducing our vulnerability, and then responding to an attack if it occurs.

Congress very appropriately said, look, you have several agencies that deal with border and transportation security. You need to consolidate that. We have done that. It used to be at the borders you had Customs and APHIS and INS all reporting up a single chain of command, their own chain of command. We have consolidated at the borders; we have built capacity and we provided them additional equipment. There is certainly more to be done, but within the first 90 days, I think there has been considerable improvement.

Congress said, look, Congress understands that our military and our CIA and our FBI are really the first responders in terms of going after the actors, going after the terrorists themselves. With the success of the military overseas and the work that we have done in this country, I think, coupled with the Threat Integration Center, coupled with the enhanced information sharing between or among the agencies even before they created that, it is a different time. In a post 9/11 era, much more information is being shared. There will be new products, different products, and better products that we can rely upon. So you said to us create that unit within your department, and we have.

Congress also said to us, you know, we need to really take a look at this country, because it is our creativity and our genius and our technology and our enterprise that can help us. And again, you have helped create the unit of science and technology. We have asked for considerable resources so we can do two things: One, take a look at what detection equipment and the protection equipment exists. What is on the shelves right now that we can apply immediately? We have begun that process. And let us take a look long term at some of our broader security needs. And we have done that.

And then you said let us make FEMA an all—hazards agency, and let us continue to work with the State and locals to respond to incidents, whether they are a force of nature or forces of evil. All this has been done in the past in less than 100 days. Operation Liberty Shield was a perfect example how the State, the Federal Government and local government identified critical assets and went out and hardened those assets.

So, again, we admit, Congresswoman, that we have a real challenge ahead of us. But I think Congress has been supportive with the resources. We have used it to begin the process of building this department. And I truly believe we are considerably safer today than we were on September 10th.

One of the things that I think—and I will conclude. I apologize for the lengthy response to your question. We are not more vulner-

able because of what happened on September 11th; we are just more aware of our vulnerabilities.

And, finally, the fact of the matter is we have an open, diverse, and welcoming country. And we have 7,500 miles of land borders, and we have 95,000 miles navigable waters and seashores. And we have 500 million people come across our borders every year. And we have millions and millions of containers that come into our ports. So we do have a lot of challenge ahead of us, but I think the men and women of the department are up to it.

Chairman COX. The gentleman from New York, the chairman of the Science Committee, Mr. Boehlert, is recognized for 5 minutes.

Mr. BOEHLERT. Thank you, Mr. Chairman.

Mr. Secretary, I for one want to tell you I think you are doing an exceptionally good job under exceptionally difficult and most challenging circumstances.

Are we safer? That is an elusive question. I don't know how to quantify are we safer. But we are better focused, we are better prepared, and we are getting better focused and better prepared each day. And it is our obligation here in the Congress to work cooperatively with you to see that you have the resources to do the job that we expect of you.

Now, a lot of others might focus on the big macro issues. Let me get to something that is very important. You hit a home run at the Fire Service's dinner when you talked about the fire grants program, a program that is for, of, and by the firefighters. There is some of us that are concerned that there might be a change in direction as you restructure the agency, and I would hope you would address that subject. Do you intend to keep the Fire Grants Program a program that is basically run by the firefighters, for the firefighters, and valued by the firefighters? Because it is serving the Nation very well, and it is getting resources where they need it.

Our firefighters can't depend on car washes and bake sales and living in a hand-to-mouth existence. They need resources to get the equipment that they need to have to be better prepared, and we have a program that is finally working, and you acknowledged its worth, and I think all of us in the Congress are very supportive of it. Talk to that a moment, if you will, please.

Secretary RIDGE. Congressman, the Fire Grant Program is, as you appropriately noted, of, with, for, and by firemen. I mean, they even are involved in the process review to determine what departments get the grants. And what I think most folks are not aware of, it is even a matching grant program. If you are a community of 50,000 or less, you have to come up with 10 percent of the grant request; and if you are 50,000 or more, you have got to come up with 30 percent of the grant request. So it is not as if—it is not just an outright grant. The folks at the local community still have to do bingos, car washes, chicken dinners, whatever they do in my community, I am sure they do in yours, in order to raise the money in order to get the match. But all we would like to do is take it from FEMA and place it under the State and Local unit. We are trying to create within the agency one point of contact for first responders, one point of contact for State and Locals, and for financial and technical assistance, and we think that we will preserve

the program as is but move the administration over to the State and local unit. That would be our preference, and that is our—I have talked to a lot of people within the fire service community and assured them that we like the program and that we will preserve it as is.

Mr. BOEHLERT. That is reassuring, and we will monitor that very carefully. Let me ask you, in the TOPOFF II exercise that you have just been through, was there any point where you had a communications failure, a breakdown in communications? Because we learned that from the sad experience of 9/11, where there was not interoperability of various communications systems, where fire-fighters couldn't be warned in a timely manner. Did you experience any of that?

Secretary RIDGE. Congressman, actually, we had several hundred observers not only from the Office for Domestic Preparedness but emergency professionals around the country that we invited in to monitor on an hour-by-hour basis what occurred in Seattle, what occurred in Chicago, take a look at communications, take a look at hospital capacity, take a look at the distribution system. And we will be going through a very robust and very comprehensive review process over the next 60 days to make those determinations.

Mr. BOEHLERT. And—

Secretary RIDGE. I am not aware of any, but that doesn't mean that they were not detected in either community and simply not available in the first report.

Mr. BOEHLERT. OK. Fine. Thank you very much, Mr. Secretary.

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

Mr. MARKEY. Thank you, Mr. Chairman.

Welcome, Mr. Secretary. TSA is cutting 3,000 screeners this month, meaning my airport, Logan, where the two planes took off with a couple of hundred New Englanders that flew into the World Trade Center towers tragically is going to lose 50 screeners. And by the end of the summer, another 3,000 screeners are going to be terminated nationally, which I think is heading in the wrong direction. We will leave that question aside for a second.

Twenty-two percent of all air cargo in the United States is placed upon passenger planes, not cargo planes. Twenty-two percent of all cargo. Right now, there is no system in place which guarantees that that cargo is screened. In fact, very little of that cargo is screened. The vast, vast majority is not screened, and it is put on passenger planes. Now, what is troubling about that is that the Lockerbie incident was not caused by a passenger getting on a plane; it was caused by cargo. And we yet don't have a system in place to do that.

So my question to you, Mr. Secretary, is are you recommending a dramatic increase in the amount of funding for the screening of all cargo which goes on all air passenger traffic across the country?

Secretary RIDGE. Congressman, we are aware of that deficiency with regard to the inspection of cargo. As you know, first of all, we have put some rather significant restrictions on the kinds of cargo and the size of cargo that can be carried. That has had a significant impact, financial impact on airlines that are struggling for a variety of other reasons as well. And in the process—

Mr. MARKEY. It is not screened though. Are you going to screen it?

Secretary RIDGE. Well, Congressman, very appropriately the answer is, working with the science and technology folks as well as the airline industry, we recognize this vulnerability, and that is a very high priority within Admiral Loy's shop presently. We have focused on the baggage, we have focused on the passengers, and now we are beginning to focus on the cargo.

Mr. MARKEY. But what doesn't make any sense to me is that as we cut back by 6,000 screeners for passengers, that there still is no plan in place at all, at all, nearly 2 years after September 11th. And it is having a dramatic impact on air passenger traffic across the country. We are still down significantly in Logan. Nearly 20 percent of the passengers that were there on September 11th still aren't there. And we are a trade, tourism, and technology economy. So if we can't give people confidence that the cargo that is put in the bay of a plane under these passengers is being screened, then you are leaving a tremendous hole in the system. And almost none of the cargo is screened.

So how much time do you want to give to putting a plan in place that is funded that deals with this incredible vulnerability?

Secretary RIDGE. First of all, Congressman, with regard to the right sizing of the workforce, I hope you understand that it is not done cavalierly and it is not done generically across the board. We anticipate, as we match technology with people—because we first rushed into and I think hired in some airports more people than we think are adequate and needed for the purpose of providing the kind of security, which is our first priority. And we want to match people with technology, Congressman.

Mr. MARKEY. I know you do. The technology exists. The only question is how much money are you willing to spend on it? The technology is there that can screen this cargo.

Secretary RIDGE. That is exactly right.

Mr. MARKEY. So will you make a recommendation for the funding to screen all cargo going on passenger planes in the United States?

Secretary RIDGE. If we need additional funding, Congressman, to achieve that goal, I will be the first one to recommend it.

Mr. MARKEY. You don't have the funding. You don't have money for it. You are cutting back—

Secretary RIDGE. We do have—

Mr. MARKEY. You won't have the funding if the tax cut goes through. That is for sure. You can't drain 350 billion and say, well, we need an extra billion for screening but we don't have the money because the tax cut has to go through. The security of the American people should be first. Twenty-two percent of all cargo goes on to passenger planes and it is not screened.

Secretary RIDGE. Congressman, one of the additional responsibilities that Admiral Loy is looking at as we go about readjusting the force requirements, that the airport is using some of these people in other capacities other than dealing with passengers and baggage. And part of that—

Mr. MARKEY. And have you requested that?

Chairman COX. The gentleman's time has expired. The gentleman from Texas, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Secretary, I appreciate the progress report you have given us today, and I, like you, agree that we are safer today than we were a year ago, and I think we will be safer a year from now than we are right now. I still have two concerns and two questions to address to you, one dealing with cyber security, one dealing with border security. And in regard to cyber security, we have been told at various briefings that there is a good possibility that if there is another terrorist attack it will involve at least in whole or in part a cyber crime of some sort, the use of the Internet perhaps to disable computers, shut down the energy grids in a large State and so forth. It is further my understanding that the private sector may be far ahead of the government in defending against various forms of cyber crime. And my question is, do you feel that we are—how vulnerable do you think we are to a cyber attack?

Secretary RIDGE. As you know, Congressman, in previous years the Congress has directed that within Commerce and Energy and several other executive agencies, like Secret Service, they have set up capacity to deal with cyber intrusion, cyber crime. Much of that capacity is being merged into the new Department of Homeland Security.

As you also know, the Office of Management and Budget has primary responsibility for cyber security within the Federal Government, and they work very closely on a day-to-day basis, on an as-needed basis, depending on the information or intelligence received or an actual act of someone attempting to hack into a government system, with the private sector to deal with that.

So again, I would tell you that I think we have the capacity to deal with it. We are going to merge some of that capacity within the Department of Homeland Security. And someone previously inquired as to or mentioned something about the turnover in the Department. The President previously had a cyber security adviser. That competency and that mission has been pulled into the Department of Homeland Security. So within our Infrastructure Protection Unit there will be a National Office for Cyber Security as part of the overall security effort.

Mr. SMITH. Thank you, Mr. Secretary. Mr. Secretary, in regard to border security I continue to think that high levels of illegal immigration threaten homeland security, because if you don't know who is coming into the country then you don't know what is coming into the country, like terrorist weapons or even illegal drugs. And we have a situation today, we have a proliferation of fraudulent documents that people use to stay in the country illegally or come in illegally. We have a situation where if an individual is in the country illegally unless they have committed a serious crime they are unlikely to be deported. At least in south Texas, if an individual is caught sneaking across the border six or eight times, they might be charged with violating immigration laws, but otherwise they won't be. We are only apprehending an estimated 20 percent of people coming across the border. None of that gives me a whole lot of confidence that we are defending the border as much as we might.

What plans does the administration have or does your department have to stop the illegal immigration that threatens homeland security?

Secretary RIDGE. First of all, Congressman, I think the creation of the Bureau of Immigration and Customs Enforcement, when we took formerly some INS investigators and Customs investigators and others into one unit, really helps us build additional capacity. We are going to have a lot more flexibility to assign people that way.

Second, I think you have given us additional resources to hire more folks at the border.

And, third, we are, again with the new science and technology unit that is up and operational, looking at perhaps the application of some technology that we have used in a military environment that gives us the capacity to view those who would enter illegally across some of these difficult pieces of terrain where it is very difficult to get through and where it is very difficult for us to have a permanent physical presence.

In addition to that, we are working very hard with our friends at the Mexican government to create a balance at the border between security and the free flow of goods and commerce. And we have several pilot programs dealing with pedestrian traffic, vehicular traffic, and truck traffic, again proceeding on multiple fronts to deal with the question of not only illegal immigration but to facilitate legal immigration and enhance commercial activity.

Mr. SMITH. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Chairman COX. The gentleman from the State of Washington, Mr. Dicks, is recognized for 5 minutes.

Mr. DICKS. Thank you, Mr. Chairman.

I want to welcome our former colleague Tom Ridge. You have got a tough job, and our committee, wants to help. And I want to go back to one thing that Congressman Turner raised, the Terrorist Threat Integration Center. We have been unable, Mr. Secretary, to find the executive order that created this. We are not sure there has been an executive order.

Now, I believe in my heart that we had the information on 9/11, but it just didn't get up to the level of the FBI where action could have been taken. Therefore, as a former member of the Intelligence Committee, I am very concerned that you, the responsible individual, get the information from this intelligence center that has been created.

Can you tell us why this was created inside the Central Intelligence Agency instead of at the Department of Homeland Security?

Secretary RIDGE. Well, actually, the individual that is appointed to run it, John Brennan, is from the CIA. But that is an appointment made in consultation with the FBI Director, with the Secretary of Defense, and with myself. And this is not a collection agency; this is an analytical unit. And for the first time we have in this country a repository and access to all the information generated by all the intelligence gathering units within the Federal Government. So, again, it has been operational for a very brief period of time, but we have already seen the benefit of having a group of analysts not in the business of collection but having the

authority to go back and secure additional information from whatever the source and in order to come up with a comprehensive threat picture for this country.

Mr. DICKS. Do they develop a product that you see each day?

Secretary RIDGE. Yes.

Mr. DICKS. Are there people from Homeland Security there, or is this all CIA?

Secretary RIDGE. Very good question. The hierarchy is, there is a Director from the CIA, the Deputy is from the FBI, and there are two assistants, one from the Department of Homeland Security, one from the Department of Defense. We have presently deployed several analysts there. And as we build our team, there will be additional men and women assigned to the Threat Integration Center. They will be part of not only the analytical unit, but because of their work within the Department of Homeland Security, we will have intelligence requirements since our primary function is to get information to State and locals and reduce vulnerability. So we will be able to go back and task and ask questions through the Threat Integration Center that heretofore not only were we not able to go and ask but we didn't have much likelihood of getting any answers. So I think we will enrich it because we will give it information. We will also be a consumer of the information and their work product.

So, again, I think it is a huge value added to the effort particularly to prevent a terrorist attack.

Mr. DICKS. That is the point I wanted to make. We should be thinking about prevention. I think this aids in that.

Could you also explain your relationship with the newly created NORTHCOM and how that relates to the Department of Homeland Security and the kind of role that it is going to play?

Secretary RIDGE. Well, first of all, again, having within the DOD's chain of command a general assigned to this unit, I think in time, as we develop strategies and plans to deploy some of the special resources that are available to us through the Department of Defense, really will help us build a stronger and safer country. As you well know, because I think you served on Defense Appropriations, there are some very unique assets they could conceivably under certain circumstances make available to us in a radiological event, a biological event. So we have the opportunity to plan and work with General Eberhart. But we make that communication through a former colleague of ours, Assistant Secretary of Defense Paul McHale.

DOD was very involved in the TOPOFF II exercises. So again as we reconfigure not just the Department of Homeland Security but kind of rethink our relationship with the Department of Defense, I think NORTHCOM and Paul McHale will give us an opportunity to do that sooner rather than later.

Mr. DICKS. The only other thing I would say is I hope we get you more money. I worry about these first responders—I talk to them back home. I don't see the resources getting there. Yes, to Seattle, but to the other smaller communities, it hasn't happened yet, and we need to work together to find an answer to that.

Secretary RIDGE. Thank you, Congressman. I think, depending on Congress' will to embrace the President's first responder portion of the budget, which is \$3.5 million, we will have available to State

and locals within this calendar year nearly \$8 billion. And one of the challenges we have is we want to make sure that we have the right amount of resources; second, make sure that they are invested in priority, security, and capacity building. And, third, and I am going to need Congress' help on this, I just really think that the dollars that we distribute to the State and locals should be consistent with an overall strategic plan that says to you as the Congressman and to the Congress generally and to the State, we have a statewide plan, and we build it from the bottom up.

So as we think about not only the grant formula, I am going to seek Congressional support for the notion that it be distributed against a broader strategic plan, because obviously there is going to be sequential funding, but we have to build capacity.

Mr. DICKS. Thank you, Mr. Chairman.

Chairman COX. The gentleman from Pennsylvania, Mr. Weldon, is recognized for 5 minutes.

Mr. WELDON. Thank you, Mr. Chairman.

Secretary thank you for being here and for your great work and service to the country. On the Intelligence Assessment Center, I applaud you for the work on that, and I did have some concerns about the CIA managing. As you know, that was a Congressional initiative. As far back as 1998, we proposed creating a National Data Fusion Center. In fact, we wrote up a specific brief to create what we called the National Operations and Analysis Hub, which would for the first time link together all 33 classified systems that are under the control of the Federal Government. The CIA balked at that and did not want to do it. In fact, we put language in two successive defense bills in 1999 and 2000 that specifically called for the creation of a National Data Fusion Center of external raw data, and the CIA and the FBI balked at it.

So I am glad it is finally happening; but when we proposed it we proposed having it report to the President, the national command authority. And so following up on Congressman Dicks' comments, I would feel more comfortable reporting directly to the President or as a part of Homeland Security. But be that as it may, we need to have that capability.

Second, I know it is not in your jurisdiction, but in my opinion one of the greatest efforts in Homeland Security has got to go back into where the weapons of mass destruction exist. 40,000 metric tons at a minimum of chemical weapons insecure, unsecure in Russia. Tons and tons of biological weapons in Russia. We are not having enough success in getting access. We put forth an initiative co-sponsored by 25 colleagues, including Chairman Cox and Steny Hoyer that creates a new initiative that goes beyond Nunn-Lugar that calls for an additional \$300 million. And on the Russian side, they have—in fact, five letters have been received by me where they are now willing to give us total access to all of their secure sites if we follow through on this new approach. To me, in terms of securing a homeland, denying those weapons of mass destruction where they exist is of the highest importance, because after all the Iraqis and Iranians didn't have the indigenous capability to build biological and chemical weapons. That all came out of a destabilized Soviet Union.

The third point on domestic security, and I know you have taken this to heart. We still do not have an integrated national domestic communications system. You are making good strides, you have asked for additional money, but it is not there yet. In the short term, I would suggest that you use the new technologies that some of the companies have come out with portable units that go right to the scene that can integrate systems. You have seen Raytheon has it, a number of companies have it. But in the short term that gives us a temporary solution at the site to integrate high band, low band, digital, and other communication capabilities.

Along with that—and this is extremely important, Mr. Secretary—we need you to come out and vocally call for the dedication of frequency spectrum allocation for public safety. Jane Harman and I have a bill that we introduced. This is what the PISAC committee recommended in 1995, that we set aside frequency spectrum for public safety use. But we keep kowtowing to the big media providers in this country. We are not willing to stand up to them and tell them they have got to give up the spectrum that they were told to give up back in the late 1990's. Chairman Tauzin has told me that he will move our legislation in June. A word from you publicly would help, I think, get the administration to support that legislation.

And, finally, the technology transfer is not being provided from the military to the domestic defender. It is just not happening, Tom, and we have got to do more. The Pentagon, I have tweaked them, I have harassed them. They are still not transferring technology. When a soldier has access to GPS technology so the battlefield commander knows where he is on the battlefield, or she is, why shouldn't the firefighter have that technology? And why shouldn't they have the technology beyond that that has sensors and transmitters that tell us the vital signs, the health condition of the emergency responder? All that technology is available, but it is not being transferred in to the first responder. A push from you I think will help move that forward.

And one final thing, and this is not meant to embarrass you, because it happened in the previous administration—but it still exists. Six years ago to deal with the problem, which is a homeland security threat, of wildlands and forest fires. We took \$14 million of DOD money to use classified intelligence satellites to help us develop a software program to be able to identify when a forest fire occurs at a size of one acre or less using sensitive technology that was put up in space for our military and for our intelligence. The software system was developed. Today, that software system sits in boxes over in Crystal City where it has been for the past 4 years while America is ready to burn again. That is absolutely outrageous.

I talked to Joe Albaugh about this. It was a battle between who was going to oversee it, whether it was going to be NOAA or whether it was going to be FEMA. Joe said he would take it. In last year's defense bill, we transferred the responsibility to FEMA; they came back and said we don't have any money. The technology is there.

Chairman COX. The gentleman's time has expired.

Mr. WELDON. And for a minimal uptake we can put it into place, and I would encourage you to please make sure we get that program on line this year.

Chairman COX. The gentleman from Massachusetts, Mr. Frank.

Mr. FRANK. Mr. Secretary, I apologize, I am going to have to leave as soon as I have asked my questions. But your former committee is in markup, and I have to go over there.

The two specific points. I and others have written to you about the SEVIS program, the Student and Exchange Visitor Information Service. It is an importantly—it is well conceptualized, but the administration has been difficult. And in particular, many of the schools have asked for a delay from August to December in one particular certification in a way that has nothing I believe to do with national security. You know, foreign students among other things subsidize American students, I mean, just in class terms, because they pay the full tuition, and we have caused a great deal of difficulty and I hope you will be able to look at that.

The second point again on a letter that some of us are sending you with regard to the no-fly list, the people who aren't allowed to fly. There have been instances where people were kept off there who were people who had been involved in political disputes and political protests, were told that there were other reasons why they were kept off, that there may have been a name confusion. But obviously it is essential that there be no one in the private sector, in the public sector who thinks that being obnoxious in your political discourse is a reason that you can't get on a plane. And I think we need to lean over on that.

The other point I want to make is I was struck when you explained that part of the problem with the incompetence on the screening was that private contractors had been hired to do it in a hurry and now that you are deploying government assets you think it can be done better, and I appreciate that. I think the notion that it is always better to privatize is not a good one, and in this case what you are saying is that it is being done better by the Federal employees, and I am not surprised by that.

One of the problems I have is we are on the one hand trying to improve our security with police and fire and health, but there is this general tendency to denigrate the public sector. For example, in public health, we asked after anthrax, we asked ourselves, is the American public health system ready for an outbreak of bioterrorism? Well, in most of our cities it is not ready for Friday night. By Friday night emergency rooms are closing. And you cannot simultaneously build up a capacity to deal with homeland security while denigrating the overall capacity of the public sector. They are not two separate entities. In fact, the homeland security is kind of the point of the handle that is the overall public sector, and we won't ignore that.

And then because I don't think the subject could adequately be covered, I would yield the rest of my time to Mr. Markey.

Mr. MARKEY. I thank the gentleman from Massachusetts.

Admiral Loy has had the job of putting together a plan to screen cargo on passenger jets in America. He has had that job for some time now. What do you think is a reasonable deadline, Mr. Secretary, for Admiral Loy to give us a plan, to give you a plan, to

give the country a plan? This country wants this gaping hole closed. What is a reasonable time in your mind for Admiral Loy to make a decision?

Secretary RIDGE. Well, I would tell you, Congressman, it is a very appropriate question, and let us report back to you within 2 weeks.

Mr. MARKEY. A 2-week deadline?

Secretary RIDGE. You have made a reasonable request of our department. I know Admiral Loy has been working on it. I do not know where he is on the specifics. I know we are looking at using—if we don't need so many people screening passengers and baggage, we may have other uses for them at the same airport. One of the potential uses is dealing with this question of cargo. So if you give me 2 weeks to review it with Admiral Loy, I would be prepared to come back and discuss it with you.

Mr. MARKEY. And the answer could—will you give us an answer as to what the screening technology would be and how much it would cost for the whole country in 2 weeks?

Secretary RIDGE. We will do everything we can to respond to that answer, Congressman.

Mr. MARKEY. Thank you.

Secretary RIDGE. You are welcome.

Mr. FRANK. Let me return then, if I could reclaim my time, to say on the whole the question of the public sector, with regard to the—particularly with public health, I am concerned. You know, you had those TOPOFF II and whatever it was. What time of day did those things take place? When did they begin, those outbreaks, the simulated ones?

Secretary RIDGE. Actually, the outbreaks began a couple days before we initiated the—well, we first detected the outbreaks, Congressman, I think midday on Tuesday.

Mr. FRANK. My concern is that if something happened and we didn't control when we were going to time it and it happened at 11 o'clock on Saturday night, we would be in very tough shape. I mean, our public sector health system is badly strained now, and I think it is unwise to think that we can cope with a public health emergency of the—got a bioterrorism of another sort, and at the same time the amount of deterioration that is going on in hospitals. I know very few hospitals in urban areas today that can keep up with what they have got. So I think this two-track that we have got of spending enough money at the tip for Homeland Security while the overall structure deteriorates is a grave mistake.

Secretary RIDGE. If I might, Congressman. I think in I believe it was the 2002 budget, Congress appropriated in excess of \$1 billion to start not only building up but enhancing the national disease surveillance network.

Mr. FRANK. But at the same time we are cutting Medicaid and Medicare.

Chairman COX. The gentleman's time has expired.

The gentleman from Connecticut, Mr. Shays, is recognized for 5 minutes.

Mr. SHAYS. Thank you. I appreciate you, Tom, being here, and I want to say that this process is almost a bit frustrating because there are so many elements I want to talk to you about. But that

made me realize that is your job, and it must be kind of challenging every day for you to just think of how you allocate your time. But I want to add my voice to what Mr. Markey said.

Jay Inslee and I put legislation in that passed to check for luggage and cargo in the belly of an aircraft. And basically the administration and members of Congress came back and took it out of the law because we had a deadline that was too ambitious. I believe that the Secretary of Transportation could wake up in the morning and find out six planes were blown out of the sky because we can't check. That is the reality of the world we live in now. And so I would like to make sure that when you come back in 2 weeks you are able to describe not just when we are going to do it, but is there a value in waiting 6 months so we get better equipment? Because one of the problems was the equipment that we could buy that exists now is just not good. And the irony is that animals, that dogs can do a better job than the machinery. So, but I would love to be aware of the plan that you are coming forward, because I think it is huge.

The other thing that I want to say is that Mr. Weldon's comments about detection and prevention, I would love you to be able to come down a little more in support of what Mr. Nunn and Mr. Lugar are trying to do. And that leads me to this question in your statement. You say that all frontline Bureau of Customs and Border Protection inspectors across the country receive personal radiation detectors to alert them to the presence of radioactive material. I would say to you that that equipment they use is almost useless. It doesn't allow you to know about enriched uranium, it doesn't allow you to know about plutonium. And I am curious to know what it allows you to do, but it doesn't get at what Mr. Weldon knows we need to get at. A Unabomber will be able to explode a nuclear weapon in 5 to 10 years. We have got to get this stuff out of the system and we have got to detect it.

So I noticed later in your statement under science that we are doing more research. Could you tell me what you think these radiation detectors do and what we are going to be doing and what we are looking to be able to do?

Secretary RIDGE. Congressman, your assessment of the existing technology I think is fairly accurate. It does give us the capability under certain circumstances to detect a source emitting radiological rays. I mean, it does give us a limited capacity to deal with the emission of radiological material. We made the decision that—

Mr. SHAYS. That is basically the dirty waste? Yeah.

Secretary RIDGE. The good shouldn't be the enemy—the perfect shouldn't be the enemy of the good. We realize it has limited capacity. We also realize, and one of the first priorities within the Science and Technology Unit, is to specifically work on substantially enhancing our ability to detect radiological material. I mean, it is one of the highest priorities within the Science and Technology Unit.

Earlier today one of your colleagues asked what are your priorities? Well, we have set them with the S&T Unit, and one of the highest priorities is detection of biological, chemical, and radiological substances.

So I can't speak more specifically than that. But detection equipment is a priority within the new unit.

Mr. SHAYS. Thank you. I will yield back. Thank you.

Chairman COX. I thank the gentleman.

The gentlelady from California, the ranking member on the Select Committee on Intelligence, Ms. Harman, is recognized for 5 minutes.

Ms. HARMAN. Thank you, Mr. Chairman.

Welcome, Mr. Secretary, and thank you for spending 2 days last month in Los Angeles County, the largest county on the planet in the largest State in America, to meet with our first responders and to see our state-of-the-art Terrorism Early Warning Center, and to visit LAX, which has been the target three times of terrorist attacks. So it was very important to us that you were there, and you added a lot.

A number of us in this room, as you know, supported Cabinet status for the Homeland Security Director before you and the White House did. We worked with you to fashion legislation that would give us added capability, and the goal is capability, not just reorganization. In fact, my metaphor is that the legislation was not about moving the deck chairs around, it was building one deck, one national integrated strategy. And I stress strategy, because that was your answer to Mr. Dicks. We need one national integrated strategy.

Well, it has been quite a while, 116 days or so, I think, according to our chairman, and we still don't have that strategy. The key to that strategy I believe is one national integrated vulnerability assessment, which is required by Section 201(d)(2) of the Homeland Security Act.

There has been a presentation to this committee by one of your assistant secretaries that we need to wait another 180 days before we get this vulnerability assessment. That is half a year. Meanwhile, last week, as you know, 100 people died around the world as victims of terror attacks, and that could happen here, any day, any hour, any minute. So I want to ask you a question about that.

Second, I want to ask you a question about your public awareness campaign. I was very pleased to see that you rolled out ready.gov. I think it is a good initiative. Everywhere I go, not just in California, people are anxious. They understand the color system, but they don't know what they particularly are supposed to do. And ready.gov I think gives them added information.

So let me just ask you three questions. The first is, when exactly will we get this one national integrated vulnerability assessment? I think it is absolutely critical that we get that as soon as possible.

The second is, meanwhile, we certainly are aware of a number of problems Congressman Weldon talked about. There is interoperability and things we could do there. Let me highlight a different one, which is watchlists. We learned recently from GAO and also from some testimony in another committee that I believe there are 12 separate watchlists that are run by nine different departments. What can you do, what can the Homeland Security Department do in this interim to organize, consolidate, and integrate these different watchlists?

And on the subject of public awareness, I am very concerned that one of the weak links in public awareness is our schools and our school kids. You made a very appealing statement in a New Yorker article on ready.gov that in the 1950's in the civil defense drills you did what the nuns told you to do. Well, those of us old enough remember all that, and we did what our teachers told us to. I am not sure that today's teachers and today's kids are as well prepared—because the threat is more difficult. And I wrote you a couple weeks ago about the FLASH Program, which is a program in California designed to help educate kids in 8,000 public schools—that is how many we have—plus all the private schools who want to participate on what to do in the event of a terrorist attack. It would cost \$5 million to do this. It seems to me a small price.

So my question is three parts: The vulnerability assessment, the watch list, and will you support programs like the FLASH Program to help get school kids up to speed?

Secretary RIDGE. Congresswoman, the challenge of doing a complete nationwide vulnerability assessment of all potential targets within 6 months in a huge, monstrous economy requires that we begin by setting priorities within the different sectors of the economy. There are certain sectors within energy that we will begin working on, certain sectors within telecommunications. So we have viewed the national strategy; you will note that we have identified and divided the critical assets of the country, of which 85 percent are owned by the private sector, into 13 different categories. And, again, we have begun the process of working with the private sectors as well as the State and local officials to set priorities within those different sectors to take a look at developing standards, best practices, and then working with means to—and working with the first responders at these critical places to make sure that those vulnerabilities have been reduced or eliminated.

So I am afraid it will take us a little longer than 6 months to deal with a comprehensive national plan dealing with every single economic asset that we have in this country, but we are going to start with those who we feel pose the greatest problem because they are closest to the most densely populated areas and work on down from there. But it is a process that we have undertaken. We will work in many, many different ways to develop the standards and the best practices. And that process is ongoing. We are doing it now. And as we build up with more and more people and we work with the JTTF's and we work and respond to the terrorist information, there are just so many things that we have been doing and we will continue to do.

The second question with regard to the watch list. We are presently in our shop working on the technology that will consolidate it and are working with the Homeland Security Council and other agencies to determine the kinds of information, the quality of information that we would effectively put into a watch list, because that is the kind of information we want to share with State and locals. So, again, that is a process that we undertook some time ago. Candidly, ensuring that the information that we would share with the State and locals is credible and actionable about these people is something that we are working on now. But within the Department

we are working on the technology and with the other departments we are working to consolidate the names and the information.

And then, finally, I do appreciate the sensitivity to doing more to work with school boards, teachers, and children at our schools. And I know that Secretary Paige has begun that process, and he and I will talk about the FLASH Program and related programs and respond to you. It sounds like the kind of initiative that would be appealing. We just need to see how it works and would be pleased to get back to you.

Ms. HARMAN. Thank you, Mr. Chairman.

Secretary RIDGE. By the way, I didn't realize until I visited Los Angeles County that you have a larger population there than almost 40 other States. So we had to spend quite a bit of time, and I appreciate you working with us to set up all those visits.

Chairman COX. We do, however, have only 2 votes in the Senate. The gentleman—

Secretary RIDGE. Recognizing and well understood by a former Member of the House, Mr. Chairman.

Chairman COX. The gentleman from Florida, the chairman of the Permanent Select Committee on Intelligence, Mr. Goss, is recognized for 5 minutes.

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

Welcome, Mr. Secretary. I am going to yield my time to the gentleman from Nevada, Mr. Gibbons, who has been here on behalf of our committee. But before I did, I wanted to congratulate you and express my appreciation for the work you and your people are doing so far, not only protecting our country; at the same time, you are trying to stand up in this town a manageable bureaucracy. It is tough work.

The one area I did want to emphasize, I know you understand very well the need to balance between the gates, guns, and guards part of your program and the very aggressive acquisition of what I will call value-added information. Most success is going to depend on good information. That translates to me intelligence, taking nothing away from the gates, guns, and guards piece of the program. I think as a Nation we have learned it is better and cheaper to have good prevention rather than better cleanup, and I wish you well. I yield to Mr. Gibbons.

Secretary RIDGE. Absolutely.

Mr. GIBBONS. I thank the gentleman for yielding. I had a question with regard, Mr. Secretary, to Liberty Shield, the program Liberty Shield.

Secretary RIDGE. Yes, sir.

Mr. GIBBONS. When the war in Iraq began, Iraqi Freedom began, you elevated your security status and implemented the program Liberty Shield. What new initiatives were put in place as part of that exercise? And, additionally, are those security measures still in place?

Secretary RIDGE. Congressman, as part of Liberty Shield, as we are working on identifying critical infrastructure within this country and setting priorities among the infrastructure that we identify. We went out to the States and talked with them about enhancing security at various locations within those individual States, and then requested that they take a look at what we had provided; and,

if there were other similar facilities, perhaps not quite the magnitude, that they would consider enhancing security. But we went with them with some specific targets that we felt needed additional security above and beyond what may have been provided by the governor.

Mr. GIBBONS. Let me ask, with regard to the TTIC, the analytical portion there. Are there any gaps being created by the withdrawal or the usage of analysts from other departments like the CIA, FBI, in creating the analytical portion of Homeland Security?

Secretary RIDGE. Congressman, I can't speak to how the CIA or the FBI feels, because I know both agencies, including my own, wish there were a larger body of trained professionals and analysts that we could pull into TTIC, to their agencies and into ours. But I have not detected in my conversation with either the FBI Director or the CIA Director the kind of strain to which you elude, particularly because I think together they began several months ago in Quantico a very robust and very aggressive training program. They have gone out to recruit more and more people to come into their respective agencies as analysts. We are going to use the same facility to enhance our body of analysts as well.

Mr. GIBBONS. How long do you believe it will take to acquire the required analysts to completely staff your facilities so that you feel you are up to speed 100 percent for the work that is needed to be done?

Secretary RIDGE. We are in the process of hiring right now. Again, it is a fairly cumbersome process because there is not a huge pool. We are going to hire—the FBI and the CIA, as we set our operation up, were very generous and deployed several of their analysts and are presently working with us. We hope to replace them and send them back. But I think we are hiring on a pace which we are comfortable. We could probably move faster if there were a lot more people out there to choose from, but there are not.

Mr. GIBBONS. And, finally, what steps have you been taking to develop the collection priorities for the Intelligence Community?

Secretary RIDGE. The collection priorities come in several forms. But since our primary mission is to harden America and to match the threat information with potential vulnerabilities, as we have set up TTIC, our initial response based on any kind of threat information is really around securing additional information. We need to see if we can get some particularity with regard to potential targets so that we can go out and work with either the private sector, the governor, or whatever combination of individuals or groups we need in order to secure that venue or secure that region. So again we are just—the TTIC has been up and operational for 20-some days. We now know that we can go back and task these analysts to get back to the respective agency and, frankly, even get to the point where we can if they are in the process of interviewing people based on our unique requirements in the Department of Homeland Security, go back and request that certain inquiry, certain specific inquiries be made of the people that they have detained and are questioning.

Mr. GIBBONS. Thank you, Mr. Secretary.

Chairman COX. The gentleman from Maryland, Mr. Cardin, is recognized for 5 minutes.

Mr. CARDIN. Thank you, Mr. Chairman.

Mr. Secretary, it is a pleasure to have you before our committee. Welcome. All of us are spending a lot of time with our local officials assessing our own homeland security availabilities and needs in our district. So let me share with you some of my observations where I think your agency could be more aggressive in trying to help our local governments be fully prepared for homeland security.

All of our communities have a Joint Terrorism Task Force. In Maryland, I have had a chance to visit with ours, and I think they are doing an excellent job in coordinating the work among different law enforcement agencies at the Federal and local levels. It is totally different than it was before September 11th and we are much better prepared. As you have created the Terrorist Threat Integration Center, we are creating in Maryland a Maryland Coordination and Analysis Center, which will be a coordinated location for all of the different partners with the Joint Terrorism Task Force. I mention that because there is no funding for that center. There is no direct funding available through the Department of Justice; the other partner agencies do not have funds to do this. And I just would urge that you look at the advisability of establishing that type of a funding availability through your agency in order to try to coordinate better the work that is being done at the local levels.

I also just want to reinforce the comments that have been made about first responders. I applaud your effort to take a look at a different funding formula. I think we need to have one that is more sensitive to local threat. But I would also urge you to take a look at the needs that go up for local budgets every time we change the risk assessment, and that perhaps the formula should also be sensitive to the fact that when we go to higher alerts there is additional pressures on local budgets that sometimes cannot be handled without some outside help. And we would urge you to be more sensitive to the risk issues in the formulas and the funds that are made available on first responder.

And then lastly, let me before I ask for your response mention our ports in this country. There hasn't been that many questions asked by my colleagues today about that. We have made progress in inspecting containers in the port of Baltimore and the ports around the Nation. We have a VACIS machine, we are getting a second which deals with x-raying and portable x-raying of the containers, which makes a lot of sense. But it is my understanding that the proposed budget does not fully fund the equipment that is necessary to expedite the inspection of the containers and also being more aggressive on the port of origins for inspection of containers that come into U.S. waters. So I would urge you to be as aggressive as you can in the needs for proper inspection of containers coming into U.S. waters.

Secretary RIDGE. Congressman, to ease some of the pressure that your local officials have discussed with you, and frankly most have discussed with me and I think all have discussed with their Congressmen, one of the eligible uses of the dollars that we are sending out in the supplemental will be overtime. I think it is very appropriate. We do want them to use it on equipment acquisition and training and exercises. But more often than not, when we go up to another state of readiness it is labor intensive. So that normally

means people just working longer. And so we will be mindful of that in the future, as we write future eligibility requirements for any kind of Federal funding. I think it is a very appropriate use of some of our Federal dollars.

With regard to our port security, Congressman, I think you see a pattern that we are developing similar to that around aviation security in that we need to layer defenses, and we have begun by engaging the international community to give us the capacity in the country to inspect containers before they are even transferred to the ship in a foreign port. We have about 20 ports around the world that generate about 65 percent of the container traffic. We have already reached agreement with these ports so that we can put our folks in those ports and similar machines in those ports. And we have also now required and the international community and the shippers agree—they didn't care for it particularly—but there is a 24-hour requirement that you need to convey to us the information about the contents.

Secretary RIDGE. That information along with some other information that we are able to secure through multiple sources gives us an opportunity to begin targeting some of these shipments even before they board. And so we will have that capacity in those 20 ports. We are going to expand that around the world.

Moving closer to home, you hear the story, and I see it again and again. We are only boarding 2 or 3 percent of the vessels. And what I need to reaffirm and reiterate and repeat is that it is not a casual, random boarding that occurs; that the Coast Guard and other agencies have worked out an algorithm based on information they are able to secure from multiple sources depending on where the ship has been and ownership. There is a lot of things that they plug into the algorithm. They can say, we better board this ship. And so we board 100 percent of what the Coast Guard calls high-interest vessels. We don't board them all. But whenever we have reason to board one based on our analysis, we board it. So 2, 3 percent perhaps, but 100 percent of the high-interest vessels.

Moving closer to the shore, the 2004 budget request from the President with regard to Coast Guard, there will be more platforms that we will be able to acquire, more Coast Guardsmen, and we will continue the port vulnerability assessment that the Coast Guard's begun with the 55 strategic ports first and then the balance of the 300 plus ports. And then finally, the Coast Guard has begun working with the international maritime community to develop protective measures and protective standards notwithstanding the cargo security initiative that we have initiated, but similar processing and standards around the world.

So again, layer the defenses. A lot of people are working on it, and I think we have made significant progress to date.

Mr. CARDIN. Thank you, Mr. Secretary.

Chairman COX. The Chair of the Homeland Security Subcommittee on Infrastructure and Border Security, the gentleman from Michigan, Mr. Camp, is recognized for 5 minutes.

Mr. CAMP. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your effort. You mentioned in response to one of your questions the number of people working hard to make our country safe every day. Well, yesterday we had an op-

portunity—the subcommittee had a field hearing together with the Government Reform Committee in Niagara Falls, and we heard from a number of employees of DHS, from Bureau of Customs and border protection, Coast Guard and Drug Enforcement Administration, as well as from some local law enforcement, and it was, if nothing else, a very informative hearing, but you couldn't help but come away and be impressed with their dedication and service.

My question to you is in the 2004 Department of Homeland Security budget report there is an indication that DHS plans to implement a regional structure for all DHS agencies except the Coast Guard. And in this regional structure, I understand all functions will report to a regional director, who will in turn report to you. I am particularly concerned about how Customs will be affected in this new structure, especially the uniformity, development and maintenance of national programs, such as the FAST program, the Free and Secure Trade Program; ACE, Automated Commercial Environment; other programs such as that. And can you comment on what work has been done on the regional structure, who has been involved in it, and how you see—if that's true, how you see that coming?

Secretary RIDGE. I know there have been some preliminary concerns expressed by the private sector that if we go to a regional structure—now, again, I want to reemphasize this is really to oversee and coordinate activity. This is not going to be a consolidation of assets across the board. I mean, you have Coast Guard assets we are going to keep, Bureau of Transportation Security assets. This is really about ensuring on a regional basis that the national strategy, the national goals, the national plans, and the national priorities are met.

So I know the private sector is concerned that there might be different levels of enforcement and different interpretations of Customs law, depending upon the region, and I am just here to assure you that that should not happen. Under our watch it will not happen. Their job is to make sure that whatever the law is, whatever the regulation is, that it is consistently applied, not erratically applied. It is really a coordination and command system, but they don't have unilateral discretion to change the law, the regulation or the policy that is set by the Department and Congress at the national level.

Mr. CAMP. Well, thank you.

The Red Cross is the only nongovernmental agency with mandated responsibilities under the Federal response plan, and I know they were actively involved in TOPOFF II with their expertise, obviously disaster preparedness and response. The Washington Post has recently detailed some of the challenges facing the disaster relief fund, and I am interested in your thoughts on their role and the overall Homeland Security effort; and also for any Red Cross mandated activities, if you see any future funding and future budgets in Homeland Security for those functions.

Secretary RIDGE. Well, Red Cross has historically been a partner of the Federal Emergency Management Agency and obviously a close collaborator with communities and bringing their own brand, I think, of service and compassion to communities that are hit with a natural disaster, and we saw how well they responded on 9/11.

I think our relationship as we develop our own—as you know, there are four or five national incident management plans out there that Congress has directed be created over the past several years. Under the new Department you have instructed us—we are going to create one plan, and once we have this plan developed, it would be an opportune time to sit down with not only the private sector, but with philanthropic organizations like Red Cross to see how in the event of a terrorist event or a natural event occurs in the future, how we can better coordinate our work together.

But we have—I just don't think—again, as a voluntary philanthropic organization we have no plans to provide them Federal assets to do their job.

Mr. CAMP. Thank you.

I realize we are almost out of time, but do you see any local option with regard to the code system for local jurisdictions that want to do more or do less at some point in the future?

Secretary RIDGE. Yes. You are talking about the threat warning system.

Mr. CAMP. The color-coded warning system.

Secretary RIDGE. Yes. Well, one of the—we tested the system in the exercises, and during the course of the exercise, I had occasion to call the 55 homeland security advisors from the States and the territories, and just to remind them that while the Federal Government has adopted it, Los Angeles has adopted it, New Jersey has adopted it, some other States and communities have adopted it, I think it would be in this country's best interest if we all adopted a version, and within that, again, a color really to alert the public. But it really triggers certain preventive measures, or security enhancement that the emergency folks, the law enforcement professionals, the security folks are to do.

And again, part of our mission in the Department—and again, it is a challenge because you can't dictate that the States do it because it is a Federal system. But I think we have been able to convince most homeland security advisors and their Governors that some form of system is needed so that they know when we go to a certain level alert, there are certain things that they need to do in respective States and urban areas. We cannot mandate it, but, again, we are bringing them along. I think we have convinced them that this would be a good thing to do. And within that there should be a range, and we will work with them. We will give them—just as we have given them a template to develop a plan for Federal dollars, we can give them a template to develop a security protocol depending on the level of threat.

Mr. CAMP. Thank you.

Thank you, Mr. Chairman.

Chairman COX. The gentleman from Oregon, Mr. DeFazio, is recognized for 5 minutes.

Mr. DEFazio. Thank you, Mr. Chairman.

Mr. Secretary, thanks for being here. Thanks for this generous grant of time.

Two quick points and then a question. The first would be, you know, I am learning a lot as we go through this, as I am sure you do. I would observe that the national emergency alert system is not all that it appears to be. I drive around in my old Dodge Dart. I

have still got the Conorad things on there, rubber band and that. But the new system we have gone to is not what I envisioned, some sort of state-of-the-art 21st century system. In my State they contact Oregon Public Broadcasting, who is having its State funding eliminated because of our budget crisis, and then they are supposed to relay the alert, and they tell me, well, with deregulation a lot of these stations, there is nobody there. There is nobody to relay the alert to. We need some new, much more automated state-of-the-art system to communicate from Washington down through the emergency alert system.

Second point: First responders. I, like many others, went out and held hearings, meeting with my first responders. As you know, police can't communicate with fire in some communities. Some communities can't communicate community to community. Nobody can communicate with the State, and nobody can communicate with the Feds on a digitally secure radio format. It is a very expensive undertaking to convert to this. You know, we are trying to do it, and a number of my jurisdictions are trying to do it. Improving your grant system will help a little bit. If you could remove the requirement that they get only reimbursed, but go to a system where they could have an approved grant, because my communities are broke right now because of our budget crisis. If they didn't have to get reimbursed, some of them could move ahead.

But beyond that, the funding isn't adequate for one county. I have one large county the size of the State of Connecticut. It is one of my six counties. It will cost 25 million. My whole State is getting 14 million in grants. So the partnership isn't adequate, and I think this would serve the Nation well and would also produce some jobs because we would buy American.

Now, the question, Mr. Markey talked about the problems with aviation. There is another one that came to my attention which is absolutely shocking, and I am not—at first I raised it in a sensitive manner because I thought it was an oversight of one airport. I was accompanying the committee, and we saw that airport employees were filing into the airport with no security checks, flashing a photo ID. I asked about it and I was told, oh, well, don't worry, they are not getting on airplanes. I said, well, how do you know they are not getting on airplanes? They could have a ticket in their pocket. They could have an e-ticket.

Second, who do you know—how do you know what they are—who they are meeting in the terminal?

And third, we have taken the steak knives out of the restaurants, and these people are walking through with overcoats on with no—not even a basic metal detector there, no screening whatsoever.

I thought it was sensitive. I raised it sensitively, got no response. I raised it again sensitively, not in a hearing, with a TSA administrator, without naming the airport, and then I was told, oh, no, Congressman, that is our national policy. They have all had background checks.

So all the McDonald's employees, all the Borders employees, you know, all the vendors and 600,000 people a day, I am told, filed through security, they have had background checks done by the private sector, by McDonald's and other private firms under con-

tract. Given what's happened with TSA doesn't give me a lot of confidence, and I think it makes the whole system a lie. There is the pilot out there being searched. There is the flight attendant out there being strip-searched. There is the frequent traveler. There is all the public. But over here, 600,000 people a day are filing through without even a modicum of security. It is extraordinary.

And so I put an amendment in the bill last week to require that. Immediately the TSA started making phone calls, lobbying against my amendment, saying they can't afford it. They don't have the resources to do it. Now, you are cutting 6,000 people, and we are not screening 600,000 people. That wouldn't require—if you kept those 6,000 people, they could screen just 100 people each day. I think they can do better than that, so maybe you could lay off maybe 4- or 5,000 of them.

But I can't believe we have this loophole. I can't believe that we are not requiring the airport employees—while pilots are a threat, flight attendants are threat, Members of Congress are a threat. We all go through security, but somehow—maybe the Members of Congress—but somehow, the airport employees don't have to go through that. Could you respond to that?

Secretary RIDGE. I sure would, and I sure should, because that is one of the reasons that they are working on the transportation worker identification card that will require—again, I have talked to Admiral Loy, and I don't know who communicated to you they do or do not have available in terms of resources, but that is a project that each Federal airport director and Federal security officer has been and is engaged in. We need to, again—and I say this with—you appropriately discuss the problem and the magnitude of the problem with 600,000 people whose background we need to check. And it is not just employees that come in and work on a day-to-day basis, but those that provide the food, those who are the vendors and the like. I mean, we will—

Mr. DEFAZIO. Mr. Secretary, we are going to run out of time, so let me just get back to it. I agree with the worker identification card, but that would be like the frequent traveler card I want. My vision and everybody else's vision is those people still go through basic security, including a metal detector. I can't believe we took out the steak knives, and 600,000 people of unknown—they don't even have to be U.S. citizens to work in the airport—are filing through, and we are not planning on putting them through rudimentary security. The worker ID card will help.

Chairman COX. The gentleman is correct. His time has expired.

Mr. DEFAZIO. But they need to go through security, too. I think they need both.

Secretary RIDGE. Congressman, you have made a very appropriate statement, and I would like to review what each of the Federal security directors is doing at the airports and report back to you on that particular challenge.

Mr. DEFAZIO. Thank you, Mr. Secretary.

Chairman COX. The gentleman from Oklahoma, Mr. Istook, is recognized for 5 minutes.

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

Secretary Ridge, very good to be with you.

Let me make a couple of opening statements. First I want to thank FEMA for its response to our recently—recent tornadoes in Oklahoma City and the area there. Most of that was in Congressman Cole's district. Some of it was in mine. But as usual FEMA was right on top of things and providing the assistance to our citizens, and we appreciate that.

I also want to express appreciation in some of my area of appropriations responsibility for the grants that Homeland Security is making for security on different mass transit systems around the country I think will be well taken. I know the challenges you have in dealing with policies and structure and the demands on your time.

I am still a little concerned about communications. I tried to reach you several weeks ago on a matter, and not only did I not hear back from you, but nobody on your behalf ever got back to me. That matter is resolved, so it is needless now, but I am still concerned about the responsiveness in your office.

What I wanted to address with you in particular, though, regards TSA. And I understand that decisions have been made, and working with the prime contractor to enable this, in establishing 5 core offices and 20 regional offices for TSA. I think it is a decision, from what I understand about it so far—TSA, of course, has responsibilities that are spread out all over the country. I don't know how well a regional office approach would work with things like Customs, which are not as uniformly scattered around the country, and definitely has very serious needs for uniform approaches. But I would appreciate your giving us some elaboration on what is the intended purpose and use of the core centers and the regional centers for TSA, and what is the approaches you expect to be taking regarding regional offices for the other parts of homeland security.

Secretary RIDGE. I suspect that the goal is basically the same, whether it is a TSA regional office which will be ultimately incorporated into a Department of Homeland Security regional office—TSA is no longer an independent entity,—they are now part of ours, and so they would be integrated into our regional offices. Congressman, I think the primary purpose—

Mr. ISTOOK. Excuse me for a minute. Does that mean that the 20 regional offices—that TSA will become regional offices for homeland security, the same 20?

Secretary RIDGE. It does not.

Mr. ISTOOK. OK. Please proceed. I am sorry.

Secretary RIDGE. And the other thing I want to allay any concerns about, it doesn't necessarily mean that an existing regional office that has infrastructure personnel and mission in Customs or what was formerly the INS will be consolidated or moved. But the accountability and authority, the command and direction of that particular unit may be transferred. The management may be transferred, but the assets will remain. But the purpose of our consideration of a regional infrastructure is frankly predicated on the notion that you cannot secure the homeland from Washington, D.C. You'd better have people responsible, accountable and managing outside of this—outside of the Nation's Capital, and you need someone a lot closer to the day-to-day operations of the various units within the Department of Homeland Security to oversee that activ-

ity, to coordinate that activity, and from time to time at certain levels resolve any disputes or differences between the respective agencies.

It is also, we think, very important for us to have a regional approach toward the States and to the locals, both the first responders, the law enforcement community, as well as political figures. So the notion, again, is that at the national level, the departmental level, we would centralize the budgeting and the establishment of priorities and the policies and the like, but at the regional level there would be the oversight and the coordination and the outreach function, which we think our mission is much better suited to getting much of the management and much of the outreach a lot closer to the folks back home.

Mr. ISTOOK. Certainly.

Well, I want to do some follow-up in writing, and I know that the TSA centers are intended to be training centers mostly. I know, for example, you know, Oklahoma City, having the FAA aeronautical center and the postal training center, has been selected for one of those. And I—

Secretary RIDGE. And they will continue to train. Again, I am sorry. I think you understand.

Mr. ISTOOK. Sure.

Secretary RIDGE. There are agencies, historically we have inherited some good people, some technology, some assets, some infrastructure that are located—it is not a matter of closing ports and closing a lot of these units. It is a matter of consolidating their management for oversight purposes and accountability as well as outreach to the State and locals.

Chairman COX. The gentlelady from New York, Mrs. Lowey, is recognized for 5 minutes.

Mrs. LOWEY. Thank you, Mr. Chairman.

And, Mr. Secretary—sorry. Mr. Meeks' head is in the way. I just wanted to thank you very much for assuming this urgent and enormous responsibility and assure you that on both sides of the aisle, we really want to work with you as effectively as we can and provide the resources you need.

And I would like to follow up with three specific questions. First of all, Mr. Secretary, there was some reference made to the fire service. As you know, in every major emergency situation, firefighters report immediately to the scene, and more often than not it is the chief firefighter who leads the response/cleanup/recovery effort. I don't understand why it hasn't been a priority within the Department of Homeland Security to create an office specifically dedicated to this element of the response. That's the first question.

Second, I am a strong supporter of the Weldon-Harman bill. All of us have been talking to each other about the problem of interoperability and the fact that the police can't talk to each other, the firefighters can't talk to each other. There is an Office of Homeland Security, Office of State and Local Government Coordination. I personally have gotten on the phone with FEMA. I have had my office calling everybody.

You talk about a strategic plan. If there is to be a strategic plan, why should every village, town, mayor, et cetera, be buying their own equipment? In my meetings with all of them, they said, we

would love some direction. There is no direction. According to Mr. Weldon and others, there is technology that exists. I don't understand why this office cannot provide some direction so we are not throwing out some money. There is a lot of money that has been appropriated through Mr. Rogers' committee. It seems to me your office should be communicating with the localities and providing direction.

Third, when you decided—oh, and I should mention, talk about communication. I was talking to the Greenberg—which is a town in my district—police chief. He says what he is getting from the Department of Homeland Security by way of communicating urgency is birthdates of prominent Muslims. He said the DHS items go directly from the fax to the garbage. They are not getting any information that could be used by localities in my district just north of New York City. And there is a great deal of anxiety, as you can imagine, everywhere.

When you decided to rightsize the number of screeners, did you rely on intelligence analysis of the nature and level of the threat? If so, can you provide to us the intelligence you relied on so as we consider your budget requests, we can assess whether your rightsizing was right? There is a real concern about the cutbacks in New York. I am even more concerned that we can't count on a background check on the TSA officials that we have there right now.

But if you can respond to those three questions, I would be most appreciative.

Secretary RIDGE. First of all, with regard to your inquiry about a strategic plan, we have communicated to and delivered to Governors and homeland security advisors and mayors at major metropolitan areas as well as all the trade associations a statewide template that has been out for nearly 2 months.

Mrs. LOWEY. May I interrupt, because I know the red light is going on. Does that include specific directives of equipment that would provide interoperability among the various departments?

Secretary RIDGE. That is a separate issue. We have the responsibility to do that, and we will be doing that.

Mrs. LOWEY. But you should know, Mr. Secretary, with the greatest of respect, that these towns and villages can't wait. They are all buying equipment, and if I hadn't called them together and said, hey, wait a minute, I am going to try to get you some information—but there is no information. There is no directive. Could you give me some guidelines as to when the Department will specifically be providing directives to their localities?

Chairman COX. If the gentleman would suspend at the request of the Chair and the Secretary would suspend before giving his answer, the chairman is aware that the President has requested you at the White House at 11:45. I think it is appropriate if you could complete the answers to Mrs. Lowey's questions, if that is possible, before you leave. But we also want to make sure you have the opportunity today to do your job as well. Because you have been willing to endure over 2 hours of questions from 20 Members, we appreciate very much the time that you have given us today. Still, I note that there are other Members who have been here since the fall of the gavel who will not have the opportunity to answer ques-

tions, and so the Ranking Member and I would propose that after the congressional recess, we might invite you for a return visit to complete the subject matter of this hearing.

Secretary RIDGE. We would be happy to return under those circumstances.

Chairman COX. During which time, Mr. Secretary, the questions would be put only by Members who were present at this hearing, but did not have the opportunity to ask questions.

Ms. JACKSON LEE. Would the chairman yield for a question?

Chairman COX. I would be pleased to yield.

Ms. JACKSON LEE. Mr. Chairman, first of all, I want to thank the chairman and Ranking Member. I think the remaining Members realize what a crucial day this is and a crucial hearing. I am hoping that the distinguished Secretary could look at his calendar and possibly be able to participate in such a hearing before the break. I know that there are limits on people's times, but I am sure we would be happy to return at 6:00, 7:00, 8:00 at night to finish this hearing, and I would appreciate, Mr. Secretary, if you could look over these next 4 days, 3 days.

Secretary RIDGE. We would be pleased to.

Ms. JACKSON LEE. And we would be delighted to accommodate you.

And I yield back to the gentleman.

Chairman COX. Thank you.

And, Mr. Secretary, we appreciate the urgency of your imminent departure, and so we leave you to address Ms. Lowey's questions in whatever time you have.

Mrs. LOWEY. Thank you very much, Mr. Secretary.

Secretary RIDGE. Mr. Chairman, I would be happy to work with you and your colleagues to find additional time, and if we can do it this week, certainly I am prepared to do it. It is a pretty hectic schedule. I am sure yours is as well. If we can match the two schedules, I would be happy to come back this week; if not, as soon as you return.

Chairman COX. Thank you, Mr. Secretary. Your dedication to this job and to make America safer is very much appreciated. We are all very grateful. We wish you every success in your mission.

Mrs. LOWEY. Excuse me. I thought the Secretary was going to respond just to those questions about the interoperability, if I could impose on you.

Secretary RIDGE. First of all, the strategic plan that we talked about is out there, and the issue that you talked about is critically important because we can, and I can, use your help, because right now we don't want the local communities to go out to do their own thing. We want them to build up a standard capacity around the country, and that is precisely one of the key missions of the Science and Technology unit, to set the standards and to put basically an imprimatur. This is the kind of technology that is interoperable. There are a bunch of vendors out there. You choose the one you want, but make sure it is within this range. That is something that we are developing right now.

The rightsizing at the airports, I am just going to share with you, Congresswoman, again, the rush to get people at the airports and technology at the airports, some airports we had more technology

and fewer people. It is just trying to balance now, because frankly, with the added technology at some of these airports, we can make adjustments. And I must also tell you that we feel that a significant number of these individuals will either be removed because of problems with malfeasance, they haven't done a good job working, and some may be removed because of the latest revelations about their background. And many will be removed just because of attrition.

Again, we are trying to balance a number of employees with the amount of technology at each and every airport. It is not a generic across-the-board of we have to cut X number of people from the system. That is not it at all.

Mrs. LOWEY. Thank you. And I hope I have the opportunity to follow up with your Department to get additional information. Thank you.

Mr. TURNER. Mr. Chairman.

Chairman COX. Yes. I would yield to Mr. Turner.

Mr. TURNER. Mr. Chairman, I thank you for working out the arrangement where the Secretary can come back, and I appreciate, Mr. Secretary, you being here. I think we all understand the urgency of your departure. I understand the news is reporting that the Homeland Advisory Council of the President will meet after noon to consider raising the threat level. But we do appreciate you being here today.

And, Mr. Chairman, I would request that all the Members be given an additional week to submit statements and/or questions for the record, particularly those Members who have already asked questions who will not be afforded the opportunity to do so when the Secretary returns.

Chairman COX. Without objection, so ordered.

Chairman COX. Mr. Secretary, thank you again.

This hearing is adjourned.

[Whereupon, at 11:45 a.m., the committee was adjourned.]

HOW IS AMERICA SAFER? A PROGRESS REPORT ON THE DEPARTMENT OF HOMELAND SECURITY

THURSDAY, May 22, 2003

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON HOMELAND SECURITY,
WASHINGTON, D.C.

The committee met, pursuant to call, at 10:08 a.m., in Room 2318, Rayburn House Office Building, Honorable Christopher Cox [Chairman of the committee] presiding.

Present: Representatives Cox, Dunn, Hunter, Boehlert, Goss, Diaz-Balart, Goodlatte, King, Shaddegg, Thornberry, Gibbons, Granger, Turner, Markey, Dicks, Lowey, Andrews, Norton, Lofgren, McCarthy, Jackson Lee, Pascrell, Etheridge, Lucas, Langevin, and Meek.

Chairman COX. [Presiding.] Good morning.

A quorum being present, the Select Committee on Homeland Security will come to order. This is a continuation of the hearing that began on Tuesday, May 20th.

Mr. Secretary, we would like to welcome you back.

Secretary RIDGE. Glad to be back.

Chairman COX. We particularly appreciate your making the time to be with us again so soon. Even though it was just a few days ago, much has transpired in the interim on the heels of the news of last week's bombings in Saudi Arabia and Morocco.

We are absorbing the details of the arrests that were made in Saudi Arabia in the aborted airport attack. We are absorbing the news first broadcast on Al Jazeera from Ayman Al-Zawahiri, if it is he on those audio tapes.

We had to adjourn Tuesday because you were summoned to the White House for good reason. The president asked you to join him to discuss whether the threat level should be raised, which you decided to do.

Mindful of the jurisdiction of this committee and of the strong interest of our members, I would invite you, Mr. Secretary, to take a few moments before we resume questioning to comment on the events that led to this change in status before we begin with questions.

Before you do, let me say that we very much appreciated the closed briefing that Undersecretary Hutchinson provided to members yesterday. Still to the extent that you can enlighten us in this forum about the factors that went into raising the threat level, we would be most grateful.

Mr. Secretary?

**STATEMENT OF HONORABLE TOM RIDGE, SECRETARY,
DEPARTMENT OF HOMELAND SECURITY**

Secretary RIDGE. Well, I will tell you, Mr. Chairman, ever so briefly so we can begin the question period, I would like to just spend a few moments talking about the process basically that the

administration goes through in analyzing the threat and then making a decision to raise or lower the National Threat Awareness System.

First of all, let me talk about the Threat Awareness System. Because we are a federal government, the challenge of taking a system, which we have adopted in the federal government, system-wide; the Defense Department, for obvious reasons, has a similar system as well as the State Department for overseas, but now the entire federal government operates under a Threat Warning System.

The Threat Warning System is a color-coded system that has been subject to some humor—some good, some bad—but very appropriately, I happen to think that humor is a good way to talk about very important subjects. So I don't mind it at all.

The threat system and the color-coded system for the average citizen hopefully will be viewed very much like a traffic light, where there are three colors, and depending on the color of the traffic light, you are, as a driver, to do or not to do certain things. The color indicates the kind of conduct that is expected by you driving your vehicle.

Well, the color-coded National Threat Warning System is an alert, is a signal of general information to the general public, but basically the system is an alert, a signal to the law enforcement community, to security personnel to do certain things.

We will expect certain levels of protection, certain levels of enhancement depending on the color. And so the level of security around federal buildings at a yellow level is less than it is at an orange level. Flip it around: When we went to orange, we enhanced, we increased the amount of protection we had within the federal government.

Now, there are cities, like Los Angeles and New York and others, that have adopted the system. There are states, like New Jersey and others, that have adopted the system.

And so one of our biggest challenges, I think as a country, is to accept the notion that from time to time we want to give general information to the public. Our analysts say we are at a higher level of risks for the foreseeable future, that is why we are raising the level of alert—but understand that really the color-coded system is an indicator, it is a warning, it is a declaration to the law enforcement security personnel, "We want you to engage in either more or less enforcement in security activity."

The process is a cumulative process, Mr. Chairman. I think you and members of the intelligence community know this. I don't mean to be taking too much time, but I do think it is important for this committee to understand every single day—and now with the Department of Homeland Security as well as the Threat Integration Center, we now have even more participants in the daily, if not hourly, process of not only gathering information and assembling information but then analyzing information.

And over a period of time there have been, I believe now, on four occasions where the aggregation of information that we have seen from credible sources has led us to call together the president's Homeland Security Council.

It is comprised of quite a few members of the President's Cabinet. It is this body that—after others may review the information and the intelligence that is out there, convenes.

We get a briefing from the CIA. The last time we had a briefing from the Threat Integration Center. We get a briefing from the FBI. And then everybody gives their own input, their own analysis, their own opinion of the measures that they believe we should take, whether it is credible, whether it is corroborated, whether it is significant enough for us to say to the security personnel in the country and the law enforcement personnel in the country, "Under the circumstances as we know them now, you should better ramp up not only your vigilance, but you better enhance your security."

That process culminated within 45 minutes after you adjourned this committee hearing on Thursday. We had most of the President's Homeland Security Council either physically present or through teleconference. We reviewed it. I made the recommendation, along with the President's acting homeland security adviser, Admiral Steve Abbott, that we go to orange and accordingly we went to orange.

So that is how we go about making that decision. It is as much art as it is science.

As the President in this country and our allies continue to prosecute the war on terrorism, as we accumulate more and more information and this piece of information leads to another piece of information, I believe, in the months and years ahead, we will have more intelligence that we will deem credible, not always actionable even if it is credible. There has been four times since we have gone to the system where the accumulation of information, the general consensus with the intelligence community with regard to its credibility, and I must say, we don't have specific corroborated information that says, "This is the time, place and manner of the attack."

But certainly there was enough specific corroborated information that said to us, after Morocco, after Saudi Arabia, after the statements, "We had better take it up."

So that is precisely what we did on Tuesday afternoon, Mr. Chairman.

Chairman COX. Thank you very much, Mr. Secretary.

Before we begin the questioning, which will resume with Ms. Lowey, I recognize the gentleman from Texas, the ranking member, Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

And Mr. Secretary, thank you for coming back so promptly. We appreciate it. And I know the members who didn't get an opportunity to ask a question earlier in the week greatly appreciate it.

The fact that you had to leave our gathering and shortly thereafter raise the threat level to orange once again reaffirms my sincere belief that we need to call upon the president and the administration to reassess our priorities.

It is interesting that you are here today on the day when I understand the House and the majority will pass the \$350 billion tax cut which, if not sunsetted, we are told will cost \$1 trillion over the decade. And yet when I look at your budget—if you look at your budget in terms of what you received in the current fiscal year, plus the supplemental that you were provided, your budget for next

year is actually smaller than the budget and the supplemental that you had to spend in the current year.

And when I look at the total comparison of where we were in terms of spending on homeland security before September 11, 2001 and compare it to where we are today, by the figures I am looking at we have increased spending about \$12 billion.

I mentioned to you the other day that we have spent \$4.5 billion since September 11th and appropriated funds for those first responders, those front-line troops who we are asking to protect us in these times of high alert. I know much of that money has not gotten to them yet, but it is a small sum when compared to the \$65 billion that we spent in Iraq in just three weeks to prevail in that conflict. And I am proud we prevailed.

Mr. TURNER. But I think it is so very important—and you are, obviously, the key point person on this—to join with us in advocating that we do whatever is necessary to protect the safety of the American people. And I am convinced that we need to move faster and that we need to be stronger than we are today.

And I think it is solely a matter of priorities because I am confident the American people, when confronted with the facts, will choose security over tax cuts. And I hope that we can move in that direction, Mr. Secretary.

I wanted to acknowledge today that Ms. Christensen is not with us because she had another engagement, but she wanted the record to reflect that her absence in no way indicated her lack of interest in this very important hearing.

And again, Mr. Secretary, I do appreciate the generosity of time that you have provided to come before this committee. We heard yesterday in a subcommittee from Dr. McQueary. It is an amazing task that you have, and we want to be supportive in any way we can to accomplish the goals that I know we all believe in.

Thank you, Mr. Chairman.

Chairman COX. I thank the gentleman.

The gentlelady from New York, Ms. Lowey, is recognized for five minutes.

Mrs. LOWEY. Thank you very much, Mr. Chairman.

And I want to welcome you again, Secretary Ridge, and make it very clear that in my judgment homeland security is not a partisan issue, it is an American mission, and I know all of us on this committee take our responsibilities very seriously.

In following up on my question a couple of days ago, I did send you a letter regarding the inter operability of the communication systems. This is the original copy. And I would hope that you could respond to this committee as soon as possible regarding direction from your agency to the localities because I think it is cost-effective.

They are all going out on their own and spending too much money in systems that really may not be the best system. So I would appreciate your advice on that and this letter details that request.

With regard to another issue and following up on your statement today, as we know—and you certainly know—every incident of international terrorism actually begins as a local crime.

And local enforcement, first responders, the private sector, are integral to preventing and responding to incidents. The best plan for protecting the country will take into consideration the central role each of these sectors plays.

If you can tell us, Mr. Secretary, how has DHS consolidated and expanding the ability of our government to accept and synthesize information coming in from both local law enforcement and the private sector?

And number two, is there a one-stop shop where suspicious incidents, such as people appearing to case targets for future attacks, are collected and analyzed? If not, are there plans to set up such an operation?

Again, it refers to the communication systems, because I know that you are getting organized, but we all believe we have to move quickly. And I have heard too often from my local law enforcement officials that they are not getting enough information from the top to help them be alert and understand what is actually happening. So if you can respond.

Secretary RIDGE. I thank you for your question because I think it goes to the heart of one of the primary missions of the new Department of Homeland Security. It is one of the reasons the President set up as a unit, directed and requested Congress to support the notion that we have an Information Analysis and Infrastructure Protection Unit.

The Congress also said in the organizational plan, "We need a state and local office as well." And what we intend during the process, I will say that I don't believe right now that there is any other agency in the federal government that has more day-to-day contact with the state and locals, fire and police, than ours. We are grateful for their support and their participation.

We understand their frustration with the delay in getting them dollars. We would have been in the position to distribute the dollars from the 2003 appropriations last year but we didn't get a bill. We didn't have any money to distribute until March of this year.

We had a 30-day application period. That application period expired I think a couple of weeks ago, and we are starting to send those dollars out. We will, within the next several weeks, start receiving applications for the supplemental money that you provided to us.

And so, I think, within a short period of time, we are going to have about \$4 billion at the state and local level.

Having said that, I am going to implore you and ask you—because I think you have also highlighted in your question a very important issue, is that we work with the mayors and we work with county officials to see to it that in future-year expenditures the dollars go out consistent with a statewide plan built from the bottom up.

I think if we are interested—everybody is interested in inputs; how many dollars are we going to spend, and I am, too. But we are also interested in outcomes.

And I think we will have better assurance that the dollars that we expend for security purposes achieve our goal if, when the applications are made to access the federal dollars that Congress has appropriated, we can take a look at the application, match it

against a strategic plan and say, “Yes, they are building capacity. They are working with their first responders. They have purchased the kind of communications equipment we want.”

So I am anxious to work with you in response to that.

Secondly, you asked a very important question. Again, it goes to the heart of one of the primary missions of this department, and that is sending information up and down the chain, because we need to have our state and locals informed.

But by and large, as I have traveled around the country and have seen in some of our larger urban areas, they are beginning to develop an operational capacity, an analytical capacity, some of these bigger cities have linguists available to them.

And I think we are going to see a time in this country in the next several months, and certainly we will mature over the next several years, where we are going to get information up from locals and the states into our shop which we can share with the rest of the intelligence community. The next challenge for us is to distill what we have and then pass it on down to the state and locals.

Now, I must tell you—and I know I am going way over the red—but you have asked a very important question. From time to time we will get information, particularly the FBI and sometimes the CIA and all us—the intelligence business will get some information about a particular city. The name may come up. It may not necessarily be from a source we consider to be credible; it may not be from a source we have been able to corroborate.

But from time to time we are going to go to New York City, we will go to Washington, we will go to Chicago, we will go to the city and say, “You have been talked about generally. We don’t think much about it. There is a lot of circular reporting, certain names come up, cities come up all the time. But we think you ought to know about it.”

That is not necessarily actionable.

And one of the other things we need to do is make sure that, even though it goes out and it says, “Don’t disclose it to the public,” we live in a very transparent world. We all know that as soon as it goes down to a local law enforcement official, you are going to see it on the television. But some of that is not actionable. Some of it is just so those local law enforcement folks know, “Yes, they are talking about you again.”

And so, again, we will continue to do that, but we will work with the FBI in a process, and the intelligence community in months ahead that when we even get some classified information we can distill it and send it on down so they can act on it.

And then finally, we are beginning to develop a couple of products in the Department of Homeland Security. The first product is an intelligence bulletin. We took a look at what happened over in Riyadh and we took a look at what happened in Morocco, we talked to the FBI and said, “There is a certain MO here. They have done things differently here. Here is what they did. Here is what we think about it. And here are the kind of precautionary things we think you should take. Here are the kind of things we think you ought to look for.”

We will send it out to the law enforcement, and we also will send it out to the private sector.

So again, as we mature as an organization, the information bulletins we send out and the advisory we send out will be full of not only alert information, but, “Here are the things you ought to look for, here are the things you ought to do.”

Mrs. LOWEY. Thank you, Mr. Secretary.

Secretary RIDGE. Thank you.

Mrs. LOWEY. Thank you, Mr. Chairman.

Chairman COX. I thank the gentlelady.

The chair next recognizes, in order from attendance at the last hearing, the gentleman from Texas, Mr. Thornberry, for five minutes.

Mr. THORNBERRY. Thank you, Mr. Chairman.

Mr. Secretary, over the next several months our Subcommittee on Cyber-Security is going to be holding a number of hearings with academic folks, think-tank people, as well as folks from the department, try to get our arms around the issues involved in cyber-security, and as well as explore some of the options and ideas that people have.

You have said in your statement, of course, that it is one of your priorities to help prevent cyber-attacks. You talked about a new office that is being set up in NIP. But I wonder if you could just, kind of, lay out for us how you see cybersecurity in the greater scheme of things.

Part of your challenge—and that we are just coming to grips with is—how you offset the possibility of a biological attack versus radiological versus airplanes flying into buildings versus cyber, and trying to not necessarily rank in order of one, two, three, but still there has to be some sort of prioritization.

And as you look at the infrastructures and so forth, how does it rank among your concerns, and what is it in the area of cyber that is at the top of your concerns?

Secretary RIDGE. First of all, Congressman, we believe within the department that while it is important for your inquiry and your assistance with regard to helping us set the priorities for cybersecurity and the like, and we welcome the opportunity to testify and participate, that we would probably be interacting with the same organizations and private sector folks as you do. I think it would be very good to collaborate on that. We view it to be very, very important that we don't segregate cyber from physical security, because in the 21st century world they are interdependent.

You really can't, in our judgment, focus just on cyber because of the impact that it has on the physical side of every business.

I have talked to several businessmen, was talking to a railroad CEO the other day and he said, “I really have an Internet company and we just use.”

Everything they do is generated by cyber, everything, where their cars are, what the distribution chain is, the maintenance schedule. So it is pretty difficult for many businesses and many economic assets in this country to segregate the cyber side from the physical side because how that company operates, how that community operates is interdependent.

The second area of concern that we have is the simultaneity—the possibility of a simultaneous attack that might involve a physical attack on a physical structure and, of course, perhaps simulta-

neously a cyber-attack in the same community, because a lot of your response systems are predicated and built on the Internet.

And so, again, that is a priority and that is a concern—just the interdependent nature of cyber with everything we do.

And of course, our first challenge in the department is to manage the risk and manage the risk against catastrophic attacks. And for the next several months, just as your subcommittee, we will be working with the private sector to make—

Chairman COX. Do we have physical transcription being made?

A Staff Member. It is recorded, sir.

Chairman COX. All right, Mr. Secretary, we will just all speak up.

Secretary RIDGE. All right. Very good. Thank you, Mr. Chairman. So, again, we look forward to working with you and the subcommittee to engage the private sector in that process.

Chairman COX. Mr. Secretary, if I could just briefly, was there a cyber element to TOPOFF II, and is there anything that we can learn from that yet?

Secretary RIDGE. It is a very good question, and I can't give you a specific answer to it. There were assets that we pulled in that I am sure had merit. We had a couple hundred people doing an analysis, and of course with your subcommittee's interest in that.

You raise a very interesting question. As ODP goes ahead—as our office goes ahead in the future to plan future exercises, some of which we are doing this year even in the states, to program in a session a cyber-attack, although, unfortunately, as you well know, we have enough hackers knocking into the public sector and the private sector that we don't have to table top it, we have to deal with it on a fairly regular basis.

Chairman COX. I thank the gentleman.

The gentleman from New Jersey, Mr. Andrews, is recognized for five minutes.

Mr. ANDREWS. Thank you very much.

Mr. Secretary, thank you for your time. You have, I think, the toughest job in America, and I am optimistic that you will do it well and highly confident in your abilities and appreciate your service to your country. I can't think of a person I would rather see sitting in that chair than you.

Secretary RIDGE. Thank you, Congressman.

Mr. ANDREWS. And I also want to say that the questions I am about to ask about the TSA are in no way a reflection on Admiral Loy. I brought the concerns that I am about to raise to him. On two occasions he has called me personally, and I am very pleased with that and wish to commend him for that.

But I want to raise some points that I think indicate that we need a significant culture change at the TSA. I think if you were presented with these facts, Mr. Secretary, when you were a member here or a governor you would have rattled some cages very quickly.

At an airport that you know quite well, the Philadelphia International Airport, there have been two instances called to my attention in the last couple of weeks.

The first one is that there is a gate through which vendors are able to pass without going through metal detectors or any kind of

other screenings. One individual in particular was able to go through the gate and get immediate access to the tarmac while his background check was still pending. That is problem number one.

Problem number two is that a former employee of the TSA, who resigned from the agency, had not turned in his badge or his ID or any of his keys and was able to really wander through the airport pretty much wherever he wished, whenever he wished, without being stopped. And he was videoed by a local news organization doing that the other night.

Now, I am obviously gravely concerned about these episodes, but I am more concerned about the TSA's response to the episodes.

When we called the first episode, which was people getting access to the gate, to their attention, the first response we got was that in eight or 10 weeks we would get a letter responding to our concern.

To the credit of Admiral Loy, we called that to his attention and he spoke to me twice on the phone within a couple of days.

But the response that we eventually got from his subordinate was that, "Because the airport was complying with policy, this was okay." We said, "Well, seems to us the policy would be pretty simple that everybody should walk through a metal detector before they get into any area of the airport that's sensitive."

You have to, Mr. Secretary. We have to. And the idea that employees have access to the tarmac are not walking through a metal detector is alarming. What is more alarming is the answer was, sort of, classic answer you get from a government bureaucracy which is, "Well, it is in the handbook, so it must be okay."

The second problem with the key, the explanation we have gotten thus far is that, "Gee, it was an oversight and we ought to get around to getting this guy's key and ID before he is allowed to walk around the airport again."

But it strikes me as a pretty simple, rudimentary procedure when someone is exiting a job that we do this with our interns here when they leave for the summer, as you did in your office, as well.

So I call this to your attention because I believe you are the right guy to fix it. My impression is that Admiral Loy is very committed to fixing it, but there is something that really needs to be fixed. The responses have been very bureaucratic. Some of the things that makes Americans unhappy with the government is what we are systematically hearing from the TSA. I wonder if you could respond.

Secretary RIDGE. A couple of quick thoughts. One, thank you for your very appropriate and I think very respectful criticism of what has occurred. You and I both, and I think all of us, hold Admiral Loy in very high regard. He is an extraordinary public servant. And it certainly doesn't reflect his attitude toward getting things done—not only getting them done, but getting them done right.

Secondly, unfortunately, these kind of anecdotes cast a pall over what I consider to be a highly motivated, professional work force, even though there are obviously some other matters we have to deal with, with regard to the work force.

I have talked to enough TSA employees, and been searched by a couple once in a while just to go through the process myself to appreciate their commitment to their task, their professionalism

and their understanding that they have a very critical role in homeland security.

And thirdly, I would say that the time delay in responding and the nature of the response was unacceptable.

I am not going to try to explain it.

Mr. ANDREWS. And they fixed it.

Secretary RIDGE. Well, it should be fixed. I would like to see the interpretation of the policy that says keeping badges to give people access to airports after their business has been terminated is part of the policy at TSA.

Mr. ANDREWS. If I could just say one more thing, too. It is inconceivable to me that any employee who can get anywhere near a plane does not go through a metal detector. And if that is the policy that permits that, you ought to change it this morning.

Secretary RIDGE. We will. And as you know, in addition to working with the TSA—and we do have some challenges with some of the screeners in the background checks, we are going to have to review about \$2 million for HAZMAT trucks and we are also working with railroads and everything. A lot of things going on over there.

Having said that, in the transportation worker identification card, this is a matter that we will bring up and I personally will bring up with the Admiral Loy and the federal security officers on this very important subject that you raised so appropriately.

Mr. ANDREWS. Thank you very much.

Secretary RIDGE. You are welcome.

Chairman COX. The gentleman from Nevada, Mr. Gibbons, is recognized for five minutes.

Mr. GIBBONS. Thank you, Mr. Chairman.

And, Secretary Ridge, I want to thank you for the additional time you have allowed us to present some issues to you for consideration.

And I also wanted to thank you and I hope you will pass along to your staff, the Information and Analysis and Infrastructure Protection Division gave an additional briefing to our office. They were very professional and I thought did a superb job, and I hope you will pass that along to them.

Secretary RIDGE. Sure will.

Mr. GIBBONS. In addition, we have sent you an invitation to visit the Nevada Test Site. I hope you will consider that at some point in the future and see what capabilities are available out in Nevada for training and utilization of the Nevada Test Site for homeland security purposes.

My question is to you: On May 14th, the Department of Homeland Security announced the allocation of about \$700 million of fiscal year 2003 supplemental monies, of which \$500 million was allocated for enhancement of urban securities. And the release stated that there were three criteria, of course, that had to be met: One would have been critical infrastructure, population density, and the level of threat to the community.

My question would be, of course, when I looked at the list I was curious to know why a community such as Las Vegas, Nevada, a community of a million-plus population, which expands on any given day up an additional 500,000 due to the tourists that come there—it is a threat, because we do know that the September 11th,

2001 terrorists had visited Las Vegas before they conducted their activities elsewhere.

Infrastructure, of course, we have Hoover Dam, which is a major power center and a major water supply for the Southwest as well. The population, of course, we have already talked about.

I would ask you to help me better understand why a community like Las Vegas would see little or no distribution from this supplemental compared to a city like Sacramento of comparable size or Memphis, Tennessee? Can you help us understand that?

Secretary RIDGE. Yes, I would be pleased to.

Beginning with the notion, Congressman, that these dollars were distributed pursuant to a congressional decision—I happen to think it was an appropriate one—to give the department a little flexibility with a lot of money, \$700 million.

And we don't have a perfect formula, but we tried to come up with something that we felt was rational and reasonable and responsible. That is basically how we went about it, based on information that was available to us about the threat and vulnerability.

And again, threat is not always complete in terms of what the threat might be; it is just some information we may have or the chatter that might be out there. And the vulnerability part, again, is still in its nascent stages, just beginning.

We have an idea of what the critical infrastructure is around the country. But as we work with governors and fellow homeland security advisers, they also have a better handle on very significant pieces of economic infrastructure, energy infrastructure and telecommunications infrastructure.

So we took a look at the threats and the vulnerabilities. We took a look at population. We took a look at the critical infrastructure.

And based on that, came up with a—and I would be happy to share it with you—weight, and that was discretionary. We think it was reasonable to weight certain factors certain ways, and we came up with that list.

Your question raises two thoughts in my mind. One, your population on a day-to-day basis is higher than the census would allow, because if you got 80 percent capacity in all those hotel rooms out there, you have a much larger population. So your city, because of some unique circumstances, has on a day-to-day basis a higher population; perhaps that should be calculated in. I don't know.

And it also brings to mind the concern I have about the other distribution formula that we have, where we just basically send out dollars to the states and localities on a formula that doesn't consider infrastructure, doesn't consider anything other than population.

So one, I am anxious to work with you on Nevada or Las Vegas specifically, and be happy to review with you privately what transpired.

Secondly, I am just going to engage my colleagues in public service, Republicans and Democrats. Right now we do have a formula that we distribute a lot of that money; 20 percent goes to the state, 80 percent goes to the locals. We are all interested in inputs, and that is how much we are going to appropriate.

But I also think we have to be concerned about outcomes and are the dollars going to the right communities for the right reason.

Mr. GIBBONS. Thank you.

Secretary RIDGE. You are welcome.

Mr. GIBBONS. Thank you, Mr. Chairman.

Chairman COX. Thank you.

The gentlelady from the District of Columbia, Ms. Norton, is recognized for five minutes.

Ms. NORTON. Thank you, Mr. Chairman.

And thank you, Mr. Secretary, for coming back and for your hard work on what many regard is a mission impossible that you are showing otherwise.

Where there is an important new mission like this where everybody is involved, as we all are now, and new equipment that is involved, a problem that we have seen before, for example, in the health-care area, may loom large. A lot of new toys, a lot of new suppliers wanting to provide them. Jurisdictions besieged with people with newer and newer toys.

I am concerned about the problem of duplication which leads to waste and about connectedness and synergy, especially since people often have to communicate across jurisdictional lines.

I am also concerned about this, kind of, super-duper hospital problem that we had when the lung machines, the heart machines, all those things came out and ultimately the federal government had to control that.

And I am wondering what you are doing, how you are managing guidance to jurisdictions, and for that matter the private sector, about resources, these new resources, this new equipment across federal, state, local and even private jurisdictions, so that once you get your new toy you can talk to somebody who you may need to communicate with.

Secretary RIDGE. Well, what we are trying to do within the Department of Homeland Security—I don't know whether we are begging, pleading, advocating, cajoling—trying to get all the states and all the county officials and all the mayors, at least as it comes to homeland security issues, to abandon the 20th-century model in terms of coming to Washington for assistance.

I know, for 12 years, representing Pennsylvania's 21st Congressional District, I came down here, and if it was my town, folks I represented, I wanted to get whatever I could for those folks. That may be the model that we would use in other areas, but for the 21st century in homeland security I would like to see the Congress and I am anxious to work with you to see that, one, in terms of dollars inputs; two, in terms of outcomes, but mutual aid agreements, standards and practices across the board, and a strategic plan to buy and use assets.

Now, we have sent a template out to the governors and to the homeland security advisers in urban areas. Frankly, what you are doing in the national capital region is a terrific model for that part of the country that hasn't adopted the notion that we are a community of communities.

Now, we have some real unique challenges in the nation's capital, but we have people from Virginia and Maryland and Pennsylvania who come in and out of work into the nation's capital every day, but not every firehouse is going to have the same thing, not every community is going to have the same HAZMAT equipment,

not every police force is going to be equipped with the same amount of protective gear.

So let's take a look at a regional approach, build it to a state approach, and let's—over the next couple of years, as we will be spending billions and billions of dollars, let's start building capacity.

You know, California has a statewide mutual aid agreement. Statewide. First responders, law enforcement.

Now, we couldn't tell them to do that. They just had some innovative leaders out there in the first responder community and did it. So that is what we need to do to work together.

Ms. NORTON. And Mr. Secretary, I think that perhaps this committee or perhaps the Congress ought to require that, the template, be adopted. I mean, if we leave it to people, I am not sure it will happen. I am very pleased to hear there is a template.

I would like to get one more question in. You have \$30 million in your budget to start the work on a new permanent headquarters. Considering that with your mission you would want the same access that other Cabinet agencies have to Congress and to the White House, which is one of the reasons why law requires that Cabinet agencies remain in the District of Columbia, and if you go out of the District of Columbia, you are headed into one of the worst congested areas—number two in the country.

I would like to know whether you intend to locate permanently in the District of Columbia as you have now located your interim headquarters here.

Secretary RIDGE. Well, right now I don't believe there has been any decision on a permanent location; and that is a location where I believe we are going to put all the Department of Homeland Security employees—I mean, not the consolidation of just around the country, but those that—

Ms. NORTON. The headquarters.

Secretary RIDGE. —the headquarters here. And I might add that at some point in time, FEMA probably should be included in that group. So we would need a much larger campus. And those decisions, I think, will be made years down the road.

For the time being, we like the facilities at Nebraska Avenue, and it is our intent to build out and to work with the Navy to phase people out, so we can move people in.

Ms. NORTON. That is excellent. We want to work with you on your plans.

Secretary RIDGE. Yes.

Chairman COX. The gentleman from Florida, the chairman of the Subcommittee on Rules, Mr. Diaz-Balart, is recognized for five minutes.

Mr. DIAZ-BALART. Thank you, Mr. Chairman.

Secretary RIDGE. Good morning.

Mr. DIAZ-BALART. I commend you on your leadership and hard work in this extraordinarily difficult and important area.

As you know, Mr. Secretary, the administration sought \$100 million to get the time frame for naturalization and other immigration applications to no more than six months.

Secretary RIDGE. Correct.

Mr. DIAZ-BALART. When is the goal, in terms of achievement, of that time frame? And what plans do you have to keep that six-month time frame in place?

Secretary RIDGE. First of all, we have the pending confirmation by the Senate of an extraordinary man to lead the Bureau of Immigration and Citizenship Services, Eduardo Aguirre.

Mr. DIAZ-BALART. He is an extraordinary leader.

Secretary RIDGE. He has been in the people business, the service business, and he reminds me, because he is a naturalized citizen that he is qualified to do the job. Because he has worked with people, he understands the technology needs, and he has had the experience. He wants the job. So we have somebody with the right attitude and a great leadership style at the top of it.

Congress has been very generous with us, and we have a \$100 million in the 2003 budget. I think we have requested, and we will get a \$100 million or more in the 2004. I cannot recall the time frame that you have given us—the end of 2004 or 2005; I think there is a congressional direction there.

But, obviously Eduardo and I want to expedite it to the point that we can get those—and it is six months with every kind of application with INS. Some of those we think we can move more quickly to two and three months, and we have prepared a schedule that I would be happy to share with you as to where we are and where we think we can be by a certain time period.

I don't recall it. It is a fairly significant work product, but I would be happy to share it with you.

Mr. DIAZ-BALART. I would appreciate that.

Secretary RIDGE. And we will try to accelerate everything. Completion of the six month is first, but also fast-forwarding and getting behind the six month to a lesser period of time for some of these other applications.

Mr. DIAZ-BALART. Well, I appreciate that and I look forward to receiving that schedule.

I share your view of Mr. Aguirre. He is an extraordinary leader who has a tremendous track record in the private sector as well as already in government at the Export/Import Bank. The president has made a wise decision in naming him.

Secretary RIDGE. There are a lot of good people over there. I just know that, historically, this is an organization that has—and some of it has been appropriate—been the subject of a lot of criticism. But I tell you they have a very important job because we want to remain an open and diverse country.

And I was at a swearing-in ceremony in Los Angeles a couple of weeks ago. There were 4,200 people from 135 countries, and they all made a choice to come to America.

When they put their hands down they were all American citizens. And if we are talking about homeland security, that is the kind of America we are trying to protect, and I think Eduardo is going to do a pretty good job doing that.

Mr. DIAZ-BALART. And, Mr. Secretary, I am cognizant of the difficulty in balancing the need to retain and improve efficiency in the economy when we are dealing with trade, efficiency in trade and at the same time increased security.

With regard to specifically Customs security screenings of cargo ships, containers while they are in foreign ports, could you talk a little bit more about that, what our plans are?

Secretary RIDGE. Twenty megaports around the world generate about 65 percent of our container traffic, and we have initiated a program called the Container Security Initiative, and the Congress provided us, I think, \$62 million last year. We are asking for a little more in the 2004 budget so we can continue that.

We have had agreements with these governments and the port authorities to allow us to position in those ports Customs people, as well as non intrusive technology.

You add those two things together with our requirement now that we get a 24-hour advance notice of what the contents are, and then Customs, with that information and other information they get from other sources, can make determinations as to, you know, what containers that we need to open, what containers we need for the time being until we get more technology that we need to literally run through these VACIS machines.

So again, we have the agreements signed with 20-plus countries. We are going to go expand it to the other ports. We went to the largest ones first. So I think it is coming along pretty well. The idea is to push our perimeter out as far as possible.

To that end, I must tell you that we do board, the Coast Guard boards and Customs boards, together they board 2 or 3 percent of the international traffic, the high-interest vessels, but it is not random.

And so the notion that they are just out there boarding on random, "Oh, there's a ship. Let's get on and see what they got in it"; that is not why they are boarding it. We board 100 percent of the vessels that the Coast Guard and Customs are concerned about.

Mr. DIAZ-BALART. Thank you.

Chairman COX. The gentlelady from California, Ms. Lofgren, is recognized for five minutes.

Ms. LOFGREN. Thank you, Mr. Chairman.

And thank you, Mr. Secretary, for coming back so soon.

Secretary RIDGE. Sure.

Ms. LOFGREN. Not a question, but just a plea for leadership from you on these grants. I have a printout that indicates California gets \$4.23 per capita under the formula, and Wyoming gets \$31.89.

And I think that the backbone of the Internet, which is in Silicon Valley, probably is a greater target for Al Qaida than the beautiful vistas of Wyoming. So we are hopeful that you can give some leadership there.

I want to go back to the issue raised by Mr. Diaz-Balart, and this is not a criticism of our former colleague, Mr. Hutchinson, who I worked with on Judiciary for many, many years and talked to just yesterday, but he did inherit an agency that is dysfunctional. And the Immigration Service has many good people who work in it.

Secretary RIDGE. I know.

Ms. LOFGREN. And the State Department has many good people who work in it. But the leadership has been such that basically the technology deficiency is overwhelming.

We heard in our hearing a short while ago that the watch lists are not integrated. We also know that they are not effectively com-

municated to the decision-makers on visa matters. The Immigration Service has over 100 databases that cannot communicate with each other.

They are still creating paper files and microfiche which, obviously, cannot be searched. And they are implementing biometrics that are not standardized nor tested.

We explored this with your science director—who, by the way, I was very impressed with yesterday—on the need to have some scientific depths or some technology depth in that department, and he indicated that his office had not been asked for help. I am hoping that you can make sure his office is asked for help on this.

Because when I read in the paper that the plan of the State Department was to the SEVIS system—the SEVIS system crashes every day. It doesn't work.

And so the notion that they are just out there boarding on random, "Oh, there's a ship. Let's get on and see what they got in it." That is not why they are boarding it. We board 100 percent of the vessels that the Coast Guard and Customs are concerned about.

And so this is an agency that needs help. The administration of the technology is pathetic. And we are having problems. And as we make decisions, we are going to be paying for those decisions, not just in terms of who is coming in who may be a terrorist, but who needs to come in for the well being of our country.

Business Week reported today that 53 percent of U.S. universities said they had students who missed the fall semester this year because of visa problems—53 percent of the foreign students couldn't get in.

Now, Dr. McQueary told us yesterday that we are starting a fellowship program out of DHS because of the shortage of scientists. Most of these students are coming in for science studies and want to become Americans like those people that you saw. And I love to go to the naturalization hearings, too.

So here is a question I have for you: Have you met with Secretary Powell and Director Mueller and Director Tenet and other agencies to sort through the visa process that is now incredibly delayed? Have you met with them?

Secretary RIDGE. Oh, yes. Thank you.

I have had two very productive conversations with Secretary Powell. Most recent one was the form of biometrics that we want to use in the U.S. VISIT system, obviously congressionally mandated, the Attorney General was a participant in that conversation.

We are working with them on a memorandum of understanding, because, as you know the responsibility for visa policy has been given to the Department of Homeland Security, but the consular offices, et cetera, still are under the jurisdiction of the Department of State.

I have also met with the representatives of the academic community. We don't pretend to tell you that the SEVIS system is perfect. It is not. It has a lot of imperfections. I think we got most of the technical challenges out of the way, but there are still a few more to be dealt with before the entering class or the return class in September comes back.

And then finally, we are very aware that, while the federal government has invested billions and billions and billions of dollars in

technology over the past 10 years, much of it is not networked very well. I mean, it is great for the vendors, I guess, but what you really need to do is build capacity.

And so we are trying to find—and I know you want to follow up—we are trying to find for the time being, as we develop a whole enterprise architecture for the whole department, what could we do right now just to connect these things.

Ms. LOFGREN. Right.

Secretary RIDGE. We are working on the watch lists. We have an idea with the—

Ms. LOFGREN. Well, there are legacy systems that can be linked up with commercially available.

Secretary RIDGE. That is exactly right.

Ms. LOFGREN. I mean, as a stopgap measure. I mean, you may want to do the ultra system later.

Secretary RIDGE. That is exactly right.

We are now in the process of developing, I think, some products that we will send out mutually. The department has only been up for 80-some days, but there have been a couple of occasions when they have done something, they sent out to law enforcement, that we have used, scrubbed it and sent it out to the private sector.

Most recently, we did a couple of things that we thought the private sector needed to know, and Director Mueller thought that the Joint Terrorism Task Force needed to know it and they sent it out to them.

So I think it is not where we need to be, but I think we are making progress, and you are going to have to stay on top of us and make sure that we continue pushing the progress and making the paradigm change the way we need it; and that is good solid communication to the state locals and get information back up from them.

And I am going to add just one other response with regard to the formula, why only in California. I want to reiterate again, I really want to work with you on that. I think that was a formula the Congress devised several years ago and directed the Office for Domestic Preparedness to use it when the office was in the Department of Justice.

And it starts with 0.75 percent of whatever is appropriated goes to the state regardless of the population, and then the rest of it is distributed.

So I think we are going to have a challenge politically and otherwise in order to change that formula, but I think we ought to take it on if we want to maximize every security dollar that is invested in the country.

Mr. KING. I am ready to state for the record on that. I recall you contacting me and pointing out the necessity of making that change. So you have been in the forefront of pushing for that reform. I really want to commend you for that.

Secretary RIDGE. And I am confident that we can work it out, but we need to work it out together, obviously. Congress created the formula. You didn't give me the discretion to change it.

Mr. KING. Thank you, Tom.

I yield back.

Chairman COX. I thank the gentleman.

The gentlelady from Missouri, Ms. McCarthy, is recognized for five minutes.

Ms. MCCARTHY. Thank you, Mr. Chairman, for calling this important hearing on is America safer.

And thank you, Mr. Secretary.

Secretary RIDGE. You are welcome.

Ms. MCCARTHY. The district I represent is the greater Kansas City area, the 5th District of Missouri, which is also region 7 federally. And as you know, we have long been—over 20 years we have had a Mid-America Regional Council which has combined the seven counties on the Missouri and Kansas side to work together for emergency preparedness resources, and it is working.

We are one of the 30 cities—thank you—that is getting some money. We will get about \$6.9 million out in our community to help our first responders.

But nobody was quite sure—when I met with the MARC folks this past week, no one was sure how they were going to get the money. So I wonder, when I pause with my questioning would you kindly, for the rest who are here on the committee, who also have communities that are going to receive those funds for our first responders, I know they would love to know, too.

I was in the state legislature for 18 years, and the concern at the local level was, “Is this passing through the state and will we ever see it?” And like you, I am sensitive to that issue.

You know, you know our state director. We were one of the first states to put in a Homeland Security Department. Colonel Daniels has been grateful for your visits and inputs and you also recognized the efforts of our regional model.

But I do want to tell you that in conversations with my local emergency responders from a community, like Independence, Missouri—just a model of an American community; Harry Truman’s home town—they have a training facility which is part of the community college that is now training police and fire, you know, and basically at a rate to replace those who are retiring.

This facility could be beefed up to serve a four-state region and do more of the training we know we need for the region, but it will take some federal dollars to accomplish just the physical component of that. But the people who train are very good, the facility is very highly regarded, and this would greatly help expand what we all know is needed, more of that.

On the communications capacity, we are not as lucky as the District of Columbia; we don’t have any new toys. Recently when we had the tragedy with the tornadoes the chief of police of Independence and the fire chief of Independence don’t have equipment to talk to each other. They were using their cell phones until the tornadoes took that away.

But there they were trying to, you know, coordinate their efforts on behalf of the immediate needs of the community.

And then, in outlying communities, what I learned in conversation with them, when they wanted to go help some of the outlying communities affected by these tornadoes that really hit, you know, four congressional districts out there in my area, if they didn’t have a memo of understanding, which is a bureaucratic process designed to cover the liability question.

It is the responders going into another jurisdiction, apparently there is a requirement that they sign this liability form so that if something happens to their truck or their people they are responsible, that is a bureaucratic decision—but they couldn't go into some communities, they hadn't thought ahead to sign this paper because they didn't ever think about a tornado might hit there and that they would need more help.

So to the degree that your department can help smooth over some of those old bureaucratic things that are in the way of what we now know when we have an incident it will cross lines that we never even thought, you know, would need to be crossed.

And the other issue that came up was about health and how to beef up our capacity to deal with the health needs—an outbreak of disease or—you know, for our emergency responders and our ambulance services. How can we better address that?

And the monies that we will be receiving no one believes are going to be adequate to just really beef up something that has not been addressed for a long, long time. And, in fact, some things that we have done most recently have cut back on funding for ambulances—for a community like Independence that actually contracts with a private ambulance company, because it is efficient, they are small, they are not like Kansas City, they are not getting reimbursed at all for those ambulance costs.

They are having to find it in their own city budget. There is no way that they are getting federal dollars now to help. It is a private ambulance service.

There are some things going on out there that if you department would please look into it might smooth the way for smaller communities trying to work together to help each other in a regional system such as mine. I would welcome your thoughts on this, and I know my first responders would, too.

Secretary RIDGE. Well, first of all, I want to thank you again for your public acknowledgement that I would be pleased to validate that within your region the notion of a regional approach toward combating natural disasters.

Whether it is the forces of nature, or the forces of evil, we need to bring people together to prevent it, disrupt it or respond to it. And certainly your region has done that.

Our emphasis, going into the 2004 appropriation process, of not only changing the formula, but also requiring that any dollar that we send out to your region or any other region is consistent with a plan, and not a plan that somebody comes up in a particular community; it has to be part of a broader community statewide plan.

We will build capacity over the next several years. And there are some communities that have that mind set and think in terms of mutual aid and others don't.

You raise the question of legal liability. I must tell you that it is astonishing, but it is true, that post-9/11 you have some extraordinary people out there—public health nurses, first responders, police—worried about getting sued. “What will our liability be?”

You know, it is the Good Samaritan. If we go to rush to somebody's assistance or if we—I mean, we really have to reflect on some of the subtle, but I think very important, legal challenges that some of these communities have to deal with the possibility,

“Well, if we leave our jurisdiction and go to another jurisdiction are there legal implications?”

The last thing in the world we want for first responders to do on the way to a natural incident or a terrorist tragedy is worry about being a plaintiff in an action. So we have to work our way through that, and we will.

We were out with the Public Health Department leader in DuPage County in Illinois the other day, and I think I mentioned in my opening—not in this committee hearing, but in another one—he would like to have his public health nurses oversee three or four volunteers to distribute the medications, but he can’t do it because under the law it has to be distributed by professionals.

Now, they are either getting this pill or that pill, and you could have had a public health nurse overseeing volunteers, but he couldn’t do that because he is worried about—in the real world, about legal liability. So have to work through those, and I am anxious to work with you on that.

And then again, you and your colleagues have talked about the need to set up standards, and the Science and Technology unit is working with FEMA and working with others to set up particularly communication standards. “This is the kind of equipment that we think is interoperable. You make your best deal with the vendor. You can choose it from this range,” and that is something that is a very high priority for us.

We are going to put \$4 billion, \$6 billion, or \$8 billion out there to the state locals this year. I am very anxious to see how much money they spend on communications equipment when we get information back. And we think it is important for us to give them some guidance as they expend those dollars in the months ahead, and we will.

Chairman COX. I am sorry, the gentlelady’s time has expired.

Ms. MCCARTHY. May I beg your indulgence, Mr. Chairman? I did ask for a—

Chairman COX. Would the gentlelady like to ask unanimous consent for an additional minute?

Ms. MCCARTHY. Yes, Mr. Chairman.

Chairman COX. Without objection.

Ms. MCCARTHY. I am also through. My first question was—thanking you for the federal dollars that are coming out there. Does it go through the state? How does the community get it?

Secretary RIDGE. I am sorry. That is why we really need to talk about formulas. First of all, we need a one-stop shop in the DHS, and I need your help and support to move some of these over into the State and Local.

Secondly, the dollars that are going out according to the 2003 budget appropriation were going to the states down to the locals. The locals are concerned that they are not going to get them in a timely fashion.

Again, we have to monitor how those dollars are delivered, look at all 50 states and the territories collectively to see if we can improve that process.

You said 20 percent stays in the state capital, but the folks back home are not sure. A lot more than 20 percent will stay there. And you all said, “We want 20 percent in the state capital, 80 percent

down to the cities.” So we just have to monitor that. We are going to do our very best.

The dollars are out there. Many of the states have received checks. We are just going to try to push it down to the locals as quickly as possible. Again, we have to direct that process since it is federal money.

Chairman COX. The gentlelady from Texas, Ms. Granger, is recognized for five minutes.

Ms. GRANGER. Thank you, Mr. Chairman.

And thank you, Mr. Secretary, for returning to us. We appreciate that.

I would like to return to the airport security one more time. Our understanding is that 75 screeners were fired because they were found to have criminal backgrounds. I have several questions.

One is, how did you find this out? In other words, did some incident occur, and then you did further checking or was it completing those background checks after they were working?

And if it was that, then are there others who were found to have lied on their application? If so, were they fired, are they still working? In other words, what decision was being made?

Secretary RIDGE. Well, if you lied, you are gone.

Ms. GRANGER. Good. Let me add that they are definitely more professional. —There is more confidence in the public as they go through those screeners in those airports, and the performance has been significantly better.

And the few times when I have found that it wasn't as good I have called Admiral Loy, who called immediately back and took care of it. So excellent response.

I would ask you this, though. We still have people that are employed, but we haven't finished the background checks, and you are eliminating, I think you said, 6,000 to 8,000 screeners. I can't remember the number. Will those who will be eliminated come from the list of the background checks who have not been completed? That seems reasonable.

Secretary RIDGE. They have all gone through a couple of background checks. And obviously, in a rush to get 55,000 people, to meet a mandate, they went through a couple of background checks that were fairly thorough.

We are very, very confident about just about everybody in the work force, but absolutely we can't be confident about all. Now they are going through an even more rigorous OPM screening, which involves credit histories. I mean, they are really going through the rigors.

First of all, as we right-size and match people with technology on an airport-by-airport basis, we estimate there will be a reduction probably of about 5,000 to 6,000 between now and the end of the year.

There will be an attrition that will probably eliminate about half. There will be some that got caught up in these kinds of misstatements or what have you or transgressions will be removed. And the other adjustments we will just make as we go along.

Ms. JACKSON LEE. We are under an orange alert, and I think the title of this hearing is, “Have We Moved Toward Safety?” I say we are moving, but I believe that we are not safe.

And I believe that we can do things together on many fronts to ensure that. And I indicated that my themes will be somewhat conflicting.

First of all, let me thank you for the work that was done in Columbia 7, helping us in the state of Texas and other regions. We appreciate it very much, worked with Homeland Security. And I might personally compliment the Transportation Security Administration staff and personnel in the Houston region. It is a busy airport and I think that they have been working very hard.

At the same time, I would offer to say that TSA personnel on the ground do need enhanced training on several points. I know that the surprise element is key, and I am going to say a number of things and then if you would comment on them.

The surprise element is important, but it looks as if in some of the ways that they are utilizing their skills, it is not focused on getting the guy or the gal who is intending to do the wrong thing. And I think it is important that they have the skills of focusing in.

I have been a surveyor of some of the actions and when you are stripping down individuals who are clearly not intending or have any basis of doing anything, you still run into the same problems we had before.

I will just leave that on the table.

The other point I think is important is if we clearly get an opportunity for intelligent sharing that is accurate to our local communities, in talking to my first responders, I am finding that the actual sharing of intelligence—clear intelligence—such that it is not represented as chatter—it confuses the locals when they information said, “It’s chatter, but what are we supposed to do?” And I think if we can get clear lines of understanding.

Let me move to this issue of immigration. I have also said that immigration does not equate to terrorism; that immigrants come here for legitimate concerns and interests and we have legitimate concerns about security. But the long-term critics of immigration are now trying to equate immigrants to terrorism.

And it would be a national shame if in the name of security we were to close the door to immigrants who come here to work and build a better life for themselves and their families.

The problem is not that we are letting too many people into the United States, but that we are not keeping out the dangerous one. And we know that immigrants come here to realize the American dream.

We have a program where you are calling up—we have been calling up a number of individuals asking them—the special registration program, and I believe that this program is flawed in its design and implementation. These mass call-ins are intimidating. It is questionable whether they are working.

At the same time, you have heard this other question being asked as well. We are treating business persons, persons coming in for medical need like terrorists, individuals who are going to perpetrate terrorist acts. And I would ask that we find ways to handle that system.

We have had an individual in the Houston airport who got a recommendation from the ambassador in Saudi Arabia—and I know when you say Saudi Arabia it raises the ire. And he was in the air-

port for two hours, interrogated, filling out five and six pages of paper. It really is hurting business.

On the other hand, Mr. Secretary, we have a smuggling problem; 19 people died in Texas. And I believe we need to enhance our laws on that, because as we have a smuggling problem on the northern and southern border, we don't know who may be able to get in that way. And I would like to see more technology used on the borders.

The other question I would be interested in is whether you would be amenable to a four-month extension on the SEVIS program.

And then, as I close, let me leave the hospital question on the table. I think you saw it in Chicago, the fact that our hospital capacity is still a problem, and we need to look at that as homeland security individuals advocating this issue. And I believe that if we can come to grips on some of these concerns, we can get where we need to go.

I think the last point is, the money that you have allocated is not getting to the local persons. And I would appreciate it if we could look at ridding ourselves of the grant process. If the money is designated, let them draw down, let them be accountable, get rid of the grant process because they are not getting the money.

And I would appreciate your answers on those questions.

Chairman COX. Mr. Secretary, if you would, before you answer, I understand that while you are scheduled to leave at 11:30, we are going to have you until 11:45.

And I would put to the members, having just discussed this with the ranking member, the advisability of a unanimous consent request that the time for further questioning per member be limited to three minutes. If we agree to this, then I believe that everyone who is here will have the opportunity to ask questions.

So moved. Without objection, so ordered.

Secretary RIDGE. I appreciate it. I will try to go through the list, Congresswoman, quickly.

The concern about the training at TSA I think is legit. Admiral Loy believes that there ought to be a continuous training element. There is. We have requested additional dollars in the 2004 budget precisely for that purpose.

I thank you for your comments about their professionalism. They are highly motivated. But you need to keep them motivated and you need to keep them trained.

They do get and will continue to get directions based on information we receive as to what to look for as people walk through the portals, walk through the metal detectors.

I stopped at an airport and I have talked to a couple of them. They pulled some people over who were acting anxious, acting nervous; and, you know, they found some things on them. They were not terrorists, but they were carrying some things on the plane that should not have been carried on.

So, I mean, again, it is a training regimen. It is very robust now, but it is going to continue to get better.

The intel to the locals, we have just begun that process. I think they have a legitimate concern. I do think, however, there is a notion that we get a lot of specific information, that we are not sharing. We get a lot of general information, some of which is not cor-

roborated. But when we get actionable information we will get it down to them.

What we have been doing in the department's short tenure, less than three months, there have been three or four occasions when we have sent down to the state and locals lessons learned from overseas, lessons learned not from what transpired and we observed, but as we talk to the intelligence community in other countries around the world have had to deal with the phenomenon of terrorism.

There are certain things, observations they make, certain protocols, certain MOs. And so, we share that information.

Your concern about the balance of immigration between keeping us open and diverse and secure is very much at the heart of the border accords that we are negotiating and really have begun to implement with our friends in Canada and Mexico, to include the legitimate concern you have about smuggling. We will be working on some pilot projects this year to use some technology to expand the reach of the Border Patrol and others at the borders. So we are hoping to work that out.

We understand there were technical problems with the Student Exchange and Visitor Information System. We think we have most of the technical problems under control. So I do not want to commit to a four-month extension. We would like to get it up and running and improve what went wrong, and I think we can do that.

On Chicago, I talked publicly about Chicago having a capacity in a public statement that I made as we analyzed the drill, and we, kind of, plugged that in to the drill to see how our system of the federal government would respond.

If you had a bad capacity responding to a bio attack in Chicago and you were saturated, where would you go? Well, we ran our request through DOD to get an emergency hospital. We ran our request through the public health system to get 150 more nurses and 25 more docs, and that seemed to work pretty well.

And, again, we know we have a challenge to get timely and actionable information down to the local folks, and we are working with them and our partners in the federal government to do just that.

Chairman COX. The gentleman from Arizona, Mr. Shadegg, is recognized for three minutes.

Mr. SHADEGG. Thank you, Mr. Chairman.

And first, Mr. Secretary, thank you for being here and for the graciousness of coming a second time. In my tenure in Congress it is unprecedented.

Secretary RIDGE. For the first couple of terms, I was on the bottom row and, you know, I wanted to ask my questions too.

Mr. SHADEGG. I very much appreciate that.

Second, let me commend you. I think trying to stand up an agency of this size, the biggest revision of the federal government in decades, is very difficult, and I wish you all the best, and I think it is a tremendous challenge, and I know that it is near impossible to do in this amount of time, but I think you are doing a great job of it, and I want to commend you.

I have three questions, which I am going to put to you, and I am not so certain that I am interested in your answer today, but I also

want you to reflect on them and figure out the long-term implications of them.

The first goes to the statute. This committee has primary jurisdiction over the statute itself, and I find the statute we gave you somewhat confusing on a critical issue; and that is the issue of who is responsible for, specifically, terrorist attacks and for preparing for them.

Section 502 of the act says that, "Amongst the responsibilities of the undersecretary for emergency preparedness and response is helping to ensure the effectiveness of emergency response providers to terrorist attacks."

It goes on to mention disasters.

Section 430 of the act says, "That the Office for Domestic Preparedness shall have the primary responsibility within the executive branch of the government for the preparedness of the United States for acts of terrorism."

So on the one hand it is here and on the other hand it is here, unless the word "primary" has some real significance.

My first question of you is, have you examined that issue?

Have you found it be confusing within your own department?

And is there something we, as a Congress, could do to clarify that part of the statute so that you make it clear, "Well, here is where the response to terrorism is and here is where response to other disasters are"?

Because I feel the country should already be pretty good at handling disasters; we have dealt with hurricanes and floods and forest fires. I am worried and I think the American people are worried about how is our new response to terrorism. So that is question one.

Question two, and I am going to put them all at once. Question two is an issue of the Arizona–Mexico border. Recently, the entire Arizona delegation wrote you and expressed our request that you support and assist us in getting unmanned aerial vehicles for the Mexican border.

Quite frankly, I have been on that border a number of times. I know you have been on that border a number of times. Helicopters do a great job, but they are phenomenally expensive.

The foot patrols and other things we do there are doing a great job, but I think UAVs could be a key. And I guess my question in that is, are you looking seriously at UAVs?

Is that something we can hope for in the near future?

The third question has to do, again, with the effort of your agency to try to bring some consistency. On Monday of this week, a number of us and some of my colleagues here today went to Niagara Falls. We held a hearing to look at port security there.

Chairman COX. The gentleman's time has expired.

Mr. SHADEGG. I want to conclude quickly.

We have conflicting systems for people who frequently cross the Canadian border and for people who frequently cross the Mexican border, and they do not seem to talk to each other and they do not seem to be consistent.

In addition, some people have talked to you about, "Well, should we be prescreening frequent fliers and prescreening people who frequently use cruise ships?"

And my question is, is your department looking at consolidating or bringing a level of consistency to all of those?

Secretary RIDGE. First of all, I would like to get back to you with a technical recommendation on the language that may appear to be inconsistent. And, in fact, internally both of these organizations know they need to work together, and are.

Very appropriately, Congress said that FEMA, which we call right now the Directorate for Emergency Preparedness and Response, I am probably going to come back to you and say, "Let's just keep it FEMA, FEMA's a brand name, FEMA's what everybody knows. We ought to continue to call it the Federal Emergency Management Agency."

But they work very, very closely with ODP and they were very much a part of the Office of Domestic Preparedness terrorism exercise, TOPOFF II.

So we are collaborating. It is seamless. But I would like to get back to you on the technical nature of the language.

Secondly, we are very seriously looking at UAVs, for both border application, land and sea. In the Coast Guard's Deepwater project, which is a multi-year acquisition to build new platforms and employ new technology, they are looking for a system that can elevate off the back of a cutter, get out and, obviously, go out hundreds of miles and come back.

That will expand their range enormously. That is a fairly sophisticated piece of equipment; you have to take off and land on a cutter or small operation.

Where you have wide open spaces, it is a lot easier for us to take a look at some of the technology that is presently employed by the Department of Defense. We have a group that is working on that, the Science and Technology Unit is working on it.

It is our goal to have a pilot up by the end of the year using a UAV along some of our land borders.

And, thirdly, we are trying to harmonize some of the processes at our borders with regard to pedestrian traffic, commercial traffic and particularly the trusted traveler program.

The Canadian government knows them. We know them. The Mexican government knows them. We know them. They ought to be in a fast lane.

We call it NEXUS in one place, SENTRI in the other. We need to bring compatible technologies. But we are basically working the same thing through both borders.

Chairman COX. The gentleman from New Jersey, Mr. Pascrell, is recognized for three minutes.

Mr. PASCRELL. Thank you, Mr. Chairman.

Governor, the first folks that responding at Yale yesterday were our first responders. Thank God no life was lost.

I recommend to you and suggest, and you know my feelings about this, that the FIRE Act be kept intact, for a couple of reasons. Number one, there is no money that moves through the state to the local communities.

This is money directed to the states. And these are needs which have been highlighted and identified before 9/11. And so, I think if we meld those programs; I mean, you have suggested that we move away from U.S. Fire Administration.

I think that this would be not very good for the FIRE Act. And you meld the monies, I know what is going to happen when that money goes to the states: half of it will never get to the local communities.

So I would hope that we keep the same formula and I would be more than willing to discuss that with you at another time.

Secretary RIDGE. Okay. But we share the same goal, Congressman. It is a program that is of, for, and by the fireman. It is a matching grant program. It is a program where the firefighters actually help us review the applications so we make sure we are getting good value for the dollar.

Mr. PASCRELL. And it works.

Secretary RIDGE. And it works. Again, we are trying to create a one-stop shop, but I want to keep it intact. I just want to move the administration to a grant-making operation within State and Local. But, we want to keep the FIRE Act intact.

Mr. PASCRELL. Governor, the Congressional Research Service gave us a report on May the 16th. The report was, "Foreign Terrorists and The Availability of Firearms and Black Powder in The United States."

On page CRS5 of that report, there is some startling and chilling evidence; that because of the lax position in this country of firearms, that these weapons have indeed fallen into the hands many times of the wrong people.

In the second paragraph on page CRS5, "Following a three-day delayed sale, licensees have transferred firearms to persons whom the FBI subsequently learned were prohibited from possessing firearms. In such cases, efforts were made to retrieve these firearms."

I think when you read this report and then you read the response of the attorney general, who ordered that reports and files be destroyed, because he said that it was in contravention to the Brady act, there is something wrong.

And I want to know what steps you recommend that we take in order to help preventers from exploiting our increasingly lenient gun laws?

Secretary RIDGE. Well, first of all, I would be happy to give you some recommendations after I read the analysis done by the Congressional Research Service. Obviously, I think, all of us in this country—the President, the Attorney General—want to make sure that the illegal distribution of powder, firearms and the like, is eliminated.

Certainly, we have to do everything we can on a day-to-day basis to achieve that goal. I am not familiar with the report, and I guess it is my job to get back to you with it.

Mr. PASCRELL. Just a final question, if I may, Mr. Chairman?

Chairman COX. The gentleman's time has expired, but if you can have Mr. Etheridge yield to you, you are welcome. We are now against a finite time cap, so it is just borrowing from your colleagues.

Mr. Etheridge, would you like to yield a minute to Mr. Pascrell?

Secretary RIDGE. If the gentleman wants to submit the next question in writing, I would be happy to get back to him with?

Mr. PASCRELL. Well, it is about Texas, so it is going to be a long question.

Secretary RIDGE. Oh, all right.

Chairman COX. The gentleman from North Carolina, Mr. Etheridge, is recognized for three minutes.

Mr. ETHERIDGE. Thank you, Mr. Chairman.

Thank you, Mr. Secretary.

Mr. Secretary, I represent an area in North Carolina that includes Fort Bragg, Pope, part of the Research Triangle, a nuclear power plant, a distribution center for major fuels.

I had hearings last fall with my first responders, police, fire, rescue and again earlier this year. Last year they were blaming the FBI for not getting the information to them. What they got was general information they could not respond to. They were frustrated. This spring they are concerned about the resources to fit their needs.

I raise it in the context of this question, because some of these are small units, and as we look at the formula to go to them we have a major oil terminal in Selma, North Carolina.

It is at a crossroads with two major interstates with a huge terminal, a small town with very little resources, and they are crying for resources, and they need them, because if something happened at that terminal, you would have a major problem.

You could conceivably shut down two major interstates, I-95 that moves toward I-40, and they do not fit some of the formulas. And I hope as we look at it, these things are put in as part of it.

And the communications issue is a critical piece I keep hearing. In North Carolina, of all states, has been hit with enough natural disasters over the last eight or 10 years—

Secretary RIDGE. Absolutely.

Mr. ETHERIDGE. —we really do have some coordination. But still, that coordination between units is still a major problem.

We are working on it, but we certainly need the footprint or the profile and help from the federal government with resources going quickly.

Because I think, unless we do it; if I were a terrorist, I would know where I would hit. I would hit in areas where we have soft spots. And certainly these are the kind of soft spots with local units close to major installations, and a lot of time they do not have the resources.

Secretary RIDGE. Congressman, I think, again, your area has a unique configuration of assets that are probably different than your colleagues, which I think, again, cries out very loudly to the notion that we, with the governors' leadership—

I mean, somebody said before, this is not an American issue, this is not a partisan issue; I do not care whether you are Republican governor or Democrat governor or Independent. With the governors' leadership, and obviously working in collaboration from the group, a state like North Carolina takes a look at your assets, your vulnerabilities and the capacity to respond to attacks within a region.

And then, as we distribute these dollars in that future formula, we may say instead of 20/80 to the states, 80 specifically to the communities, it is a different formula so that pursuant to that statewide plan your communities can access those dollars.

I mean, we have given billions and we are going to give billions more. We really need to develop plans to make sure that we manage the risks, that we work on the areas where there is greatest possibility of a catastrophic incident, and then build from that.

So, again, I am going to implore you to work with me to see to it that we get statewide plans and distribute resources according to those plans.

Chairman COX. The gentleman from Kentucky, Mr. Lucas, is recognized for three minutes.

Mr. LUCAS. Thank you, Mr. Chairman.

Mr. Secretary, I know you are being pulled in 100 directions, and I do not know your job and your responsibilities, so I just hope you hang in there.

Mr. Secretary, this next week I have several meetings set with first responders, fire, EMS, police and so forth out in the district. And I realize that we are not in the interior in Kentucky, we are not in a high-threat area.

And, you know, I realize that the funding and attention is going to go to the higher-threats areas, which it should.

But, you know, nevertheless we have these first responders out there that are very frustrated. And, you know, I have not been able to tell them a lot. And, of course, you have talked about this one-stop shop for grants and so forth, and leaving the FIRE Act as it is, and I can appreciate that.

But I would just ask you, I do not want to have the expectations too high for folks in my area. And I would just ask you what pearls of wisdom I could say to these first-time responders in areas like we represent.

Secretary RIDGE. Well, first of all, I hope you reassure them that because of your advocacy and that of others that the Fire Grant Program remains intact. I mean, they are concerned that that will be torn apart, and it will not. You have my word on it.

And most of those dollars go to those firefighters and those kinds of communities. It has certainly much more of a rural base than an urban base, number one.

Secondly, again, one of our challenges, and every challenge is an opportunity, is to sit down with the homeland security adviser in these states, who I think can really be the prime leader in pulling together the police and the fire and the emergency services to build mutual aid pacts.

And I think, what I would hope that you would share with them is, one, I think fairly confident that because of the administration's commitment and congressional commitment, they are going to see money come into Kentucky.

There is more money going to be coming out this year, next year and foreseeable years. They work within the state to develop mutual aid programs and build capacity with some of these dollars that Kentucky's going to get. I think that is the only way we can go about doing it. That would be my recommendation to you.

Mr. LUCAS. In anticipation, would there be a pecking order of priorities? I mean, we have some counties—

Secretary RIDGE. What I have heard, from just about everybody, is communications equipment.

Mr. LUCAS. Communications, yes.

Secretary RIDGE. And, again, I think there are ways that we can address that right now, but everybody has to agree to it. And that is why I think having a statewide plan that says, "We have adopted priorities. Priority number one is communication. And that we will use X percent of our dollars on this equipment to start tying our communities together," and they will get it.

But it will not be done if every police chief and every fire chief and every emergency service organization decides they have to have their own equipment. Somebody has to say, "Stop! There is going to be some money, but let's start building a single system." Some states have done it; some have not. And I think we all have to do better with it.

Chairman COX. The gentleman from Rhode Island, Mr. Langevin, is recognized for three minutes.

Mr. LANGEVIN. Thank you, Mr. Chairman.

And welcome back, Mr. Secretary.

Secretary RIDGE. Good to see you again.

Mr. LANGEVIN. Thank you for making it in.

Secretary RIDGE. Sure.

Mr. LANGEVIN. I would like to share with the committee, just briefly, our first meeting at the White House.

We were at the White House together and discussing the department and I expressed my concern that it needed to be elevated to a Cabinet-level office, needed to have budgetary authority. You told me then that you would have all that you needed to get the job done and the very next morning the president announced he was elevating it to a Cabinet-level position.

Secretary RIDGE. Right.

Mr. LANGEVIN. I just wanted to congratulate you, Mr. Secretary.

Secretary RIDGE. Thank you. But be careful; when you paid for it, I got it.

Mr. LANGEVIN. Thank you.

I have two questions, both of which I believe were addressed during Tuesday's session, so I apologize if my inquiry is repetitive. However, I think that it is such a critical issue and one on which we have yet to receive a sufficiently detailed response that it bears repeating.

The department recently provided a listing of the information that the Information Analysis and Infrastructure Protection Directorate is receiving from the intelligence community.

So far, it has received FBI documents, no hard copy products from the CIA and only has access to intelligence reports at the secret level. I also understand that the IAIP is not on CIA's top secret cable system; thus limiting the amount of intelligence that can be used on our nation's critical vulnerabilities.

And my question is: Is this situation adequate for the directorate that is supposed to receive all information about threats to the homeland and map them against assessed vulnerability?

And, if not, and I believe that it is not, what is being done to address this problem?

My other question concerns the TTIC, which was discussed several times on Tuesday, and its relationship to the Department of Homeland Security's Information Analysis and Infrastructure Protection Directorate. You said that the DHS would be both the con-

sumer and a supplier. I still do not have a grasp on exactly what role DHS will play in terms of intelligence collection and analysis.

And part of my confusion stems from the fact that before TTIC was announced this year, I thought that a major purpose of the IAIP directorate was to perform exactly the kind of intelligence integration it sounds like TTIC has responsibility for.

Therefore, can you describe the specific role DHS would play in the intelligence community, exactly what type of information collection analysis it would perform?

Secretary RIDGE. A very appropriate question. It is appropriate because it is one of the most important pieces of the new department, and everybody in the country wants it to work well and work immediately. And so let me explain to you where we are, and where we are going to go.

First of all, we distinguish between threat assessment and vulnerability assessment. Threat assessment is really a determination by analysts within the intelligence community as to the possibility of an attack against a particular target, general or specific.

But what is the likelihood that terrorists, whatever organization, are in a position to attack and bring death and destruction to this country? What is the threat?

We have the CIA, the FBI, our analysts, and the Department of Defense doing threat analysis minute-by-minute, hour-by-hour. That is going on all the time.

The vulnerability assessment that we often talk about really reflects our view, our perspective as we take a look at different either economic assets, pipelines, telecommunication centers, dams, or transportation assets.

How vulnerable are they to potential terrorist attack?

And there is a wide range of attacks, from individual to organized with conventional explosives to a radiological attack, chemical attack, and the like.

What are the protective measures that they have? What security do they have against those kind of attacks?

We blend them together in the Information Analysis and Infrastructure Protection piece so that the information we get from the intelligence community about a possible attack and to the extent that we have information about a target, we then take a look at the vulnerability of the target.

And then it is our job to work with that sector and work with that venue to say: "You need to do these things and you need to do them now." We may have the possibility to anticipate long-term needs and do it across the sector, across the country.

Let me tell you, how this piece in our department works with the rest of the intelligence community.

We have analysts within DHS who do not have access to the raw information immediately. We get all the analytical reports from the CIA and the FBI. We also have analysts inside the Threat Integration Center. Where they work with their colleagues from the FBI, and the DOD and the CIA. There we have access to everything.

Now, we are just setting up the organization. I do not think the technology that we want is in place yet.

But the goal is to do two things. We will, because we have agencies within the department like the Coast Guard, and TSA. We

have Immigration, maybe not the Immigration and Citizenship Services, but the Bureau of Immigration and Customs Enforcement, and a couple others.

They will potentially generate information, and with our connections with state and local, we will get some information. We will provide that to the Threat Integration Center, through our IAIP.

But we can then, through our relationship with the Terrorist Integration Center go back and ask specific questions. We can set intelligence requirements for our responsibility. Our responsibility is not to disrupt the terrorists as much as it is to harden America.

All right, we read this report, and you got it from some place so go back to that source and ask the following questions. We would like to get answers to these questions, if you can, because we want to do these things at that site.

So, again, we are a consumer and we are a provider. It has been up and running for a couple weeks. I will tell you that the product that we see every day, and the primary goal is to give us a comprehensive threat picture. I not only get the comprehensive threat picture, but I get the individual threat reporting.

We finally have one place, and again, we still need to beef it up with more analysts. We are going to do a better job with the technology. It will be one place that will be a common source where those analysts in that unit have access to information across the board.

Chairman COX. The gentleman from Florida, Mr. Meek.

And I would thank the secretary. We are pushing the envelope on our unanimous consent agreement. We have Mr. Meek and the chairman of the Armed Services Committee, Mr. Hunter, remaining.

Mr. Meek, you are recognized for three minutes.

Mr. MEEK. Mr. Chairman, I would like to yield one minute to Mr. Pascrell, if I can.

Chairman COX. Your time.

Mr. PASCRELL. Thank you, the gentleman from Florida.

Thank you for your service, Governor. And I have supported everything you have recommended since you got the job. You have done a great job.

But I got to ask you this question as a follow-up. You know the ranking member of this committee has asked you very specifically about what went on between the department and the Department of Public Safety in Texas with regard to—

Secretary RIDGE. Oh, sure.

Mr. PASCRELL. —those folks that left. I know that you took it under review. I am anxious to get the results of that review, anxious to know if we are going to hear the tapes of correspondence between the departments. And I think the American people have a right to know that, and I think you believe the same thing.

Secretary RIDGE. Well, I do not think there is any question about it. I think very appropriately your colleague from Texas asked the question two days ago, and I think very appropriately we responded.

This is now potentially a criminal investigation. The tapes are part of the evidentiary chain. When you are involved in a criminal investigation involving information and pieces of evidence, they are

not necessarily available for public review right now. At some point in time, I suspect it will be available.

But if there is an investigation being conducted by an inspector general, so you know and to be very clear about it, the acting inspector general is from Texas. Attorney General Clark Ervin has recused himself. He is too close to this.

He turned it over to a very able lawyer within the IG office because there is a potential conflict. I mean, there is an investigation that, may or may not have a criminal component. Who knows what the outcome will be. But it is just not appropriate to be passing that information out right now.

Mr. MEEK. Thank you, Mr. Secretary. I thank you for your service.

I have been a first responder myself at the Florida Highway Patrol in Florida, and I know what is important as it relates to communicating with the public, communicating with a crowd at a tragedy. On 9/11 there were a lot of folks who did not know what to do, how to do it. We are better prepared today than we were then.

Myself and members of this committee are looking at how can we communicate with the American public. We know that people are saying that individuals can be e-mailed or through wireless handheld Palm Pilots, but the average American does not have that pleasure or even technology to be able to be informed on what is going on, and it can be rural or city.

Today, along with myself and members of this committee, we are putting forth a ready-call bill that would allow you, the secretary of Homeland Security, to be able to work with a telecommunications company or system to notify Americans in their own homes. The FCC says that we have over 109 million homes, 104 million homes or households, who actually have a hard-line phone.

Let's say, for instance, if it was the "Hour of Power" on Sunday, if something was to happen, they would not be plugged into any of the national television. But if someone could call that sanctuary or wherever the place may be to be able to let them know what is going on right outside, what they should do and how they should do it with precision would be good to be able to let them know.

It would help the first responders, because at least they will not have to use those resources to try to talk over a megaphone or whatever the case may be.

Recently, I had a tornado in my district and, you know, I saw the mayor there talking, telling people, people who were affected by the tornado: "Please don't go outside, the power lines—"

Well, they don't have power, so how are they going to hear you? I mean, everyone else can hear you. But they had phone service.

So I think it is important if the Department can look at being in support of not only such a bill, but even moving in that direction with the power that you have now communicating with Americans, letting them know what is going on.

Even if we had to go to a severe alert and we had an issue in Virginia, we could call those homes in a matter of minutes to let them know what they should do and how they should prepare for that. And if they see anything suspicious it could very well help law enforcement, because government can't do it all by itself.

We need the general public to be able to help us.

And I think it will be a great move toward communicating with our public in helping our first responders.

Secretary RIDGE. Congressman, first of all, I appreciate your perspective as a former first responder. You understand that at a time of crisis, if you have those not necessarily directly involved in the crisis or the incident acting on good information, that relieves you from being concerned about them. You can focus your concern on people being affected by the incident.

That is one reason why we have the Ready Campaign and that is one reason that we believe within the department that one of our primary missions is public awareness. And I am anxious to take a look at the measure that you have proposed.

We know that communication among first responders is critically important, but there is a broader world we need to correspond with and keep informed is America. I think we are an intelligent, sophisticated country; you can deal with information and we can act on information. Our job is to get it to them.

And if we get them timely and accurate information, particularly at a time of crisis, every first responder I have talked to said: "If those who are not directly involved don't get in our way, we can focus our attention and our resources on those that are involved."

And the only way we get them out of the way is keep them informed with information so they understand they don't have to get involved.

So I am anxious to take a look at the bill and continue the conversation with you.

Ms. JACKSON LEE. Mr. Chairman?

Chairman COX. Gentlelady?

Ms. JACKSON LEE. Can I have unanimous consent for 15 seconds? I will not ask him to respond. I just want to put these two issues on the record.

Chairman COX. Yes, the gentlelady is so recognized.

And for those members present who wish to submit questions, we will make those questions and any response from the department as part of the permanent record.

The gentlelady is recognized.

Ms. JACKSON LEE. The secretary has been wonderful. A question that I asked that did not get answered: grant application process, the monies are not getting to local government. And I just think that we need to look at a new formula.

The second is, I want to thank you for acknowledging that the Texas incident is a criminal investigation. And I only ask and, you may want to correct me, that the investigation be expedited and that we get the full story. I think that is the most important thing.

Secretary RIDGE. I do want to correct you. We don't know where it will lead, but I think it is very appropriate that the evidentiary chain and those bits and pieces of information or everything else that is part of the inspector general's responsibility be, for the time being, contained, to see where the investigation takes us.

And, again, I think Congress said we need inspector generals for precisely these reasons, and we are going to use ours to get to the bottom of it.

We are all interested.

Ms. JACKSON LEE. I am excited about that, thank you very much.

Thank you, Mr. Chairman, ranking member.

Chairman COX. Mr. Secretary, thank you very much, you have essentially completed two-and-a-half hearings now, because we had the first, this is an extension, then you extended it. We want to thank you very much for that.

I just wish to ask the department to assist this committee in our preparation of legislation that we expect to bring to the floor in July. Presumably, we will report it out of this committee during the month of June.

I think the time will be right when we return from this one-week recess to address any areas that we have already discussed and additional issues that we have not discussed within the Homeland Security Act, that the department believes need attention, I think the time will be right.

Secretary RIDGE. Thank you, Mr. Chairman.

Chairman COX. Thank you again, Mr. Secretary.

[Whereupon, at 12:05 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIALS SUBMITTED FOR THE RECORD

RESPONSES TO QUESTIONS FOR THE RECORD BY SECRETARY TOM RIDGE

At the hearing on May 20, 2003, the following questions, or requests for information were asked by Members.

Mr. TURNER. Please provide a catalog of the intelligence products received by the Information and Infrastructure Protection Directorate (j an April Letter). Can you update the information relating to the document receipt of your Department relating to CIA reports on information.

Mr. TURNER. Can you provide the guidelines for information sharing with State and local governments.

Mr. ROGERS. Please submit a report to the Committee on the status of TSA employees with criminal record, and background checks to assure that this does not happen.

Mr. MARKEY. The Secretary stated that he would provide within 2 weeks of the hearing a report on the plan to screen cargo of passenger jets in America; technology capabilities, costs and potential uses. Please provide this report to the Committee.

Ms. HARMAN. Can you share with the Committee proposals for sharing information with school board, teachers, and local communities in preparation for potential threats.

Mr. ISTOOK. Can you provide the Committee with an update on the ability of the Department to adequately respond to letter and information requests from Members of Congress.

Answer: The Department of Homeland Security is in the process of hiring additional staff to better respond to information requests from Members of Congress. Expanding the use of existing technology should also improve response times.

Mr. ISTOOK. Please provide the Committee with the status of the TSA regional training offices, how they are being selected, locales.

QUESTIONS SUBMITTED FOR THE RECORD FROM THE HONORABLE BILL YOUNG

1. Could you give us an update on efforts to secure stockpile quantities of Prussian Blue for the treatment of radiation exposure due to a "dirty bomb" incident or any other incident using a radiological dispersal device. I understand that your agency is working in concert with HHS to take the necessary steps to enable production of this agent in the U.S. on an expedited basis.

Answer: Currently, the Food and Drug Administration, the Centers for Disease Control, the Department of Health and Human Services (DHHS), and the Department of Homeland Security (DHS) are working together toward the goal of obtaining a quantity of Prussian Blue for the Strategic National Stockpile (SNS). In an effort to plan for the future, a notice was published in the Federal Register on February 4, 2003, encouraging pharmaceutical manufacturers to submit new drug applications for Prussian Blue drug products. As a result of the Federal Register notice,

several companies have expressed interest in the U.S. production of such a product. Other options, such as employing foreign manufacturers, are also being explored. U.S. production would be beneficial because of faster production time and more rapid licensure, whereas foreign manufacturers would probably encounter some shipping and licensing delays.

QUESTIONS SUBMITTED FOR THE RECORD FROM THE HONORABLE F. JAMES
SENSENBRENNER, JR.

1. What is the Department's timeline regarding implementation of the SAFETY Act? When can we expect proposed implementing regulations to be promulgated by the Department?

Answer: Applications for sellers of technologies potentially covered by the Act will be available on September 1, 2003. The rule implementing the legislation cited in Public Law 107-296, Subtitle G, was submitted to the Federal Register for public comment on July 11, 2003. The duration of the public comment period was 30 days. At the close of that 30-day public comment period, the rule, as published, went into effect as an interim rule. Although comments are currently being assessed for potential impact on a final rule, the process will begin immediately.

2. In my letter to you of March 5, 2003, I urged you "to quickly identify a priority list of proven anti-terrorism technology solutions that can be qualified under the SAFETY Act immediately, including technology with prior military or government use and biological and chemical detection systems now sought by Federal, state and local entities responsible for public safety." Does such a priority list exist? If not, what is the Department's timeline for putting such a list together?

Answer: The Department will begin accepting applications for Support Anti-Terrorism by Fostering Effective Technology Act of 2002 (SAFETY Act) protections on September 1, 2003. All applications will be reviewed using the criteria contained in Public Law 107-296, Sections 861-865. The Department has designed a rigorous review process to determine which of the technologies submitted for consideration have the verifiable capability to both address large-scale terrorism and to be rapidly deployed. Although there are many technologies that are important to protecting our homeland, the SAFETY Act designation and certification is designed to support very specific technologies that are primarily targeted at preventing, detecting, responding to or recovering from mass destruction or injury resulting from an act of terrorism. In addition, the Department will conduct a comprehensive review of the seller's business and insurance plan to confirm that use of the SAFETY Act designation meets the criteria contained in the Act.

A web site has been designed to facilitate the application submission process and to assist users in understanding both the criteria for submission as well as the application and review process. In addition, DHS is conducting five workshops to introduce interested parties to the SAFETY Act. The workshops will:

- Provide a forum for describing the process that will be used by DHS to determine whether a technology should be designated as a Qualified Anti-Terrorism Technology under the SAFETY Act.
- Present general information about the SAFETY Act and how to prepare an application.
- Introduce potential applicants to opportunities for DHS assistance prior to submitting a formal application in order to enable the applicant to determine whether or not a technology is likely to be a candidate for SAFETY Act protection.

The timelines are driven in part by the ability of each applicant to provide the information required to ensure a defensible, fair, and consistent evaluation and to comply with the stated intent of the law. The timelines contained in the rule include:

- An initial notification to the submitter within 30 days after receipt of an application as to whether the application is complete.
- If complete, the Department has 90 days to conduct its review of the application and supporting documentation to determine whether to recommend issuing a designation or certification. During this review period the Assistant Secretary may extend the time period beyond the 90 days upon written notice to the seller.
- Within 30 days after receiving a recommendation, the Under Secretary must issue the appropriate designation, notify the seller in writing that the technology is potentially eligible for designation but additional information is needed before a decision can be reached, or deny the application and notify the seller in writing of such decision.

All applications will be reviewed and evaluated as quickly as possible. However, DHS will focus its first efforts on those technologies and systems that have been demonstrated to make the largest contribution to risk reduction for the homeland

security defensive system—and that meet the criteria contained in Subtitle G. Each “target” (i.e., people, facilities, critical infrastructure element) has a different set of vulnerabilities and probabilities of attack. The various means of attack (i.e., radiological, biological, explosive, cyber) will have different consequences on different targets. Therefore, the highest priority technologies will be determined based on the contribution of that technology on the total system of defense, including consideration of the synergies and the respective degree of impact on overall risk.

3. How many applications for SAFETY Act coverage have you received so far? Does the Department currently have adequate resources to handle those applications expeditiously?

Answer: Applications for SAFETY Act coverage will not be accepted until September 1, 2003. No products have yet been designated as Qualified Anti-Terrorism Technologies, nor have any yet been certified under the SAFETY Act.

In order to implement the Act in a rigorous, defensible, and impartial manner, extensive efforts have been underway to develop a process that will govern the evaluation of applications against the complex criteria mandated in the Act. There has also been a concerted effort to implement an electronically based application, evaluation, and tracking system that will support consistent and efficient processing of what are expected to be numerous applications. Five seminars are being held across the country in order to provide information regarding the application and evaluation process. The intent is to assist potential applicants in first determining whether or not it is in their best interest to use resources to pursue SAFETY Act designation and/or certification and also to help them understand how to move through the process.

No separate funds were set aside in the budget for SAFETY Act implementation, which was recently assigned to the Science & Technology Directorate. The dimensions and resource requirements of the program depend largely upon the number of applications submitted. Each proposed technology must undergo technical, legal, and insurance reviews. The dimensions of the SAFETY Act program are thus unknown; the Administration will monitor resources and request additional funding if required.

QUESTIONS SUBMITTED FOR THE RECORD FROM THE HONORABLE DUNCAN HUNTER

1.: The Bush Administration has met the 1996 congressional mandate of 10,000 Border Patrol Agents, with the majority of the agents stationed along the Southwest border. Since 9–11–03, however, many of these Southwest agents have been redeployed to other sectors, primarily along the Northern border. As a result, our personnel assets in the Southwest are once again insufficient to meet the region’s heavy requirements.

A. How many Border Patrol agents do you believe are necessary to fully protect all our borders?

Answer: Since 1994, the U.S. Border Patrol has operated under a comprehensive national strategy designed to gain and maintain control of our Nation’s borders. Major initiatives have had a significant effect on illegal migration along the Southwest Border. These initiatives sought to bring the proper balance of personnel, equipment, technology and infrastructure into areas experiencing the greatest level of illegal activity on the southwest border. Enforcement related technology has been applied to support field agents, especially in isolated and remote areas of the border. Existing resources such as air and marine units, horse patrols and all terrain vehicles have been enhanced to support day-to-day field operations. Infrastructure has been deployed in the way of fencing, vehicle barriers, cameras and lighting to assist field agents in their efforts to deter and prevent the flow of illegal aliens and contraband. While there is certainly more that must be done in this area, the strategy has yielded important results.

In the wake of 9–11, vulnerabilities and deficiencies along the northern border have received increased attention, challenging us to increase our enforcement presence along the northern border. With the recent reassignment of more than 375 agents to the northern border, there will be 1,000 agents strategically and permanently placed along the northern border by the end of the year, enforcing a northern border strategy built on interagency and international cooperation and coordination, effective technology development and deployment, and innovative resource allocation. Overall, efforts have been very successful, with decreases in apprehensions and illegal entries, indicating that an impressive deterrent effect.

By far the most critical component with regards to the successful implementation of the Border Patrol’s enforcement strategy is personnel. Border Patrol Agents are the most essential element to gaining, maintaining and expanding control of our Nation’s borders. An adequate number of agents must be deployed into an area if a

decisive level of control is to be achieved and indefinitely maintained. Apprehensions require mobility and the threat of apprehension is critical to deterrence. Technology and equipment alone are of little value if there are not sufficient agents in the field to actually prevent and interdict undocumented aliens and contraband as it crosses the border. Force-multipliers (e.g., technology and tactical infrastructure) must be supported by agents who provide a response to detected intrusions. Border Patrol will continue to move forward with this strategy, staffing as appropriate to implement border control strategies.

B. Would completion of the San Diego border fence allow personnel currently deployed in the San Diego sector to be redeployed to other areas where illegal activity has increased? In particular, to points immediately East where more and more illegal border crossing activity is occurring? If yes, what are the Department's plans to complete the fence in a timely fashion?

Answer: In 1996, Congress mandated the construction of the San Diego Multi-Tier Fence. Successive Congresses have annually appropriated funds for an integrated system of border infrastructure, including multiple fences, lights, and roads for the 14 miles of border from the Pacific Ocean to the Otay Mountain foothills. The Border Barrier Project is an effort to provide a highly-visible physical deterrent to illegal entry into the United States, and to improve border infrastructure by building access roads, installing stadium style lighting, surveillance cameras and other technology to support the "prevent and deter" enforcement strategy. Phase I, which is 95 percent complete, provides a continuous roadway system with security fencing and lighting within the middle 9 miles of the project area—adjacent to residential and industrial areas of Tijuana, Mexico.

Phase II extends the Phase I roadway system, fencing and lighting roughly 3 ½ miles west through the Tijuana Valley Regional Park to the Pacific Ocean, and eastward about 1 ½ miles to Otay Mountain. Phase II is awaiting completion of a final Environmental Impact Statement (EIS) and receipt of an Individual Permit pursuant to the Clean Water Act.

Relying upon a proper balance of personnel, technology and infrastructure, Border Patrol will continue to assess the border security needs in the San Diego Sector to develop strategies which will provide for the best possible security along the border in that area.

C. **Q00014:** The All-American Canal in the El Centro Sector has the dubious distinction of having among the largest number of immigrant deaths and many of those by drowning. Last year, the Border Patrol deployed several expensive assets to address this problem including additional helicopter deployment, a hydroplane for the Canal and stand-by emergency rescue teams. While I support the Agency's dedication to saving lives in this region, has the Department looked at the possibility of building a fence, similar to the one being constructed in San Diego, along the Canal to ensure that immigrants are unable to access the Canal? Would it be a more cost-effective means of protecting the border and saving lives? According to CRS, the fence construction authority included in P.L. 104-208 extends along all U.S. borders.

Answer: Border Patrol has been proactive in the Border Safety Initiative along the Southwest Border. In the El Centro Sector, total deaths are down 52% overall from the high in 2001. Drowning deaths are down 58% from the 2001 high. Border Patrol has considered barrier fencing in the El Centro Sector along the All-American Canal, and it has been included in the Sector's long-range infrastructure plan. Initial planning and justifications have already been completed for extending the existing fencing already in place. Consideration and assessment is continuing as to fence construction, material and location to best serve border security needs. In such, cost estimates have not been ascertained completely. Indications at this time are that a fence project would greatly enhance operations in the area.

2. Sec. 102 of P.L. 104-208 directed the Attorney General to construct a 14-mile international border fence in San Diego, California. Included within that directive was the authority to "promptly acquire such easements as may be necessary to carry out this subsection..." In addition, Sec. 102 (c) states "the provisions of the Endangered Species Act of 1973 and the National Environmental Policy Act of 1969 are waived to the extent the Attorney General determines necessary to ensure the expeditious construction of the barriers and roads under this section."

[No Response Received by the Committee]

3. Is it your opinion that the directive and coinciding waivers included in Sec. 102 of P.L. 104-208, in its entirety, have been transferred to the Department of Homeland Security and therefore are the responsibility of the Secretary for Homeland Security?

QUESTIONS SUBMITTED FOR THE RECORD FROM THE HONORABLE NITA. M. LOWEY:

FIRST RESPONDERS

1. **Q00016:** The Domestic Emergency Support Teams (DEST) are interagency teams of experts that provide an on-scene special agent in charge with advice and guidance in situations involving weapons of mass destruction, or other significant domestic threats. The Homeland Security Act transferred DEST functions from the FBI to the Emergency Preparedness and Response Directorate at DHS. Could you tell us how you will be working with the FBI, since it seems likely that the FBI will need to maintain some capabilities in order to respond most effectively to domestic terrorist incidents?

Answer: The Domestic Emergency Support Team (DEST) is a specialized interagency Federal team and response element that provides information management support; enhanced communications capabilities; tailored expertise, assessment, and analysis capabilities; and consequence contingency planning capabilities. The operational control of the DEST transferred from the FBI to DHS on March 1, 2003. While each agency continues to bring its own personnel and equipment to the DEST, DHS has assumed the administrative and logistical responsibilities for the team. Coordination with the FBI will continue through FBI representatives who serve on the DEST.

2. Many of the individual agencies that are now included in DHS were not part of a larger cabinet-level department only a few months ago, and did not have to internally compete for resources in the same way they will now. Not all of them can remain "first among equals," given limited resources. How will the Department's leadership decide what the priorities should be?

[No Response Received by the Committee]

INDIAN POINT

1. Mr. Secretary, I would like to discuss the Indian Point Energy Center in Buchanan, New York, which is located on the eastern bank of the Hudson River, only a few miles north of my district. Nearly 300,000 people reside within 10 miles of the plants, and the 50-mile 'peak injury' zone encompasses all of New York City and major urban centers in New York, New Jersey, and Connecticut.

An independent analysis of the emergency response plans for Indian Point completed by former FEMA director James Lee Witt concluded that the plans were fundamentally unworkable. The four counties surrounding the Indian Point nuclear facility and New York State, which have all refused to submit certification documents to FEMA, are similarly convinced that the plans are wholly inadequate. Yet, FEMA has repeatedly postponed ruling on the adequacy of the plans, demanding certain planning documents from the counties. Because there's concern that FEMA might use any information to approve plans, Westchester and Rockland counties have made it clear time and time again that they will not submit certification information.

a. How long will FEMA wait for State and county emergency planning documents that will clearly not be forthcoming? Has the agency set itself a new submission deadline or is it operating under an open-ended schedule?

Answer: FEMA continues to maintain its scheduled requirements consistent with regulations that involve plan reviews and an exercise process. It is important to note that the aforementioned counties continue to update their plans and to participate jointly with FEMA in exercises, training, and planning. Although they did not provide the State of New York Annual Letters of Certification (ALC), the counties continue to work to ensure plans and procedures are updated. The ALCs are not required by FEMA regulations. They are voluntary reporting mechanisms that are helpful, but are not necessary for FEMA to make its final determination. FEMA's July 25, 2003, finding was based on the following:

- FEMA's letter of February 21, 2003, transmitting the Indian Point 2002 Exercise Report to New York State reported that the September 2002 full-scale exercise of local emergency response plans was successful, with no deficiencies in the offsite emergency protective measures used.

- In the most recent out-of-sequence demonstrations and drills related to the September 2002 exercise, the State and counties have continued to successfully demonstrate their ability to respond to the scenarios presented.

- In FEMA's review, it is apparent that the plans from Rockland, Orange, and Putnam counties have been further updated since the September 2002 exercise to address: (1) the 2003 Evacuation Time Estimate Studies, with shadow evacuation estimates; (2) Letters of Agreement between counties and resource providers, such

as bus companies; and (3) planning for schoolchildren with appropriate notification and protective action decisions. These plans, including Westchester County's plan, will be tested in the scheduled exercise in the middle of 2004.

- Although Westchester County has not permitted a detailed review by FEMA of its updated plans, the County has worked with Entergy to update its plans in response to comments from FEMA, it continues to participate in all drills, and it continues to demonstrate its involvement by leading the Four County Nuclear Safety Committee, and by attending other training and planning events.

FEMA will utilize the same review procedure next year as it goes through the planning and exercise process. In December, combined comments from the Federal agencies that make up the Regional Advisory Committee will be forwarded to the State. We anticipate that the counties and the State will update their plans accordingly in preparation for a terrorism-based exercise in June of 2004.

b. Is it conceivable that FEMA would certify the emergency response plans without the necessary planning documents from the counties?

Answer: Certification is an ongoing process. The critical decision for reasonable assurance lies with the successful completion of an exercise based on plans that are required to be continuously updated. It is possible that some counties may not submit plans again next year. If, as in last year, all counties still fully participate in the planning process and demonstrate that there is an active program, it is possible that "reasonable assurance" could be provided. It is equally important to note that even if all plans are submitted, a determination of reasonable assurance would not be provided if deficiencies were identified during the upcoming exercise.

c. In its February 21, 2003, letter to New York State Emergency Management Director, Ed Jacoby, FEMA Acting Regional Director Joe Picciano stated that in the absence of updated plans from the New York State Emergency Management Office, FEMA would be unable to certify the plans. Is that still FEMA's position?

Answer: Following Mr. Picciano's letter to New York State, and prior to FEMA's decision of July 25, 2003, three of the four county plans had been submitted along with an updated State of New York Plan. Although Westchester County has not permitted a detailed review by FEMA of its updated plans, the County has worked with Entergy to update its plans in response to comments from FEMA. Westchester County also continues to participate in all drills, continues to demonstrate its involvement by leading the Four County Nuclear Safety Committee, and attends other training and planning events. On April 18th, 2003, New York State provided a progress report covering all counties, including Westchester County, which clearly indicated progress in all four critical areas outlined in Mr. Picciano's letter. As a result, the conditions in his letter have been met.

2. On March 24, 2003, I wrote a letter to Admiral Loy, Administrator of the Transportation Security Administration, requesting that a strict no-fly zone be re-instituted and enforced around Indian Point. In a letter dated April 29, 2003, Admiral Loy denied my request for a no-fly zone. An FBI intelligence bulletin released the following day warned law enforcement agencies across the country to watch for suspicious activities around nuclear power plants. An overwhelming body of evidence, including threats against and Al Qaeda maps of specific nuclear reactors, suggest terrorist intentions to strike our nuclear infrastructure, yet the TSA has failed to act. What type of incident or threat would justify reinstating a no-fly zone?

[No Response Received by the Committee]

3. Emergency planning guidelines for nuclear plants currently assume an accidental rather than terrorist-induced release of radiation. Although a terrorist attack could result in a radioactive release in as little as an hour, emergency drills assume a far longer timeframe. Does FEMA plan to adopt more realistic time estimates that factor not only accidental but also terrorist-caused releases?

Answer: FEMA does not plan to change the time estimates for accidental releases of radioactivity that provide the basis of its emergency preparedness program. The current release time estimates contained in NUREG 0396, EPA 520/1-78-016, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," addresses releases that could occur in as little as 1 hour. In fact, Table 2 - Guidance on Initiation and Duration of Release, identified the time from the initiating event to the start of an atmospheric release could occur in as little as 30 minutes. However, scientific and engineering analyses being conducted for the Nuclear Regulatory Commission appear to indicate that even a release from a terrorist-initiated event will not occur within the 1-hour timeframe being suggested.

4. The current Emergency Planning Zone for nuclear plants extends just ten miles from the plant, even though people living as far as fifty miles from the plant could

be exposed to radiation levels well above the EPA threshold for evacuation. An adult standing 20 miles downwind from Indian Point, for example, would receive a dose of radiation 60 times larger than the evacuation threshold, and have a 30% higher average risk of dying from cancer. Do you believe that emergency evacuation plans should exist for those living outside the 10-mile emergency planning zone?

Answer: FEMA does not believe that evacuation plans need to exist for people living outside the 10-mile emergency planning zone. NUREG 0396, EPA 520/1-78-016, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," does not support the notion that doses requiring evacuation would exist beyond the 10-mile emergency planning zone. In fact, more recent analyses of the various accidental release scenarios that have been based on an improved understanding of reactor physics, engineered safety features, and atmospheric dispersion modeling indicate that the 10-mile zone could actually be reduced.

PUBLIC HEALTH PREPAREDNESS

1. Mr. Secretary, initiatives like Project BioShield depend on our public health system's ability to distribute and deliver vaccinations to the general public in a timely, safe, and orderly fashion. In the case of smallpox, the cost of vaccinating - roughly \$200 per vaccination because of screening, testing, post vaccination surveillance, and treatment of adverse reactions—has been a significant impediment to the program.

The anthrax outbreak in New York City also provides a good example of how far our system is already stretched. Tens of thousands of scared New Yorkers flooded into emergency rooms, doctors' offices, community health centers, even police and fire stations, to be tested for anthrax exposure. The New York City and State public health laboratories were so swamped with items to test that lab workers slept at the lab for a week. Thus, the key to an effective first responder system must include a sharp, capable, and agile hospital and public health system.

As I have discussed with other Administration officials during Labor HHS Appropriations Subcommittee hearings, the bioterrorism grants provided through CDC and HRSA have not been adequate, particularly in the context of the current economy and failing state budgets. Basic health care programs are starved for cash for their core public health missions, while also trying to take on greater responsibilities in the terrorism preparedness arena.

A. How can we expect our hospitals and public health network to be able to support widespread distribution of any new countermeasures?

Answer: DHS continues to work with DHHS on methods to improve medical surge capacity at the local level. For example, as a result of TOPOFF II, a DHHS-led Surge Capacity Workgroup has been working on ways to enhance surge capacity. FEMA participates in the activities of this workgroup. The National Disaster Medical System (NDMS) is also examining ways to expand the current surge capacity of that system. Future NDMS plans include improving response times so that outside support can arrive earlier, developing additional and more frequent training for the NDMS participating hospitals, and enhancing casualty evacuation capacity and capability.

The SNS Program has been working with State and local officials to develop more effective distribution plans for the contents of the SNS. To this end, a "Guide for Planners" has been published and onsite training for public health and emergency management personnel is being conducted. Once receipt and distribution plans developed by State and local officials are finalized, the SNS Program will conduct exercises to assist in evaluating these plans. Coordinating these plans with the DHHS public health and hospital preparedness programs to improve overall capabilities is a DHS priority.

The SNS Program is but a small piece of the Bioterrorism Grants program. It is responsible for ensuring that State and local authorities have the capacity to receive, stage, distribute, and dispense SNS assets. The support that is needed by hospitals and the public health network could, perhaps, be better described by DHHS and the Centers for Disease Control and Prevention.

B. Is this an issue that should be addressed in Project BioShield or to a greater degree by the Department of Homeland Security?

Answer: DHHS, DHS, and our State and local public health and medical colleagues are jointly responsible for ensuring that our public health and medical infrastructures are fully capable of detecting and responding to a public health emergency. To make sure that we provide effective support, we are in constant communication and ensure close coordination of our activities with the State and local public health and medical representatives. While DHS would oppose the diversion of

Project BioShield resources to support of the basic public health infrastructure, DHS supports the capacity building programs of DHHS and we will continue to work closely with them to identify specific needs and evaluate appropriate solutions.

C. Is the Administration looking at the larger issues facing hospitals, such as staffing shortages and Medicare cuts, as it asks them to take on more responsibility?

Answer: DHHS, through the Health Resources Services Agency, has been addressing hospital preparedness through cooperative agreements with the States and selected municipalities. The cooperative agreements provided \$130 million in the first year and more than \$400 million in the second. DHHS can provide additional information on the agreements and other issues relative to hospital preparedness.

D. How can hospitals be a key player in our first responder team without additional funding?

Answer: One of the most important measures hospitals can take to be key players in detecting bioterrorism is to ensure that their staffs are adequately trained to be able to clinically detect and report symptoms of their patients that could be indicative of the use of biological agents. In fact, one of the best early warning systems is an astute clinician who suspects bioterrorism in any cases with unusual presentations. Well-developed information sources are easily accessible from Federal, State, and local medical and public health authorities through the Internet. In addition, hospital staff can participate in community training and disaster exercises.

Participation in the exercises will not only aid the hospital in its internal preparedness, but will also ensure that the hospital is well integrated with the emergency management community and the public health system. Finally, hospitals can become participants in the NDMS. By participating in NDMS, hospitals can contribute to the nation's medical surge capacity system free of any additional financial obligations.

2. The Public Health Security and Bioterrorism Preparedness and Response Act also recommended that an official Federal Internet site on bioterrorism be established. I realize the Department of Homeland Security, CDC, and other agencies have relevant emergency preparedness information on their web pages, but has one specific site been posted to provide bioterrorism information to the public?

Answer: This question should also be directed to DHHS. Although many agencies within the Department of Homeland Security post bioterrorism information on their agency websites, the Department of Homeland Security does not have a consolidated bioterrorism information page at this time.

EMERGENCY PLANNING FOR SCHOOLS

1. Mr. Secretary, after Columbine, schools were required to put together an emergency plan. But four years later and after September 11th, the situations for which our schools are preparing have changed and so must crisis plans. Earlier this year, the Secretary of Education unveiled a new website, "Emergency Planning—Office of Safe and Drug-Free Schools," which provides school leaders with information on how to plan for an emergency, including natural disasters, violent incidents, and terrorist acts. While the website provides important information on what our schools should be doing to prepare for the new world, there is barely any Federal funding available to help support these activities. The website directs school administrators to Project Serve, which only provides financial assistance to local education agencies recovering from a violent or traumatic event—no funds to help evade an incident.

[No Response Received by the Committee]

2. Schools need funding to hire consultants to improve their emergency plan, and they need to implement better communications systems so they can quickly and consistently contact parents during emergency situations. The reality is that if our school superintendents and principals cannot communicate accurate and timely information to parents, then parents will go to get their children— not necessarily the best thing to do during an emergency situation. Can you please tell the Committee what, if anything, the Department is doing to assist our schools in the homeland security arena?

[No Response Received by the Committee]

TECHNOLOGY STANDARDS

1. Mr. Secretary, in the aftermath of September 11th, law enforcement and other first responders have found it necessary to purchase new technology and equipment in order to upgrade their homeland security infrastructure. However, standards have not yet been issued for Homeland Security technology.

A. How long will it be before standards for new technology are issued?

Answer: The need for standards and criteria for equipment being developed by the Department of Homeland Security (DHS) was recognized during the initial stages of developing the Science and Technology (S&T) Directorate's long-range strategy. During the transition phase, the need for standards to address design, procurement, deployment, and use of the radiological and biological detectors was determined to be a key need. In collaboration with the National Institute of Standards and Technology (NIST), the American National Standards Institute (ANSI) and the Institute of Electrical and Electronic Engineers (IEEE), the DHS S&T transition team began development of standards for four high-priority classes of radiation detection equipment. The four classes are personal dosimeters ("pagers"), alarming hand-held detectors, hand-held isotope identifiers, and radiation portals. These standards have been released in draft form and will soon go to ballot, in accordance with ANSI process requirements for national consensus standards. A contract to develop a standard test method for hand-held bulk anthrax immunoassay kits is being prepared.

Work is also progressing in the areas of training standards and personnel certification. Additional standards needs for both detection and response are being identified as part of a systematic evaluation of capabilities versus needs for standards to support the homeland security mission-related equipment, operators, models and analyses, data and information, and integrated systems.

B. Would you recommend that communities wait until standards are issued before they buy equipment?

Answer: No, there is excellent guidance available through resources such as the Office of Domestic Preparedness (ODP) and the Interagency Advisory Board for Equipment Standardization and Interoperability. Each of these organizations has created equipment lists that are useful in guiding purchases that can be made today. The Interagency Board (IAB) for Equipment Standardization and Interoperability Working Group is designed to establish and coordinate local, state, and Federal standardization, interoperability, and responder safety to prepare for, respond to, mitigate, and recover from any incident by identifying requirements for Chemical, Biological, Radiological, Nuclear or Explosives (CBRNE) incident response equipment. The IAB has developed a Standardized Equipment List (SEL) which can be used as a guideline. The SEL promotes interoperability and standardization among the response community at the local, state, and Federal levels. The goal of the ODP Equipment Grant Program is to provide funding to enhance the capacity of state and local jurisdictions to respond to, and mitigate the consequences of incidents of domestic terrorism involving the use of Weapons of Mass Destruction (WMD). Because the SEL also contains lists of general use and support equipment, as well as medical equipment, a narrower list was derived from the SEL to identify the specific types of specialized equipment authorized for purchase under the ODP Equipment Grant Program.

2. Has the Department or will the Department established best practices for purchase of these technologies?

Answer: In addition to the work described above (Q00031), the S&T Directorate has been working with the Oklahoma City Memorial Institute for Preventing Terrorism (MIPT) to deploy a web-based tool that will communicate directly with user communities. The user community has had a broad representation in the development of the tool. "Project Responder," with direct input from DHS, is evolving into a tool that can catalog technologies, provide links to manufacturer data, and indicate which standards apply and also the degree of compliance with DHS standards. At will also show links to appropriate training and with potential grant programs.

A. Should municipalities act independently, or should they act in a coordinated fashion, perhaps by county or by region?

Answer: It is highly recommended that municipalities act in a coordinated fashion whenever feasible. Initiatives such as the Urban Area Security Initiative (UASI) are specifically targeted to address the unique equipment, training, planning and exercise needs of large urban areas, and to assist them in building sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism. Just as our country relies on the capabilities of volunteer fire fighters, and health care organizations like the Red Cross, we must also encourage mutual aid agreements between cities, counties and states in the event of catastrophic disaster.

B. **Q00034:** What methods can assure the best inter-government coordination, both horizontally among communities, and vertically between layers of government?

Answer: Communication is the key to coordination. It is important for all levels of government to utilize interagency working groups, professional associations, and organizations (such as the IAB) to communicate needs, develop technology requirements, and coordinate operational plans.

CYBERSECURITY

1. Mr. Secretary, while many of us fear a biological attack or another physical attack on the United States because of the devastating loss of human life, an attack upon our critical infrastructure could be far equally or more harmful to our economy. Because our economy is now so integrated with the Internet, a massive cyber attack resulting in three or four days without Internet service could have broad repercussions across our economy, because the impact would be nation- and even worldwide.

[No Response Received by the Committee]

2. Has the Department studied the possible impact of a crippling Internet attack; does the Department have any plans to do so?

[No Response Received by the Committee]

3. What preparations has the Department made to recover quickly from such an attack? Has it prepared to “clean-up” from a cyber attack and minimize its impact in a fashion similar to the release of a biological agent?

[No Response Received by the Committee]

4. Has DHS looked at existing expertise among its offices, like the ODP, when setting up the mandate of the Office of Science and Technology?

Answer: The Science and Technology Directorate is actively engaging all of the other DHS directorates in definition and implementation of S&T program plans. In addition to the crosscutting research and development in the CBRNE and standards portfolios, the Directorate has specifically created portfolios that are targeted at each of the other directorates as well as the United States Secret Service and the United States Coast Guard.

5. Has DHS set priorities within the Office of Science and Technology’s mandate— for example, that radio communication system recommendations be made first, followed by HazMat “kits” of masks, breathing devices, followed by other specialized equipment?

Answer: The Science and Technology Directorate has established working groups to examine standards requirements in many crosscutting areas, communications hardware and software, certification (of products, service and personnel), personal protective equipment (PPE), and training including each of these areas. The radiation detector standards, developed on a fast track, will be available in 2003. The standards for immunoassay kits for anthrax detection will be available in 2004. The DHS Office for State and Local Outreach will be apprised on the state of development of standards and will serve as a conduit to the state and local emergency planners. In addition, almost all the standards writing groups will have participants for national groups that coordinate at the state and local level. The Science and Technology Directorate is also actively engaged with work such as “Project Responder,” which has developed a prioritized list of national technology response objectives for first responders that range from personal protective equipment to mass decontamination needs.

ODP launched its Fiscal Year (FY) 2003 State Homeland Security Assessment and Strategy (SHSAS) process on July 1, 2003. As part of this effort, ODP has refined the SHSAS process that was originally established in fiscal year 1999.

The fiscal year 2003 process will allow states and local jurisdictions to update their needs assessment data to reflect post-September 11, 2001, realities, as well as identify progress on the priorities outlined in their initial homeland security strategies. In coordination with ODP, S&T will incorporate the needs identified in these assessments into our planning process.

6. Is the Department drawing on private sector resources, such as the Council on Foreign Relations’ recent conference on preparedness with the professional associations of all major first responders?

Answer: The private sector has already been involved in the process of developing voluntary consensus standards. Manufacturers, academics, and professional societies have been strongly represented in the groups that have already been activated. The traditional method for producing standards involves volunteers to lead and staff the writing groups.

A number of Standards Development Organizations (SDOs) have stepped forward to offer their help to the S&T Directorate in development of consensus standards for Homeland Security. The American National Standards Institute (ANSI) has volunteered to coordinate the activities of about 280 SDOs that are members of ANSI as well as other SDOs to be identified in development of standards under the auspices of the Homeland Security Standards Panel. Other SDOs are establishing their own Homeland Security committees and engaging DHS directly in their planning processes. Three of the many important private sector groups are: American Society

for Testing and Materials (ASTM), the Institute for Electrical and Electronics Engineers (IEEE), and The Infrastructure Security Partnership (TISP). Each of these groups draws heavily from private sector volunteers in establishing committees and standards writing groups.

Some funding has been set aside to support the writing committee chairs. Funds have also been planned to help support the ANSI Homeland Security Standards Panel that will aid in cataloging and coordinating standards development with the professional societies that are the traditional source for United States? national voluntary consensus standards.

In addition, as previously discussed, the DHS is actively engaging organizations such as the Memorial Institute for the Prevention of Terrorism (MIPT) in the development of research objectives for first responders.

7. Will the Department communicate its recommendations beyond State Emergency Management Offices?

Answer: The Department maintains an open line of communication at all levels of government, through several professional and nonprofit organizations, and with the American public. The Director of National Capital Region Coordination for Emergency Response will oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region. The Office of State and Local Outreach provides outreach to state, local and tribal communities. Under Secretary Brown has traveled the country extensively to talk about the continuing effort to help Americans prepare themselves and their families in the event of an emergency and highlight the recently launched Ready.gov website that was unveiled by the Department of Homeland Security. In addition, DHS routinely provides technical guidance and other information through organizations such as the National Emergency Management Association (NEMA), National Fire Protection Administration, International Code Council, International Association of Fire Chiefs, as well as other technical professional societies such as the Association of Civil Engineers.

[No Response Received by the Committee]

8. How quickly will the recommendations of the Office of Science and Technology, or other DHS agency, be ready for dissemination? How often will such recommendations be reviewed?

Answer: The development of a suite of standards is a significant undertaking. The interrelated nature of the homeland security defensive system for emergency response—plus the need to ensure that the emergency system is interoperable and integrated with the existing infrastructure—adds complexity. Incorporating the requirements of Federal, state, and local responders into a coherent and flexible system is essential but creates a very large-scale problem set. Finally, we are dealing with both a rapidly evolving threat and with constantly evolving technologies. Therefore, there is a crucial need to ensure flexibility in the standards that are developed or they will quickly become unusable, and an obstacle to the deployment of next generation technologies.

The process for developing standards traditionally takes a minimum of 18 months and some standards have taken up to 15 or more years to develop. The proposed radiation detection standards have been developed in about 6 months—and the roll-out of the draft occurred less than a month after the Department became operational. Our future efforts will continue to use the ANSI existing standards development organizations and their memberships to expedite development and adoption of relevant standards. We also will provide funding to support what were heretofore strictly volunteer efforts, to expedite writing of critical standards for homeland security. We will champion the inclusion of users in all major stages of standards development—including the formulation of operational test protocols. We will also encourage the use of automated tools and web-based review and tracking to streamline the process. The assets provided by ANSI will be leveraged to build on existing standards and standard development expertise to fill the gaps and needs in our current system of standards.

9. Finally, should localities be concerned that, if they purchase equipment or technology in the period before the Department issues recommendation, those purchases might be considered ineligible for Federal reimbursement or support?

Answer: No, DHS will not penalize localities for acquiring properly listed equipment. The goal of the ODP Equipment Grant Program is to provide funding to enhance the capacity of state and local jurisdictions to respond to, and mitigate the consequences of incidents of domestic terrorism involving the use of Weapons of Mass Destruction (WMD). An Authorized Equipment List (AEL) has been developed as a subset of the Standardized Equipment List (SEL) to identify the specific types

of specialized equipment authorized for purchase under the ODP Equipment Grant Program.

QUESTIONS FROM THE MAJORITY STAFF:

GENERAL QUESTIONS ABOUT THE DEPARTMENT'S PROGRESS

1. How has the Department succeeded in making the country safer?

Answer: The Department of Homeland Security has made a great deal of progress to secure the homeland. Many of the efforts by the Department of Homeland Security to make America safer were detailed in the written statement. Some of the most visible signs of progress include:

- Launched Operation Liberty Shield, to prepare and protect our nation, including our ports and critical infrastructure, during a heightened threat period;
- Completed TOPOFF II, the most extensive terrorist response exercise in history;
- Launched the multimedia "Ready" public information campaign, to help families, businesses and schools become safer and stronger citizens;
- Initiated US-VISIT, which will couple biometric identifiers with biographical information to capture point of entry and exit information of visitors to the United States. US-VISIT will be available in all major air, and many critical seaports of entry by the end of calendar year 2003.
- Expedited the distribution of nearly \$4 billion dollars in grant monies to states and localities.
- Rollout of the National Cyber Security Division and increased coordination and information sharing across government (through FedCIRC) and with the private sector regarding vulnerabilities, monitoring of exploits, and response to cyber incidents and attacks.

2. What challenges has the Department faced that you didn't anticipate?

Answer: The Department of Homeland Security has faced numerous challenges since January 2003, but none of the challenges were necessarily unanticipated. The tremendous challenge of merging 22 agencies each with its own operating and management procedures into a cohesive organization was part of the extensive debate that occurred prior to the Homeland Security Act of 2002 becoming law.

3. What are your most important priorities for the next month? Six months? Year?

Answer: The most important priorities for the Department of Homeland Security involve implementation of the President's National Strategy for Homeland Security. The strategic objectives of homeland security are to: prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism; and minimize the damage and recover from attacks that do occur. These are the guiding principles for the Department of Homeland Security.

Questions based on Ridge's Testimony

1. You commented extensively during your testimony about Department activities such as the Coast Guards' icebreaking cutters and its arrest of illegal immigrants, and the Directorate of Emergency Preparedness and Response's actions related to the Space Shuttle Columbia tragedy and successful flood preparations. These are certainly important activities but the Department's *raison d'être* is to prevent terrorist attacks and to limit the potential damage terrorists can inflict by being prepared to respond to an attack. Do you feel that all elements of the Department are focused on that core mission?

Answer: Yes, the Department of Homeland Security is focused on the core mission areas of preventing terrorist attacks within the United States and reducing America's vulnerability to terrorism. Congress also gave the Department of Homeland Security clear direction to not neglect the critical non-homeland security missions charged to several of the agencies that transferred into the Department like Coast Guard and FEMA.

2. You noted during your testimony that 21 of the 22 component agencies have been transitioned into the Department. Which component has yet to be transitioned and when do you expect that to take place?

Answer: At the time of the hearing, the Plum Island Animal Disease Center had not been officially transferred to the Department of Homeland Security. That transition took place in June of 2003.

TOPOFF II

TOPOFF II cost an estimated \$16 million and involved more than 8,500 people from 100 Federal, state and local agencies, the American Red Cross, and the Canadian government.

1. What did you learn from TOPOFF II?

2. The purpose of an emergency drill is to learn where your weaknesses are so that you can address those areas. What areas of weakness did you identify?

3. Will another such exercise be necessary in the future? If so, what will you do differently?

4. One area of concern post-September 11 was the ability of levels of government to communicate effectively and coordinate plans. Was the communication system a success in TOPOFF II? How effective was coordination between local, state, and Federal agencies?

5. Some press reports indicated that there were capacity problems in Chicago's hospitals during the exercise. Is this true? What contingency plans are being put in place so that in the case of a widespread outbreak people would be able to find treatment?

6. During this exercise, the threat level was raised to "Red" to indicate that the country had been attacked. Can you describe what additional procedures are put into place as a result of this elevated status?

7. Media reports indicated that the government had trouble quickly putting in place a system that could reliably track the radioactive plume from the supposed dirty bomb. What is being done to address this weakness?

8. Some critics of the exercise argued that it wasn't effective because it was too planned out and lacked the element of surprise. How do you answer those criticisms?

RESPONSE TO ALL QUESTIONS RELATED TO TOPOFF II:

The Top Officials (TOPOFF) II (T2) After Action Report (AAR), which is being prepared by the Department of Homeland Security's (DHS) Office for Domestic Preparedness (ODP), is scheduled for completion on September 30, 2003. DHS is controlling access to the T2 exercise findings in order to prevent any premature release of the data prior to Secretary Ridge's review and approval of the final report.

The T2 after action process will produce three separate documents: a T2 After Action Conference Report; a TOPOFF II After Action Report (T2 AAR) that will be provided to Members of Congress; and a T2 After Action Report for public release. The T2 After Action Conference Report, due to be completed by the end of August, is a summary of T2 participant issues identified during the T2 After Action Conference. The T2 AAR and the report for public release are scheduled to be completed on September 30, 2003.

Both the congressional and public reports will present the objective findings based upon a data collected during the T2 full scale exercise. The documents will define the data as it relates to six core areas of analysis, which were identified previously during the evaluation and analysis of building-block events preceding the T2 full scale exercise. The six areas of analysis are: emergency public policy and decision making; emergency public information; communications, coordination, and connectivity; jurisdiction; resource allocation; and anticipating the enemy.

To support the T2 AAR process, the ODP established a T2 AAR review panel. This review panel is made up of Federal representatives from ODP, the Federal Emergency Management Agency, Department of State, Homeland Security Council, Department of Energy, Department of Health and Human Services, and Federal Bureau of Investigation. The purpose of this review panel is to include key Federal agencies in the after action report process to ensure the accuracy of T2 after action report. This panel will review the after action report data, as it relates to both the 6 core areas of analysis and other significant special topics that fall outside the core areas. In addition, the panel will review both agency-specific T2 participant lessons learned as well as comments made on the AAR.

On August 8, 2003, ODP distributed to participating T2 exercise agencies and organizations an AAR draft for preview. Along with the reconstruction and analysis of data collected during the T2 full scale exercise, ODP requested that all T2 participating agencies/organizations submit their T2 exercise lessons learned and also any agency-specific T2 after action reports. The T2 participating agencies and organizations are currently providing this information to DHS/ODP.

After a review of the T2 participating agency and organization comments on the draft T2 AAR, ODP will forward the revised version of the T2 AAR to Secretary Ridge on September 30, 2003. Upon completion of the DHS review process, ODP will publish the report.

LIBERTY SHIELD

In your statement this morning, you indicated that "Liberty Shield" was a "comprehensive, national plan to increase protections of America's citizens and infrastructure."

1. Was Liberty Shield conceived and approved by the Department? Was the Department able to task other departments to take actions under Liberty Shield?
[No Response Received by the Committee]
2. To call Liberty Shield a “comprehensive, national plan” suggests that it is ongoing—not tied to the conflict in Iraq—and that it has not sunset with the end of the war. Is that true?
[No Response Received by the Committee]
3. A large number of different departments and agencies were involved in Liberty Shield. All told, how many specific actions did Liberty Shield include?
[No Response Received by the Committee]
4. Were all of them fully implemented?
[No Response Received by the Committee]
5. How effective were they and were they worth the costs and inconveniences?
[No Response Received by the Committee]
6. Did any department or agency represent that it was unable fully to implement the measures it was responsible for implementing under Liberty Shield?
 - Which? Why? Please provide a specific list of all such measures and the responsible department or agency. [No Response Received by the Committee]

FIRST RESPONDERS

1. How much money has the Department provided to state and local entities for first responders?
[No Response Received by the Committee]
2. How does a local firefighter or police chief apply for a first responder grant?
[No Response Received by the Committee]
3. What DHS office is the lead agency for first responder grants?
[No Response Received by the Committee]
4. Are the states required to submit a request for funds? Does DHS provide the states guidelines for these requests?
[No Response Received by the Committee]
5. What communications procedures have been put in place so that in case of an attack all levels of government will be able to coordinate and communicate with first responders effectively?

Answer: It is critical that States and local governments develop communications plans that reflect coordination among all levels and disciplines. Limited and fragmented planning can lead to delays and impediments in achieving interoperability. Coordinated planning is the foundation for a successful solution to interoperability. Without such planning, time and money are wasted as agencies compete for limited resources and make decisions without consideration of the larger problem or solution. The Department encourages States and local communities to plan for communications interoperability so that as funding becomes available, they are ready to implement solutions.

In the short term, bridging and other technologies are available to help make existing systems interoperable. To achieve a long-term solution, standards must be developed to ensure the interoperability of new equipment purchases. The SAFECOM program, within the DHS Science and Technology Directorate, is working to develop this standard.

While significant amounts have grant funding have been available for interoperability projects from the Departments of Justice, Homeland Security, and Homeland Security, there has been a lack of clear guidance for making sound investments.. The interoperability program jointly administered by FEMA and COPS in fiscal year 2003 has provided an opportunity to fund innovative interoperability projects under a coherent framework developed by SAFECOM..

These grants were awarded to state and local jurisdictions for demonstration projects that will explore uses of equipment and technologies to increase interoperability among the fire service, law enforcement, and emergency medical service communities. These projects will illustrate and encourage the acceptance of new technologies and operating methods to assist communities in achieving interoperability. The resulting “best practices” will be highlighted and shared with other communities across the Nation as DHS aggressively pursues solutions to interoperability. In addition, the lessons learned through these demonstration projects will be incor-

porated into the guidance for grants administered by the Office for Domestic Preparedness, whose grants may also be used for interoperability.

6. What plans are in place to coordinate the response of state and local law enforcement, and entities such as the National Guard and the Air National Guard, NORTHCOM, and DHS?

Answer: Governors command both the Army National Guard and the Air National Guard of their States. The Governor integrates the Guard into State operations through the State Emergency Manager. In many States, the Adjutant General of the National Guard is the State Emergency Manager and therefore coordinates the response for the Governor. Typically, Governors use their National Guard for State emergencies in either State Active Duty or Title 32 status. The Governor has command of the Guard units, troops, and Guard equipment; and the State pays for deployments when the Guard is in a "State Active Duty" status. The Governor also retains command although the Defense Department can pay for the deployments if troops are in a Title 32 status. Without a Federal Disaster Declaration, the State coordinates all response.

Once the President declares a major Disaster, FEMA establishes a Disaster Field Office (DFO) in the disaster area. A Federal Coordinating Officer (FCO) is appointed to direct Federal operations, while a State Coordinating Officer is assigned by the State to work in the DFO with the FCO.

After FEMA requests Federal military assistance, NORTHCOM provides command and control of any Federal military troops that may also be required in a State to assist in a disaster. NORTHCOM assigns a Defense Coordinating Officer to command Federal troops in the disaster area. The Defense Coordinating Officer sits in the DFO with the Federal and State Coordinating Officers. Together they coordinate all Federal, State, and military response actions.

FEMA can reimburse States for National Guard activities resulting from a major disaster declaration. The States can augment each others' capabilities under Emergency Management Assistance Compacts.

FEMA routinely provides disaster response status reports to DHS during disasters on ongoing activities and any limiting factors or resource shortfalls.

7. The Homeland Security Act directs you to maintain FEMA's current activities in natural disaster preparedness and pre-disaster mitigation while transferring all of its terrorist response related responsibilities to the Office for Domestic Preparedness. FEMA's Office of National Preparedness was created specifically for the purposes of assisting states and localities prepare for terrorist attacks using weapons of mass destructions. Now that its fundamental functions have been transferred, what now is the role of ONP? Does ONP have any role in terrorist response?

Answer: No, terrorism-related functions of the Office of National Preparedness were transferred to the Office for Domestic Preparedness as required by the Homeland Security Act. The all-hazard elements of the Office of National Preparedness have been merged into the new Preparedness Division of FEMA, which includes the United States Fire Administration. FEMA's mission within the Emergency Preparedness and Response Directorate includes responsibility for coordinating the response to "all-hazards" including terrorism. Accordingly, FEMA's Response and Recovery Divisions are actively engaged in terrorist response planning.

FEMA coordinates Federal disaster and emergency assistance programs and activities to support State and local governments in their response efforts. Through its Regional Offices, FEMA has established an excellent working relationship with every State and Territory. FEMA, State and local governments, and first responders work together to provide a coordinated response to any disaster, including a terrorist event.

Consistent with its responsibility for consequence management, over the last several years FEMA has provided training as well as preparedness planning assistance, technical guidance, and exercise support to State emergency management organizations and first responders in the fire service, emergency medical, and law enforcement communities. With the enactment of the Homeland Security Act and the creation of the Preparedness Division, FEMA's preparedness program emphasizes risk management, fire prevention and safety, and "all-hazards" emergency and incident management.

8. I know that DHS is looking to modify its first responder grants formula. What criterion is currently used to determine the level of funding for each state? Are the states' proximity to international borders, coasts, chemical and nuclear plants, or large urban populations taken into consideration? Could you explain to the committee on what factors DHS is looking at as you attempt to come up with recommendations for a new formula?

[No Response Received by the Committee]

9. Congress has authorized a number of programs specifically designed to assist state and local governments with homeland security activities all managed through different executive agencies—DHS, DOJ, and HHS. The Bush administration has expressed its wish to consolidate all first responder related grant programs into one agency—the Office for Domestic Preparedness. What programs specifically does the Administration want included in this consolidation? EMPG? COPS? Byrne Grants? Assistance to Firefighter Grants?

Answer: Under its Fiscal Year 2004 budget submission, the Administration has requested that several domestic preparedness grant programs be placed within the Department of Homeland Security's (DHS) Office for Domestic Preparedness (ODP). These grant programs would be in addition to those programs currently administered by ODP, and are either new programs placed within ODP, or current programs merged or transferred into ODP. The programs selected directly supported either ODP's core terrorism preparedness mission or a particular community of responders vital to terrorism preparedness. These programs included the following:

- Emergency Management Performance Grants;
- Citizen Corps initiatives;
- Assistance to Firefighters Grants authorized;
- Terrorism Prevention and Deterrence initiative.

Although this list is not considered definitive, it represents a start in improving DHS' ability to coordinate first responder support efforts and better serve the needs of the responder community.

10. With respect to Assistance to Firefighter Grants, which are currently managed through FEMA, the Bush Administration in its '04 budget has requested that all first responder- related grants be transferred to the Office for Domestic Preparedness. If Fire Grants are moved to ODP, will the United States Fire Administration—the office within FEMA responsible for the management of these grants—be moved to ODP?

Answer: No, there are no plans to move the United States Fire Administration from FEMA to ODP. FEMA is, however, working closely with ODP on transition issues and will continue to be involved in the grants administration process. FEMA is continuing to work with the national fire services organizations and ODP to develop the grant guidance and criteria for the fiscal year 2004 program.

11. Once transferred to the Office for Domestic Preparedness, will the Fire Grant Program be managed any differently than it was managed in FEMA?

Answer: For Fiscal Year 2004 DHS is maintaining the Assistance to Firefighters Grant Program's administrative structure, including peer review, criteria development, and competitive grants directly to local departments. The basic capability focus will be enhanced to include the terrorism and weapons of mass destruction-specific activities authorized by Section 1061 of the National Defense Authorization Act of 2002.

12. I've noticed that ODP's website is still located within the Department of Justice's website. As many local officials will refer to the DHS website for information on first responder related grants (some managed through ODP), what is the timeline for transferring the information for first responder grants, managed through ODP, to the DHS website?

[No Response Received by the Committee]

INTELLIGENCE SUPPORT TO DHS—AND DHS/UAUO

1. In your confirmation hearing, you stated that “a fundamental priority in our mission must be to analyze the threat, while concurrently and consistently assessing our vulnerabilities. The Department is structured in such a way as to efficiently conduct this task.”

- Do you still believe that the Department is structured so as to conduct threat analysis and vulnerability assessments efficiently? Are any structural adjustments necessary or desirable?

[No Response Received by the Committee]

2. The Department's April 29 Press Release entitled “First 100 Days of Homeland Security” is a several page-long list of what the Department has accomplished.

- It does not mention integration or analysis of terrorist threat-related information. What progress has DHS made in that area? What specific tasks remain?

[No Response Received by the Committee]

3. In your confirmation hearing, you stated: “The Information Analysis and Critical Infrastructure Directorate will bring together for the first time under one roof the capability to identify and assess threats to the homeland, map those threats

against our vulnerabilities, issue warnings, and provide the basis from which to organize protective measures to secure the homeland.”

- Is DHS/IAIP going to have the capability to identify and assess threats to the homeland?

- TTIC taking over that aspect of the Department’s mission?
- Will DHS/IAIP get terrorism related information, including raw, unprocessed, information directly from the originators, and not merely from TTIC?

- Is DHS/IAIP now receiving “all reports (including information reports containing intelligence which has not been fully evaluated), assessments, and analytical information relating to threats of terrorism against the United States?” HS Act, sec. 202(b)(2)(A).

[No Response Received by the Committee]

4. In June 2002, the DCI testified that he was “committed to assuring that the new Department receives all of the relevant terrorist-related intelligence available.”

- Can you assure us that you are satisfied that the Department is now getting all of the relevant terrorist-related intelligence available?

[No Response Received by the Committee]

5. Under the HS Act, DHS is entitled to receive threat and vulnerability-related information, regardless of whether the Secretary of HS has requested it and “whether or not such information has been analyzed” (sec. 202(b)(2)).

- Can you assure us that DHS is, in fact, receiving the “raw,” unevaluated information to which it is, by law, entitled?

[No Response Received by the Committee]

6. Can you assure us that the Department will—withstanding TTIC—have an independent, all-source-based capability to analyze all terrorist threat-related information available to the US Government that is in any way relevant to its homeland security mission?

[No Response Received by the Committee]

7. Congress passed the Homeland Security Act to make America safer. It requires DES to analyze all terrorist threat-related information available to the US Government and to make sure that those who need that information to protect the American people, territory, and interests get it in time for it to be useful.

- When and how is DHS going to fulfill this part of its statutory mandate to make America safer?

[No Response Received by the Committee]

8. Last October, in an open hearing on the 9/11 tragedy, DCI George Tenet testified: “must move information in ways and to places it has never before had to move. Now, more than ever before, we need to make sure our customers get from us exactly what they need—which generally means exactly what they want—fast and free of unnecessary restrictions. ... We don’t have the luxury of an alternative.”

- Can you describe for us any innovations in information sharing that the Intelligence Community has made to serve the Department’s needs?

- Does this information routinely come to DHS in a readily usable form, free of handling restrictions confining access and use to a few, highly cleared individuals?

- Do unclassified, “tear-line,” versions of classified reports come to DHS near real time, so that DHS can quickly make them available to state, local, and private sector customers who need them in order to safeguard American people and interests?

- If not, have you been told when you can expect that? Removing impediments to sharing information

[No Response Received by the Committee]

1. The March 4 information sharing MOU requires the parties to recommend changes to existing formulations of the “ORCON” and “third agency” rules, including EO 12958, “in order to comply with the DHS Legislation and to carry out the President’s announced policies for protecting against terrorist threats to the homeland ...” (sec. 3(l)).

- Have the Attorney General, Secretary of HS, and DCI agreed on recommended changes to the ORCON and “third agency” rules, as the MOU requires?

- Are those discussions now underway? When do you expect that they will be completed? Please keep this committee informed of your progress.

[No Response Received by the Committee]

DHS and TTIC

1. Is there any role assigned to the TTIC that DHS could not itself perform, whether through IAIP or some other entity or combination of entities? Please explain.

[No Response Received by the Committee]

2. DHS is one of TTIC's four "equal partners." The missions of three of TTIC's four partners are independent of the HS Act. Accepting your assurance that the Department remains fully committed to meeting its statutory mandate—

- Why should we expect TTIC to share that interest and commitment?
- Given TTIC's non-legislated structure and its preponderance of non-DHS partner participants, wouldn't it be logical to expect, in TTIC, a significant dilution of DHS's institutional commitment to terrorist threat analysis?

[No Response Received by the Committee]

3. Where is the Department getting its analysts? If from other USG agencies, how is it attracting them away? Won't DHS have to compete with TTIC for terrorism threat analysts?

[No Response Received by the Committee]

4. How can you provide DHS analysts to TTIC consistent with meeting DHS/IA's existing statutory responsibility for conducting all-source-based analysis of terrorist threat-related information?

[No Response Received by the Committee]

5. Will TTIC—with its DHS analysts—eventually be folded into DHS?

[No Response Received by the Committee]

Disseminating warnings/advice to state/local officials

1. The HS Act gives the DHS Under Secretary for IAIP "primary responsibility for public advisories related to threats to homeland security" and "in coordination with other agencies," requires that he provide "specific warning information and advice ... to State and local government agencies and authorities, the private sector, other entities, and the public" (sec. 201(d)(7)).

- Do you understand these DHS warning responsibilities to be exclusive or shared? Does the FBI have a role? Does any other Federal agency/entity?
- Does TTIC? Could it issue a threat warning directly to state officials?

[No Response Received by the Committee]

2. The HS Act requires the Under Secretary for IAIP to "disseminate, as appropriate, information analyzed by the Department ... to agencies of State and local governments and private sector entities ... in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States" (sec. 201(d)(9)).

- Will TTIC now exercise that function for DHS/IAIP?
- Will DHS disseminate TTIC products to state/local officials? As TTIC products and without annotation or other changes?

[No Response Received by the Committee]

Getting state/local officials the information they need, when they need it

[No Response Received by the Committee]

1. Is the Department providing homeland security related information to state and local officials?

- Even if it—e.g., an indication of a possible attack—is classified?

[No Response Received by the Committee]

2. Who decides if state and local officials really need access to classified information?

- If the mayor of, e.g., a mid-sized city gets an unclassified warning of a possible terrorist threat and then says he needs access to additional threat-related information, which is classified, in order to assess the city's vulnerabilities, will DHS grant the mayor the access he is seeking?

- Under what conditions? How soon? Who decides?

[No Response Received by the Committee]

3. Has the Department ever denied any state or local official's request for access to classified homeland security-related information?

[No Response Received by the Committee]

4. Does the Department itself conduct the clearance process for state/local HS officials, or does the FBI or some other entity do that?

[No Response Received by the Committee]

5. Approximately how long does it take to clear state and local officials? Are some state/local officials considered priorities for clearance? How is that determined?

- Is that determination based on an assessment of the risk of terrorist attack on that official's jurisdiction? On population? Other criteria?

- Could a state/local official ever be denied access only because DHS did not consider his or her locale populous enough?
[No Response Received by the Committee]

6. How will you prevent state and local officials from getting bogged down in current Federal clearance processes that can delay, e.g., nominations to senior Administration positions?

Infrastructure Security

1. The Department is tasked with developing a comprehensive national plan for securing key resources and critical infrastructure. How are you going about creating this plan?

[No Response Received by the Committee]

2. The Department is tasked with carrying out a comprehensive assessment of the vulnerabilities of key resources and critical infrastructures. How is this progressing? What resources are being dedicated to this task?

[No Response Received by the Committee]

3. What actions is the Department taking to improve the protection of:

- Chemical facilities?
- Our electric grid?
- Ports and waterways?
- Dams?
- Railroads?
- Bridges?
- Nuclear power plants?
- The food supply?

[No Response Received by the Committee]

4. The postal system was used to deliver terrorist weapons. What has been done to prevent this from happening again?

Answer: The U.S. Postal Service is in a better position to answer this question. The USPS has shared with the Department the fact that in response to a report language request by the House and Senate conferees on HR 3338, the Postal Service produced an Emergency Preparedness Plan (EPP), and provided it to Congress in March 2002. In the Plan the Postal Service described how the USPS intends to protect against the use of the mail as a tool of terrorism and to protect Postal employees and customers from exposure to biohazardous materials while maintaining the current level of service to the American public. This was to be accomplished primarily by focusing on the technology-based and process-based initiatives that together would establish multiple layers of protection.

IMMIGRATION

1. Are our borders more secure against the entrance of potential terrorists than before 9/11/01? What new security measures have been put in place? What new screening processes have been put in place?

[No Response Received by the Committee]

2. Has the INS been fully transitioned to the Department of Homeland Security and been fully separated into two bureau's, one to focus on enforcement of immigration laws and the other to service legal immigrants?

[No Response Received by the Committee]

3. Does the service bureau have access to the criminal history information possessed by the National Crime Information Center's Interstate Identification Index?

Answer: USCIS only has limited access to the information in the NCIC records. Since July 2002, applicants and beneficiaries of all applications and petitions are subject to a complete IBIS query that includes a concurrent check of the NCIC "Hot Files":

Wants and warrants, missing persons, violent gangs and terrorists, protection orders, registered sexual offenders, presidential protection/secret service, foreign fugitives, deported felons and supervised release.

However, at this time, USCIS does *not* have direct computer access to the past criminal history and arrest information contained in NCIC III for purposes of checking the backgrounds of all persons seeking immigration benefits, unless the person is the subject of a known law enforcement investigation. USCIS is presently able to obtain NCIC III records from the FBI only on persons from whom fingerprints are required (e.g. asylum and naturalization applicants, applicants for family unity/LIFE Act benefits, certain Temporary Protected Status applicants, and Adjustment of Status applicants). The FBI is considering a recent USCIS request for direct ac-

cess to NCIC III for purposes of all immigration benefits. We note that, unlike USCIS Adjudicators, CBP Inspectors at the Ports of Entry and ICE Investigators (among other officers who enforce the immigration laws) have long been granted direct access to NCIC III. However, the FBI's ability to provide direct access to USCIS may be limited by certain constraints within the *National Crime Prevention and Privacy Compact Act of 1998*, 42 U.S.C. § 14616(b)(Article I:18)(indicating that "immigration and naturalization matters" are 'noncriminal justice purposes' that require fingerprints to be submitted under the Act, which governs distribution of NCIC III records) and section 403 of the *USA PATRIOT Act*, 8 U.S.C. § 1105. Section 403 provided a partial expansion of the authority of the FBI to give USCIS and the Department of State access to "extracts" from NCIC III for making determinations regarding visa applicants and applicants for admission, but those alien categories do not cover the universe of applicants, petitioners and beneficiaries who may seek immigration benefits. For example, many aliens who have already been admitted to the U.S. seek extensions and changes of their status, as well as advance permission to leave and reenter. USCIS seeks the ability to conduct direct checks of all parts of NCIC, including III, on these individuals and other aliens who seek benefits. The FBI is currently reviewing the laws mentioned above and others before making a determination on the USCIS request for greater NCIC III access.

4. Is there effective coordination between Federal, state and local law enforcement?

[No Response Received by the Committee]

5. What are in place to ensure that there is effective coordinate between our immigration services and Canadian and Mexican officials?

[No Response Received by the Committee]

6. What additional measures are you considering to improve our security?

[No Response Received by the Committee]

7. Obviously the ability of law abiding visitors from all country to enter our country is important to our country economically and as a principle of our openness. How is this balanced against the need for additional security?

[No Response Received by the Committee]

Visa Issuance

1. How has the process by which we grant visas been improved to ensure that we are not letting in potential terrorists?

[No Response Received by the Committee]

2. What new technologies are being used—or are under development—to ensure visa authenticity?

[No Response Received by the Committee]

3. The Enhanced Border Security and Visa Entry Reform Act created additional security requirements. Among the requirements are that Federal law enforcement agencies and the intelligence community provide State Department and immigration enforcement officials the information needed to screen those trying to enter the country, the establishment of an entry-exit system, and that U.S. visas be issued with biometric identifiers. Are these new procedures in place and fully implemented? Why not?

[No Response Received by the Committee]

4. The National Security Entry Exit Registration System requires the registration of adult male foreign nationals from countries that are state sponsors of terrorism or that have an active terrorist infrastructure. Is this program up and running? How does the registration work? What kind of increased scrutiny are registered individuals given?

[No Response Received by the Committee]

DEPARTMENT ORGANIZATION

1. Have all of the programs and authorities scheduled to be transferred actually been transferred?

Answer: To the best of the Department's knowledge, all programs and authorities have been transferred. Per Section 1516 of the Homeland Security Act of 2002, the Director of OMB, in consultation with the Secretary of Homeland Security, is authorized to conduct incidental transfers of personnel, assets, and liabilities relating to functions transferred by the Act. Except for the planned transfer of approximately 20 administrative personnel at the Plum Island Animal Disease Center from USDA

to the Department (effective October 1, 2004), we are unaware of any pending or planned incidental transfers.

2. Several of the reports required by the Homeland Security Act have not been submitted on-time. Why not? Is this indicative of an underlying failure to perform your assigned tasks?

Answer: The Department of Homeland Security is working diligently to comply with the multitude of reporting requirements contained in the Homeland Security Act of 2002. The combination of the challenges to build the proper level of staffing within the Department as well as the challenge of merging 22 agencies each with its own operating and management procedures into a cohesive organization contributed to the responsiveness to the reporting requirements in the Act. In no way is it indicative of the Department's failure to perform. The day-to-day work of the vast majority of employees that merged to create this Department is unchanged—they continue to perform outstanding service in the protection of our homeland.

3. What portion of positions have you filled that require Senate confirmation? In managerial positions? Of the total? Why has progress been so slow?
[No Response Received by the Committee]

4. How was the Department's fiscal year 2004 Budget request created? Did each formerly independent agency simply create its own request, and then you pasted them together at the end? Or was there an effort to assess your funding needs from an integrated perspective?

[No Response Received by the Committee]

5. When are you going to pick a permanent Homeland Security Department Headquarters? Right now, DHS employees continue for the most part to work from their old offices, scattered all over the District. Are there any plans to concentrate your resources at some point?

Answer: The Department of Homeland Security is coordinating with GSA in their effort to identify and recommend a permanent headquarters facility. Concurrently, the department continues to house additional headquarters functions at the interim location, the Nebraska Avenue Complex. Efforts are also underway to consolidate, collocate and integrate operational components within the greater D.C. area.

AVIATION

1. There have been numerous reports about sloppiness, waste, and inefficiency in the TSA. Indeed, TSA has begun cutting back on the number of baggage screeners at the airport. What are you doing to address the problems?

[No Response Received by the Committee]

2. Is it any more difficult to sneak a box-cutter onto a plane now than it was before September 11?

[No Response Received by the Committee]

3. Originally, every airport was required to have bomb-detectors by last year. How far along are we?

[No Response Received by the Committee]

4. How are you working with airlines to screen passengers?

[No Response Received by the Committee]

5. What steps are you taking to improve security for cargo planes, which could be used as missiles just as easily as passenger planes?

[No Response Received by the Committee]

BIOTERRORISM

1. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and the new BioShield Act, require HHS and DHS to coordinate with respect to setting priorities and goals for bioterrorism-related research and preparedness activities. How are you coordinating?

Answer: FEMA has created a new Senior Medical Policy Advisor position in its Response Division. This individual is responsible for coordinating FEMA's BioShield activities. Within DHS, we are coordinating with the appropriate offices, especially the Science and Technology Directorate. Externally, FEMA is working with the DHHS Office of the Assistant Secretary for Public Health Preparedness to prioritize bioterrorism-related research and preparedness activities and to coordinate programs and processes between the Departments. These discussions take place routinely and include DHS participation in DHHS technical meetings related to program and research development.

2. What are you doing to assess bioterror threats, and decide which ones require the development of countermeasures? What capabilities do you have?

Answer: The DHS Information Analysis and Infrastructure Protection Directorate has the lead role in DHS on bioterrorism threat intelligence gathering and analysis. FEMA plays a key role in countermeasures through the SNS, although DHHS identifies the materials that should be included in the Stockpile.

3. What problems are you having inoculating first responders against smallpox? How are you planning to overcome them?

Answer: *These questions should be redirected to DHHS.*

4. What new plans have been put in place so that Federal officials can communicate with states and locals in the event of a bioterrorist attack?

[No Response Received by the Committee]

5. What has the SARS experience taught us? What difference does it make in responding to a naturally occurring outbreak (such as SARS) and one that is perpetrated by terrorists?

Answer: These questions should also be provided to DHHS for response.

The SARS experience has shown the need for close coordination with other agencies involved, particularly DHHS, and it has illustrated a number of important points in responding to a new or emerging infectious disease.

Early detection is very important in designing an effective response. The earlier an outbreak is detected, the earlier that public health interventions can occur. In the case of SARS, basic public health interventions were effective in terminating the spread of disease. Such interventions include active surveillance, case contact identification, and restriction of patient movement.

Effective communication is also important for an effective response. Keeping the public informed is essential. Maintaining timely and effective communications with the health care community is crucial to keeping them informed as to what medical countermeasures are necessary to treat patients and how to protect themselves and their facilities from the disease.

Disease outbreaks do not respect jurisdictional boundaries. By sharing information with established domestic and international health organizations, outbreaks can be controlled. Domestically, good partnerships among a variety of Federal organizations aided in the SARS response.

Finally, having a developed plan that coordinates the operational response is essential to ensuring that every participating organization knows what their responsibilities are during a response.

The biggest difference between an emerging infection and a terrorist attack is that naturally occurring outbreaks can be predictable and with time, followed by and controlled with public health interventions. A bioterrorist event is much less predictable and has the potential to become immediately widespread, depending on how it is introduced. A bioterrorism event is more complicated in that there is the need to perform a criminal investigation in association with the health response. Furthermore, public concern over a bioterrorism event is greater than that which occurs with an emerging infectious disease.

Implementation of Government-wide Cybersecurity Program

1. What steps are being taken to assess the cybersecurity threat?

[No Response Received by the Committee]

2. What is the Department doing to protect critical cyber-infrastructure?

[No Response Received by the Committee]

3. The Homeland Security Act requires DHS to implement a government-wide cybersecurity program. How is this being done?

[No Response Received by the Committee]

The Use of the Homeland Security Advisory System

1. When the threat level is changed to orange, or to red, what does this actually entail as far as security procedures followed by the Federal Government?

[No Response Received by the Committee]

2. What is being done to make the system more useful, or to give people a better idea of what they are supposed to do when the status is elevated?

[No Response Received by the Committee]

QUESTION FROM THE MINORITY STAFF:

GENERAL OVERVIEW

1. What are the top priorities for DHS, both in terms of getting the new Department fully up and running as well as programmatically? How are these priorities reflected in the fiscal year 2004 budget request?

Answer: The Department is establishing, and will report as part of its fiscal year 2005 Budget request, program specific goals which will be tied to measurable performance outcomes. Also, the Department is setting up the office of Program Analysis and Evaluation within its Office of Management with a key responsibility of developing the Departments Strategic Plan and ensuring associated goal, strategies and performance measures are in place to effectively review the performance of all programs. Also, the Departments Future Years Homeland Security Program will provide proper evaluation of program priorities making sure goals and objectives are properly planned, programmed and budgeted. The fiscal year 2005 budget request will have measures for each area of responsibility. However, the ultimate measure of success will be the ability to identify, respond, and stop potential terrorist threats to our nation.

Our fiscal year 2004 budget ensures that both our homeland security and non-homeland security missions are adequately resourced and carried out.

2. Are existing national preparedness guidelines or standards sufficient for generating preparedness requirements? What more needs to be done in this area?

Answer: DHS recognizes the importance of developing a better understanding of the nation's preparedness needs and is working with other Federal departments and agencies to establish appropriate and measurable national preparedness targets. As we reach a greater understanding of the level of preparedness we need, we can develop better recommendations as to the level and type of Federal investments needed to reach those targets. These efforts will build on initiatives already underway in a number of areas to set standards and targets for specific preparedness functions.

As part of this effort, the Department recognizes preparedness guidelines and standards need to be improved. DHS is proposing to take this work to the next phase by initiating an interagency process for creating definitive lists of the specific tasks that emergency personnel, organizations, and systems need to perform in order to prevent terrorist attacks and to respond when events do occur. These mission-essential task lists can then be used to guide planning, training, and exercising, and to assess readiness at all levels.

The Department is working to identify other standards that currently exist, to develop a prioritized list of critical gaps, and to craft a plan for a coordinated approach to addressing those gaps. This is an important first step in ensuring a consistent and uniform manner of preparedness and response for all hazards across all jurisdictions and disciplines.

The Department encourages the development of baseline all-hazards emergency management standards. These all-hazards standards will be used to ensure consistent and interoperable planning, equipment, training, and exercises as well as to establish the groundwork for the NIMS. Not only will these standards be used to ensure an effective national response capability, they will also be used to establish protocols for qualifications, training, and credentialing.

DHS will utilize a two-phase approach to identify a common set of functional emergency management capability standards and guidelines. Phase 1 involves conducting research on existing standards by discipline and by emergency management function (planning, training, etc.) and identifying critical gaps. Groups of subject matter experts led by DHS will be brought together to accomplish the project goal. In phase 2, the Department will outline a plan for a coordinated approach to address those gaps and will serve as a liaison to organizations responsible for the development of emergency management standards and guidelines.

As a first step, the Department has assembled a preliminary inventory of existing emergency management and response standards applicable for all hazards. This preliminary inventory will be vetted and will serve as the basis for this project.

Response resource requirements, utilization, and terminology for emergency management vary greatly across the country, often triggering confusion and inefficiencies during a disaster when mutual aid assistance arriving from nearby jurisdictions does not meet the needs of the requesting locality. Addressing this problem will require agreed-upon descriptions, standards, and typologies for deployable response assets, as well as protocols for resource interoperability, personnel credentialing, and registration, and a common policy for the issuance of credentials. In order for mutual aid to function as a truly national system, it needs to allow for all parts

to build upon each other among all levels of government. This can only be accomplished in a national forum that involves public and private sector representatives from all levels of government and all emergency management and response disciplines.

DHS agrees that preparedness guidelines and standards need to be improved. The guidelines and standards are not standardized. DHS is proposing to take this work to the next phase by initiating an interagency process for creating definitive lists of the specific tasks that emergency personnel, organizations, and systems need to perform in order to prevent terrorist attacks and to respond when events do occur. These mission-essential task lists can then be used to guide planning, training, and exercising, and to assess readiness at all levels.

As a starting point, nationally recognized emergency management standards have already been developed and. These standards are embodied in the Emergency Management Accreditation Program, which is supported by the Department, the National Emergency Management Association (state-level emergency management organization) and the International Association of Emergency Managers (local-level emergency management organization). DHS is currently sponsoring a national emergency management baseline capability assessment of all States and Territories. This effort is known as the National Emergency Management Baseline Capability Assessment Program. The nascent National Incident Management System (NIMS) is expected to drive the development and recognition of additional or more detailed standards.

3. What specific steps are being taken to ensure maximum coordination and planning across disciplinary and jurisdictional boundaries? How can funding and resource decisions be designed to contribute to better coordination and planning?

Answer: The Department is strongly encouraging comprehensive state and regional planning and mutual aid initiatives that span disciplines and jurisdictions. Such planning is a prerequisite for receiving the bulk of DHS preparedness grants. To support these efforts, DHS has provided significant levels of planning assistance through both FEMA and ODP. These plans are intended to guide resource allocation at the Federal, state and local levels.

Rather than encouraging the creation of specialized capabilities in every jurisdiction, DHS has made promoting mutual aid a top priority, both through the enhancement of existing mutual aid systems such as the Emergency Management Assistance Compact and through the development of new interlocal and intrastate agreements and compacts.

DHS is leading the national mutual aid project, which involves the establishment of a comprehensive, integrated National Mutual Aid and Resource Management System that will allow for an efficient and effective response to all hazards, including a terrorist attack. Under this system, jurisdictions will be capable of requesting and receiving resources quickly and effectively and resources received through mutual aid will be able to integrate operationally into ongoing response efforts, necessitating interoperability of management systems, equipment, and communications. This system will also provide senior officials and elected leaders at all levels of government with detailed incident awareness and the ability to see real-time inventory of nearby response assets available through mutual aid and their operational status. The national mutual aid project is an inclusive effort, requiring participation and buy-in from a diverse group of Federal, State, and local agencies and organizations that are key stakeholders in the project.

4. How much has the "Get Ready" public relations campaign cost the Department and to what effect?

Answer: The development of the "Ready" campaign was made possible through a \$3 million grant from the Alfred P. Sloan foundation to the Ad Council. Although DHS did not spend any of its funds to develop the campaign, it did spend approximately \$150,000 on printing the tri-fold brochure in support of the campaign.

The Department will, however, assume responsibility for the campaign on October 1, 2003. The Department will spend approximately \$1 million on the campaign in fiscal year 2004 in order to build on the "Ready" campaign's current momentum and success.

The campaign has had the most successful launch in Ad Council history. The website has received 1.5 billion hits and 17 million unique visitors. Approximately 2.7 million brochures have been downloaded from the website and an additional 144,000 brochures have been requested through the campaign's toll-free number. The Ad Council estimates that roughly 113 million people have heard of or read about the "Ready" campaign through public relations outreach. Donated media to the Campaign is estimated to be valued at \$100 million.

5. Is there any central repository for all the separate homeland security plans being developed by state and local governments? Who reviews these plans?

[No Response Received by the Committee]

6. Is there an individual or office in DHS responsible for collecting “lessons learned” from September 11, the Space Shuttle Recovery and TOPOFF II exercises? How will the information be shared?

Answer: At the DHS level, the Office for Domestic Preparedness is responsible for collecting terrorism-related lessons learned, and FEMA is responsible for collecting natural disaster-related lessons learned. FEMA collects both real-world and exercise lessons learned pertinent to FEMA areas of disaster responsibility in accordance with the FEMA Remedial Action Management Program.

7. Has DHS obtained and reviewed the report, both unclassified and classified, of the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence of the 107 Congress? What actions has DHS taken in response to the recommendations of the report?

[No Response Received by the Committee]

8. Many of the 22 agencies combined into DHS are still working on individual budgets. When will DHS have a consolidated budget in place?

[No Response Received by the Committee]

9. Will there be a reorganization of the regional offices of the various agencies now in the Department? Is there a time table for reorganization?

[No Response Received by the Committee]

10. What is the Department’s overall approach to investment? Is it tied to the most likely threats as indicated by current intelligence? Is the priority protecting against catastrophic attacks? Is it an “all hazards” approach?

[No Response Received by the Committee]

11. Will there be a successor to the summer 2002 National Homeland Security Strategy? Does the 2002 strategy still guide DHS planning and prioritization?

Answer: The National Strategy for Homeland Security is intended as an enduring strategic document that outlines the nation’s objectives and will guide Federal, state, local, private sector, and citizen planning and prioritization for the foreseeable future. The Administration will update the document as appropriate when strategic circumstances or the underlying assumptions of the Strategy change.

DHS BUDGET

The Administration requests \$29.2 billion in discretionary budget authority to fund the operations and programs of the DHS for next fiscal year, representing an 18 percent increase in the appropriated in the fiscal year 2003 Omnibus. However, if the fiscal year 2003 supplemental is taken into account—which includes funding that the Administration requested—the DHS budget proposed for next year is actually a \$1.9 billion, or six percent, decrease over current levels. The DHS budget for next fiscal year also requests 179,241 full time equivalent positions, which is about a two percent decrease over current levels.

12. Is the Department’s budget request for fiscal year 2004 sufficient to address multiple homeland security needs? Given the need for additional appropriations this year, will another supplemental be needed next year to provide adequate resources for homeland security needs? Are there specific initiatives or programs which remain under-funded for next fiscal year? If so, please identify the programs.

The majority of the DHS’ \$29.2 billion discretionary request is slated for border and transportation security efforts. Other large programs, as a percentage of the total request, include the U.S. Coast Guard and programs for the Emergency Preparedness and Response Directorate, some of which are geared more towards traditional disaster relief versus new homeland security needs. Outside experts have questioned whether the DHS fiscal year 2004 budget request properly rationalized homeland security priorities, and whether such priorities are adequately funded.

[No Response Received by the Committee]

13. With outside experts questioning whether homeland security needs are adequately funded, how did DHS determine what priorities to fund in the Department’s fiscal year 2004 request? Does the Department’s budget request for next year adequately address them?

The Administration has proposed sizeable discretionary funding increases over the last two years as part of its annual budget request for programs and activities which now fall under the DHS. Additionally, the Congress has also provided \$14.3 billion and \$6.3 billion in supplemental funding for fiscal years 2002 and 2003, respectively, for homeland security programs. However, critics of the Administration argue that more should be spent on homeland security needs. To cite one example,

about \$600 million is still required for port security grants to satisfy the Coast Guard's estimate of first year funding to make facility improvements and port conduct vulnerability assessments.

[No Response Received by the Committee]

14. Why are the Administration's current funding levels below those required by the Coast Guard?

Funding for select programs or activities which are now part of the DHS has significantly increased over the last two fiscal years. Specifically:

- Funding for information analysis and infrastructure protection activities increased 20 percent between fiscal year 2002 and fiscal year 2003, and is proposed to rise by 353 percent between now and fiscal year 2004;
- Relative to the full amount appropriated in fiscal year 2002, the Administration proposes to increase funding for border and transportation security by 40 percent next fiscal year;
- Funding for the Office of Domestic Preparedness, which oversees grant programs for state and local first responders, rose 267 percent between fiscal year 2002 and fiscal year 2003, and is proposed to rise another eight percent between now and fiscal year 2004;
- Funding for homeland security research and development programs rose 231 percent from last year, and is proposed to rise by 45 percent next year.

[No Response Received by the Committee]

15. What added measure of security have we "purchased" with these funding increases? What are some tangible examples of how we are better prepared to deter, or respond to, a terrorist attack against the homeland?

[No Response Received by the Committee]

FUNDING ISSUES/FIRST RESPONDERS

The Office of Domestic Preparedness (ODP) requests \$3.6 billion for fiscal year 2004, \$1.9 billion of which is slated for the Homeland Security Grant Program, which finances equipment, training, planning, and exercises to enhance the ability of state and local officials to respond to an incident involving weapons of mass destruction. Given the fiscal year 2003 supplemental, next year's requested amount is equal to the current year total. The request also includes \$500 million for the FIRE grants program, and \$500 million for terrorism-preparedness activities for state and local law enforcement. The Administration's fiscal year 2004 request, however, reduces or eliminates funding for existing law enforcement programs outside of the DHS, such as the Community Oriented Policing Services (COPS) program, and Local Law Enforcement Block Grants.

16. How did the Department determine the total amount to request for ODP first responder and other grant programs for fiscal year 2004? What is the basis for the request? What factors were considered?

[No Response Received by the Committee]

17. Given the recent fiscal year 2003 supplemental, the Administration's request for fiscal year 2004 first responder grant programs is about the same as the request for these activities next year. Is this sufficient to address the needs of the first responder community? Why did the Administration choose to reduce funding for existing law enforcement programs outside of the DHS, such as those for Community Oriented Policing Services (COPS), and Local Law Enforcement Block Grants?

The Homeland Security Grant Program, which finances equipment, training, planning, and exercises for state and local first responders, as well as the grants included in the recent fiscal year 2003 supplemental to assist in protecting critical infrastructure, are distributed based partly on a formula, included in the 2002 Patriot Act, which guarantees each state a percentage of the total grant amount. Population data is also used by the DHS to determine grant awards. We understand that Secretary Ridge favors changing the rules for grant distributions, such that awards are tied more closely to regional or local threats. We also understand that the Department is engaging the states to update their first responder vulnerability assessments and plans.

[No Response Received by the Committee]

18. Does the Department intend to propose new rules for determining grants to state and local first responders? If so, when will they be proposed? How will state vulnerability assessments be tied to grant awards? How will the DHS require that each state's vulnerability assessment link to the national homeland security strategy?

Answers:

A) Since its creation in March 2003, DHS has provided nearly \$4 billion to our first responder community to increase our nation's preparedness. While DHS inherited all of the flexible authorities under which ODP operated as part of the Department of Justice, the majority of its fiscal year 2003 funds have been allocated under the authority provided by the USA PATRIOT Act of 2001 (P.L. 107-56) and the Homeland Security Act of 2002 (Public Law 107-296). Pursuant to this formula, fiscal year 2003 allocations were determined using a base amount of .75 percent of the total allocations for the states (including the District of Columbia and the Commonwealth of Puerto Rico), and .25 percent of the total allocation for the U.S. territories (American Samoa, the Commonwealth of the Northern Mariana Islands, Guam and the U.S. Virgin Islands). ODP has discretion on how the remaining balance of funds have been allocated. Consistent with past practice they were distributed on a population-share basis. Population figures were determined from 2000 U.S. Bureau of Census data.

However, the Department has concluded that this allocation method is flawed. The combination of the .75 percent minimum and the population-based formula means that some states do not receive funding proportionate to the risk and threat they actually face. The Administration has supported legislation to reduce (but not eliminate) the minimum funding level, and codify the Secretary's ability to consider threats and the presence of critical infrastructure in allocating the remainder. DHS will continue to work with Congress, including the House Select Committee on Homeland Security, on specific legislative proposals to achieve these goals.

B) Through its Office for Domestic Preparedness (ODP), the Department of Homeland Security (DHS) has refined the State Homeland Security Assessment and Strategy (SHSAS) process that was originally established in Fiscal Year 1999. The SHSAS provides states and localities a uniform, consistent, and objective means by which they can assess threats, vulnerabilities, capabilities, and needs related to preventing, preparing for, and responding to terrorist incidents involving weapons of mass destruction. The fiscal year 2003 SHSAS process will allow state and local jurisdictions to update their previous assessment data to reflect post-September 11, 2001 realities, as well as to identify progress on the priorities outlined in their initial homeland security strategies.

The original assessment and strategy process provided vital information to the states, ODP, and the national leadership critical to evaluating the needs of emergency responders. This information contributed to, and is reflected in, the President's National Strategy for Homeland Security. The updated SHSAS process and plans will initially serve as a planning tool for states and localities in allocating their fiscal year 2004 funds. ODP will compare fiscal year 2004 funding applications to the priorities outlined in these plans. They will further assist the Administration in better allocating Federal resources for homeland security, both in fiscal year 2004 and fiscal year 2005. It is the overarching goal of the Department and the Administration that the updated assessment and strategy process will provide additional information that will be used to further enhance the nation's preparedness. The completion target of the SHSAS process is December 31, 2003, and states are required to provide these updated strategies in order to receive fiscal year 2004 funding.

C) The Office for Domestic Preparedness (ODP) launched its Fiscal Year (FY) 2003 State Homeland Security Assessment and Strategy (SHSAS) process on July 1, 2003. As part of this effort, ODP has refined the SHSAS process that was originally established in fiscal year 1999.

The fiscal year 2003 assessment process, designed to compliment the President's National Homeland Security Strategy, will allow states and local jurisdictions to update their needs assessment data to reflect post-September 11, 2001 realities, as well as identify progress on the priorities outlined in their initial homeland security strategies. Furthermore, the refined process will serve as a planning tool for state and local jurisdictions, and will assist the Administration in better allocating Federal resources for homeland security.

Consistent with the President's National Strategy for Homeland Security, ODP coordinated the revision, development, and implementation of the SHSAS with Federal agencies, including the FBI, Centers for Disease Control and Prevention, Department of Agriculture, and the Transportation Security Administration, (what about EP&R/FEMA?) as well as state and local representatives, and state and local associations. This coordination has ensured that the updated assessment and strategy process is aligned with and focuses on the six critical missions defined by the National Strategy, including: intelligence and warning, border and transportation security, domestic counterterrorism, protecting critical infrastructure, defending against catastrophic terrorism, and emergency preparedness and response.

Currently, state and local first responders must complete a multi-step process with the Department in order to receive their grant funding allocations. While the

Department makes funds available to the first responder community to help them prepare for and respond to terrorist incidents, it takes time for states and localities to secure the necessary approvals, obligate funds, and be reimbursed by DHS. All of this results in delays in getting needed funding to state and local officials.

19. Does the Department have a plan to streamline the first responder grant process? If not, why not?

Answer: The Department of Homeland Security (DHS) and the Office for Domestic Preparedness (ODP) share your goals of providing funds to states in a timely, efficient, and effective manner. As you know, to facilitate this process Congress provided language in both the fiscal year 2003 Omnibus Appropriations Act and the fiscal year 2003 Emergency Wartime Supplemental Appropriations Act that directed states to apply for funds within 30 days of the grant announcement and required ODP to make awards within 30 days of receipt of a state's application.

ODP has complied with this language by creating an electronic grant application process that is efficient while preserving accountability. For example, the fiscal year 2003 SHSGP—Part II requires that the applicant apply online through the Grants Management System (GMS), which consists of providing basic applicant information and then certifying their compliance with Federal assurances, such as complying with drug-free workplaces and civil rights requirements. The application must also include a brief program narrative and budgets for the items to be purchased. The program narrative and budgets are provided as attachments in the online system. Once the online portion is completed, the applicant submits the application to ODP through the GMS.

When the application is received at ODP, the program office is committed to reviewing the application within seven days. The State and Local Program Management Division (SLPMD) at ODP reviews the application usually within 24 hours and forwards it for further processing to the Office of Justice Programs, (OJP), Office of the Comptroller (OC). Even though ODP is now officially part of DHS, the OJP OC still provides the grant financial management process. The Comptroller has committed to processing ODP grants within twenty-one days; but it typically takes just ten. Once the grant award is available, the award package is delivered (via Federal Express) to the State Administrative Agency.

ODP has successfully implemented this process for both regular and supplemental grants in fiscal year 2003. Applications for funds under the Fiscal Year 2003 Omnibus Appropriations Act were available on March 7, 2003—15 days after the act was signed into law. Under the terms of the application, applicants were required to submit their application by April 22, 2003. All 56 eligible applicants submitted applications, with 54 applicants submitting applications between April 15th and April 22nd. Thirty-five applications were received on April 22nd, the last day of the solicitation period. Once received, applications were approved and funds awarded on a rolling basis. Forty-four applications or 78% of applications received were approved in less than four days. Similarly 44 applicants, or 78% of those who applied, were awarded funds within 15 days of submitting their applications. By May 8th, 49 of 56 awards (87%) had been completed.

Applications for funds under the Fiscal year 2003 Wartime Supplemental Appropriations Act were made available on April 30, 2003—14 days after the act was signed into law. Under the terms of the application, applicants were required to submit their applications by May 30, 2003. Again all 56 eligible applicants (the states, territories, and the District of Columbia) applied. Of the 56 applications submitted, 33 applications were submitted between May 28th and May 30th. Seventeen applications were submitted on May 30th—the last day of the solicitation period. As in the first round of Fiscal Year 2003 State Homeland Security Grant Program (SHSGP) award applications, applications under the Supplemental were approved, and funds awarded, on a rolling basis. Fifty-one applications (91%) were approved within 7 days of submission. Similarly, 41 applicants, or 73% of those who applied, were awarded funds within 21 days of submitting their application. By June 4th, 51 of 56 awards (91%) had been completed. By early July, ODP had awarded all 56 awards.

A total of \$700 million was included in the recent fiscal year 2003 supplemental to bolster security in select high threat urban areas. Unlike other programs, the grants are not formula based. Instead, the fiscal year 2003 supplemental outlined specific considerations for the DHS to consider in making grant allocations, such as credible threat information about a particular area, the presence of critical infrastructure of national importance, and identified needs of public agencies. We understand from the DHS that the Information Analysis and Infrastructure Protection Directorate played a significant role in determining grant allocations.

20. What role did the Department's Information Analysis and Infrastructure Protection Directorate play in determining allocations for the recently released High-

Threat Urban Area grants? How did the Directorate determine which localities should be awarded grant funding?

Answer: The Fiscal Year 2003 Omnibus Appropriations Act, together with the Fiscal Year 2003 Emergency Wartime Supplemental Appropriations Act, provided the Department of Homeland Security (DHS) with \$800 million to address the security requirements of high threat, high density urban areas with critical infrastructure. Based on this direction, DHS developed the Urban Areas Security Initiative or UASI. Under the provisions of the legislation, UASI funds were targeted and allocated in a manner proscribed by the Secretary.

ODP worked closely with DHS' Information Analysis and Infrastructure Protection (IAIP) Directorate, to develop a methodology by which urban areas can be identified and funded. UASI's initial focus in fiscal year 2003 was 30 urban areas, 14 port authorities, and 20 mass transit systems. Those areas were selected based upon an assessment model using. The model employed multiple factors including classified information on current threat estimates, the presence of critical assets and infrastructure, and population density. Every major city was assessed through this model. In an attempt to ensure that funding levels were sufficient to produce a substantive difference, the funding line was drawn at the 30 top cities. The model coupled with other factors such as resources and the overall magnitude of the UASI initiative, solidified DHS' decision to initially fund 30 cities. This, however, does not preclude future expansion of the UASI program beyond that number. Future decisions will be based on identified needs and future Budget requests.

21. What methodology is DHS using to determine national requirements for assistance to first responders?

Answer: The requested ODP funding level for fiscal year 2004 was based on the Administration's request for a similar \$3.5 billion 'First Responder' initiative within FEMA in fiscal year 2003. That amount was based on an assessment of national-level costs of preparing state and local first responders for terrorist incidents in the wake of 9/11. Planning, exercise, training, and equipment needs were considered for a range of communities and first responder disciplines, e.g. firefighters, law enforcement, EMS, and emergency management. Those these initial estimates forecast a Federal investment of \$11 billion over three years.

DHS is currently supporting a more in-depth series of vulnerability assessments at the local, state, and Federal levels that will inform future ODP funding requests. The updated State Homeland Security Assessment and Strategy (SHSAS) process, and the subsequent information that it provides will not only serve as a planning tool for states and localities, but it will assist ODP and its partners in better allocating Federal resources for homeland security. It is the overarching goal of the Department and the Administration that the updated assessment and strategy process will provide additional information that will be used to further enhance the nation's preparedness. The completion of the SHSAS process is December 31, 2003, and states are required to provide updated strategies in order to receive fiscal year 2004 funding. These completed assessments will also contribute to DHS funding priorities in fiscal year 2004 and beyond.

22. What steps are being taken to encourage long-term planning and budgeting to sustain enhancements to America's first responders?

Answer: Through its Office for Domestic Preparedness (ODP), the Department of Homeland Security (DHS) has refined the State Homeland Security Assessment and Strategy (SHSAS) Process that was originally established in Fiscal Year (FY) 1999 to assess threats, vulnerabilities, capabilities, and needs related to preparedness for weapons of mass destruction terrorism incidents. The fiscal year 2003 SHSAS process will allow state and local jurisdictions to update their previous assessment data to reflect post-September 11, 2001 realities, as well as to identify progress on the priorities outlined in their initial homeland security strategies.

The original assessment and strategy process provided vital information to the states, ODP, and the national leadership critical to evaluating the needs of emergency responders. This information contributed to the President's National Strategy for Homeland Security. The updated SHSAS process, and the subsequent information that it provides will not only serve as a planning tool for states and localities, but it will assist ODP and its partners in better allocating Federal resources for homeland security. It is the overarching goal of the Department and the Administration that the updated assessment and strategy process will provide additional information that will be used to further enhance the nation's preparedness. The completion of the SHSAS process is December 31, 2003, and states are required to provide updated strategies in order to receive fiscal year 2004 funding.

It should also be noted that the Homeland Security Presidential Directive/HSPD-5 calls on the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). This system will provide a consistent nation-

wide approach for Federal, state, and local governments to work effectively and efficiently together to prevent, prepare for, respond to, and recover from incidents of domestic terrorism. NIMS will include a core set of concepts, principles, terminology, and technology coverage the incident command system; multi-agency coordination systems; unified command; training; and identification and management of resources.

Beginning with fiscal year 2004, participation in and adoption of NIMS will be a requirement for receiving grant funds from ODP. This system will allow Federal, state, and localities to better coordinate their activities and allow them, and the Federal Government, to plan for future needs and requirements.

A major emphasis of ODP is creating strategic planning capabilities at the state level. The fiscal year 2003 Omnibus Appropriations Act included \$40 million for strategic planning capability development and enhancement. Each state received an allocation under the fiscal year 2003 State Homeland Security Grant Program, Part I. A portion of each state's allocation may be used for planning and strategy. Additionally, states were eligible to use a portion of their funds allocated under the Emergency Wartime Supplemental Appropriations Act for planning and statewide homeland security strategy development. These funds were made available through the State Homeland Security Grant Program, Part II. It is envisioned that the fiscal year 2003 emphasis on strategic planning and administration will help states to strengthen their planning capabilities.

A top issue for state and local officials continues to be a lack of interoperable equipment for first responders. This has been a problem for decades, and was dramatically emphasized by the inability of New York City police and firefighters to communicate with each other on September 11. Despite additional grant funding that has been made available to our first responders in the wake of 9/11, including \$80 million for interoperable communications this fiscal year, estimates exist indicating that much more is needed to solve the problem (note—additional information provided by HAC minority staff during the development of the fiscal year 2003 supplement put some estimates as high as \$3 billion. Also, while \$3.3 billion is proposed for the full range of first responder needs in fiscal year 2004, no specific program is proposed to address the interoperability problem).

23. There appears to be no program dedicated specifically to solving the problem of interoperable communications in the Department's fiscal year 2004 budget request. Why is this so?

Answer: The Science and Technology Directorate oversees the SAFECOM program, which is coordinating the efforts of local, tribal, State and Federal Public Safety agencies to improve public safety response through more effective, efficient, interoperable wireless communications. The fiscal year 2004 Budget includes almost \$32 million for this effort. State and local acquisition of interoperable communications equipment will be supported through ODP's grant programs, as communications interoperability is but one of many challenges they face in enhancing their preparedness. ODP funds have long been used for such projects, making up over 15 percent of their equipment funds in recent years. DHS believes setting aside a fixed dollar amount for interoperability grants would unnecessarily constrain states and localities. The same logic would dictate fixed amounts for needs such as hazmat gear, breathing apparatus, detection equipment, and so on.

24. If an attack similar to September 11 happened today, how could we explain to the American people that first responders at the scene could still not talk to each other?

When it comes to protecting the American people against terrorist attack, the Office of Domestic Preparedness (ODP), has been given "primary responsibility" under Section 430 of the Homeland Security Act to assist the first responder community to prepare for and respond to a terrorist incident involving weapons of mass destruction (WMD). ODP is supposed to coordinate the preparedness efforts of every level of government in the United States, along with the private sector. Yet within the past month we have heard news that DHS plans to shift ODP's place in the organizational structure of the Department.

[No Response Received by the Committee]

25. Why is DHS preparing to move ODP? Is ODP able today to fulfill its mission to prepare and protect the first responder community, and by extension, the American people from terrorist attack?

ODP is charged with the mission of "directing and supervising terrorism preparedness grant programs of the Federal Government. State and local officials have told Committee members that they are confused and frustrated by the grant process that is supposed to help them prepare their communities against the threat of terrorist attack.

Answer: As part of the Department of Homeland Security's (DHS) ongoing efforts to better serve the state and local emergency response community, DHS has supported legislation moving the Office for Domestic Preparedness (ODP) from its current position within the Directorate for Border and Transportation Security to the Office for State and Local Coordination within the Office of the Secretary. .

The Department believes that this re-location will enhance its ability to assist state and local jurisdictions by placing ODP, the DHS component most responsible for providing grants to state and local jurisdictions, within the Office for State and Local Coordination, the DHS component responsible for the formation and implementation of DHS policy for supporting state and local jurisdictions.

26. How many grant programs for emergency preparedness are there? Who reports to the Secretary on the progress of their implementation?

In the latest round of grants made available for fire departments, over 20,000 communities sent applications specifying \$2.1 billion of need. Funds available are far short of that figure.

Answer: Currently there are a number of grant programs assisting states and localities with emergency response and/or terrorism preparedness. Most of these programs are found in DHS and HHS, and to lesser extent, the Department of Justice. The following list focuses on those programs funded in fiscal year 2003 and requested in fiscal year 2004.

Terrorism & Emergency Preparedness programs

Department of Homeland Security

Office for Domestic Preparedness

- State Homeland Security Grant Program
- Law enforcement terrorism prevention
- Fire department grants (transfer from EP&R)
- Urban Areas Security Initiative
- Citizen Corps (from EP&R)
- National training and exercises programs

EP&R/FEMA

- All-Hazard Planning (EMPG)
- Citizen Corps
- Urban Search & Rescue Teams
- Interoperability Grants (duplicative of ODP equipment grants)

Department of Justice

- Regional Info-Sharing System (RISS)
- Terror Prevention/Response Training
- Citizen Corps (law enforcement only)
- COPS Interoperability Grants (duplicative of ODP equipment grants)

Public Health Preparedness Programs

Department of Homeland Security

- Metropolitan Medical Response System
- Strategic National Stockpile grants

Department of Health and Human Services

- Smallpox vaccination assistance (HRSA)
- Centers for Disease Control
- HRSA grants for hospital preparedness

The Administration has sought to emphasize and strengthen those programs most related to terrorism preparedness, while ensuring that more basic emergency response programs are better coordinated with terrorism preparedness efforts. For example, the fiscal year 2004 Budget proposes to transfer the EMPG and Fire Grant programs to ODP so that they may be better coordinated with ongoing terrorism preparedness efforts. As currently administered, the Assistance to Firefighters Grant program is focused on basic firefighting needs in rural areas, not investments in emergency and terrorism preparedness in the metropolitan areas at risk of terrorist attack.

27. Does the Department support a significant increase in funding for America's fire fighters above the current level? As it stands today, there are 32 National Guard Civil Support Teams that can respond to any catastrophic event involving nuclear, biological or radiological attack on the American people. These teams currently have about a seven-hour response time capability to almost any place in the United States. Congress, however, has authorized the establishment of 55 of these teams to assist state and local first responders. To reach the full authorized level, an additional 23 teams need to be formed.

[No Response Received by the Committee]

28. What is the Administration's plan for creating more National Guard Civil Support Teams? Should each state have at least one of these units?

Answer: The Department of Defense's (DOD's) plan to establish additional Civil Support Teams (CST) is best articulated in its report to Congress. However, that plan assumed that the earliest that new teams could be added was fiscal year 2005 due to the budget process. In order to accelerate the process, Congress has appropriated \$88.2 million to stand up 12 new CSTs in fiscal year 2004, with the remaining teams scheduled for fiscal year 2005 (to be funded within the DOD budget). The stationing of the teams will be decided based on population coverage and critical infrastructure, although Congress has also indicated that priority should go to States with port security concerns. The CSTs primarily respond in Title 32 status under the control of the Governor. They provide support directly to the Incident Commander while remaining under the command and control of the state National Guard.

This question should be referred to the White House and National Guard Bureau for a more complete response. The Defense Coordinating Officer has direct command of Federal troops in a disaster area.

29. Please describe the costs implicated by increasing the threat level from "yellow" to "orange."

The costs to our country for ensuring the proper security against an increased threat are shared among the various levels of government. Earlier this year, the US Conference of Mayors released a study that showed cities were spending an additional \$70 million per week in personnel costs to keep up with the demands of increased domestic security. While the 2003 supplemental provided limited assistance with Operation Liberty Shield, the Administration as a general rule is not planning to reimburse costs associated with changing the threat level. However, we are making resources available (ODP etc.) to enhance their permanent capabilities to respond to increased threat. The President's budget requested \$462M for vulnerability reduction efforts under the Assistant Secretary for Infrastructure Protection. Part of that mission will take into account the consequences of loss, vulnerability to terrorism, likelihood of success by terrorists, terrorist capabilities, and threat assessments to determine the relative risk to critical infrastructure and key assets. Specifically, DHS has begun implementation of a plan to reduce the vulnerabilities of high value/high probability of success terrorist targets within the United States.

Just prior to the war in Iraq, the Department announced the implementation of Operation Liberty Shield to increase security for American citizens and key infrastructures. Although the Administration requested, and Congress provided, in excess of \$700 million for Operation Liberty Shield expenses in the recent fiscal year 2003 supplemental, it remains unclear just how much the Operation cost the Federal Government and the private sector.

[No Response Received by the Committee]

30. How much did Operation Liberty Shield cost federal, state, local, and private sector entities? Does the Department have reliable cost estimates for agencies and companies below the Federal level? If not, why not? While security operations are important, what unfunded mandates were passed on to the state, local, and private sector level?

So far this fiscal year, the Department has allocated \$2.9 billion to state and local first responders to assist them in preparing for and responding to terrorist incidents involving weapons of mass destruction. While such funding is certainly needed, guidance and assistance from Department of Homeland Security officials is also desired to help ensure we receive the best return on our investment.

[No Response Received by the Committee]

31. Does the Department intend to increase its outreach to state and local first responders? If so, how? If not, why not? How can we avoid a situation where state and local first responders who wish to establish a dialogue with the Department feel no one in Washington is listening?

[No Response Received by the Committee]

32. Please provide a detailed breakdown as to how the grant monies administered by the Department have been spent and where the greatest needs remain amongst local communities.

[No Response Received by the Committee]

33. Are the ways in which the States and Localities are spending the grant monies consistent with the overall priorities articulated by the President in his homeland security strategy?

Answer: The applications submitted to the Office for Domestic Preparedness' (ODP) confirm that States and localities are spending ODP grant monies in a manner consistent with the three strategic objectives noted in the President's Homeland

Security Strategy: prevent terrorist attacks, reduce vulnerabilities, and minimize the damage from attacks that do occur.

In the area of preventing attacks, state and localities are spending grant funds to purchase systems in the area of terrorist incident prevention equipment, such as data collection and information gathering software or Geographic Information System (GIS) technology and software. Additionally, states are using their grant funds to plan for, design, develop, conduct, and evaluate exercises that train emergency responders and assess the readiness of jurisdictions to prevent and respond to a terrorist attack.

In order to reduce vulnerabilities, state and localities are purchasing systems to “harden” targets, such as motion detection systems, video surveillance cameras, waterfront radar systems, and chemical and biological warning systems. To determine these vulnerabilities, each state is required to conduct a comprehensive needs, threats, and vulnerabilities assessment through the State Homeland Security Assessment and Strategy (SHSAS) process.

The SHSAS process was designed to assist states in developing one comprehensive planning document that includes all needs for response to a WMD terrorism incident irrespective of the sources of funding. The strategies will address the scope, nature, and extent of the challenge faced by emergency responders and explain the state’s strategy for utilizing state planning, organization, equipment, training, and exercise resources as well as any other resources available that will enhance efforts to increase prevention and response capabilities.

The majority of funding provided goes towards the priorities consistent with minimizing damage from attacks that do occur. For instance, under the conditions of ODP’s grant programs, states and localities may purchase equipment from 12 broad categories covering every element of a response to a terrorist incident. The different types of equipment include: personal protective equipment; explosive device mitigation and remediation equipment; chemical biological, radiological, nuclear and explosive (CBRNE) search and rescue equipment; interoperable communications equipment; detection equipment; decontamination equipment; physical security enhancement equipment; terrorism incident prevention equipment; CBRNE logistical support equipment; CBRNE incident response vehicles; medical supplies and limited types of pharmaceuticals; and CBRNE reference materials.

Border Security

Securing our borders must be a top priority when it comes to protecting America from terrorist attack. The Homeland Security Act recognized this fact and created the position of Chief of Policy and Strategy for the Bureau of Border Security within the Department.

34. Who is the Chief of Policy and Strategy for Border Security and what progress has that individual made in developing a plan of action to secure our borders?

Since September 11, 2001, the Coast Guard has taken on much greater burdens in protecting the homeland. The Coast Guard is being pushed to the limit in terms of its many missions. In addition, many Coast Guard vessels are old and require replacement.

35. Are we providing enough resources to the Coast Guard to support the increasing demands placed on the Coast Guard post September 11? When will the Coast Guard have the replacement vessels it needs?

ANSWER: The multi-mission resources requested in the Fiscal Year 2004 budget are critical to overall mission balancing efforts and to the sustainment of the Coast Guard’s high standards of operational excellence across all mission areas. It is important to note that every Homeland Security dollar directed to the multi-mission Coast Guard will contribute to both our safety and security, which are two sides of the same coin.

The Integrated Deepwater System (IDS) is an integral part of the Coast Guard’s maritime homeland security (MHS) strategy and in balancing our non-MHS missions. MHS necessitates pushing America’s maritime borders outward, away from ports and waterways so layered, maritime operations can be implemented.

Earlier this year, President Bush that he supported giving the Coast Guard \$700 million for a fleet of smaller, faster response ships that can aid in port security.

36. Is there a timeline for the acquisition of these ships?

ANSWER: On March 31, 2003, President Bush announced the forthcoming of a fleet of up to 700 Response Boats to aid in port security. Concurrently, The Department of Homeland Security (DHS) released a press release announcing the selection of SAFE Boats International LLC, of Port Orchard, WA as the contractor selected to begin building the fleet of up to 700 Response Boat—Small (RB-S) boats.

The first boat is expected to be delivered in September 2003 and production will continue through 2007. This is in addition to a fleet of 100 similar boats also built by SAFE Boats under a contract awarded in March 2002. Under current planning,

Coast Guard will exercise options for up to approximately 170–200 boats under the RB–S contract.

It is the Committee’s understanding that the US Coast Guard is undertaking a comprehensive review of the security of America’s ports.

37. Under current funding levels, when will this review be completed? The President’s fiscal year 2004 budget proposal for the Bureau for Customs and Border Protection (BCBP) is \$6.7 billion.

ANSWER: The Coast Guard adopted an approach involving a family of security assessments that identify critical infrastructure/key assets (CI/KA), identify vulnerabilities to those CI/KA, and recommend mitigation strategies to improve overall port security. This approach aligns with the family of security plans approach and addresses specific aspects of vessel, facility, and port security.

The Port Security Risk Assessment Tool (PS–RAT) survey was used to meet the initial assessment requirement of the Maritime Transportation Security Act of 2002 (MTSA). The PS–RAT is a risk- based decision making aid that the Captains of the Port (COTP) used to rank relative risk within their ports. These initial PS–RAT assessment results were utilized by the Coast Guard when developing and using the National Risk Assessment Tool (N–RAT) to determine which vessel and facility types pose a higher security risk and will require a “detailed assessment” and individual security plans.

Certain vessels and facilities are required by MTSA regulations to conduct Security Self–Assessments due to higher risk (identified through the N–RAT). The Coast Guard believes that these self-assessments are an essential and integral part of the process for developing and updating the required facility and vessel security plans. These Security Self–Assessments identify and evaluate, in writing, existing security measures; key operations; the likelihood of possible threats to key operations; and weaknesses, including human factors in the infrastructure, policies, and procedures of the vessels or facilities. These higher risk facilities and vessels are required to conduct Security Self–Assessments and develop security plans under regulations issued on July 1st, 2003. The resulting plans must be implemented by July 1st, 2004.

Under the direction of the COTP, Area Maritime Security Committees will conduct port-wide security assessments and develop over-arching port wide Area Maritime Security Plans that take into account not only individual vessel and facility plans, but will also address security measures for those entities and infrastructures in the port that are not otherwise required to develop security plans. In this way, the security of the entire port is addressed.

The port wide assessments conducted by the Area Maritime Security Committees are distinct from the Coast Guard sponsored Port Security Assessments (PSA). PSAs, which are conducted by a team of Coast Guard and contracted security experts, provide a level of detail that the port stakeholders cannot achieve on their own. The PSAs will complement the assessments conducted by the Area Maritime Security Committees, and will directly feed into the Area Maritime Security Plans required by the MTSA. PSAs on the top 55 militarily and economically strategic U.S. ports were commenced in August of 2002, and will be completed by December 2004. To date, PSAs have been completed at 13 of the 55 ports and have commenced on 15 additional ports.

38. How many new Customs inspectional personnel are requested in the President’s Budget?

Answer:

The fiscal year 2004 President’s Budget Requests 628 new inspectional personnel. This includes 504 Inspectors and 124 Canine Enforcement officers.

	Inspectors	CEO’s
C–TPAT	20	0
NII	66	124
AQI	53	0
CSI	60	0
Entry/Exit	305	0
Total	504	124

Currently, Customs user fees known as COBRA fees provide funding for over 1100 Customs personnel as well as all overtime. The user fee is set to expire on September 30, 2003.

39. Has DHS sent legislative language to the Hill to reauthorize the COBRA fees? If not, when will the Department send this language?

Answer: A proposal to extend the COBRA fees was initiated by the Bureau of Customs and Border Protection. The proposal was reviewed at the Department level and cleared by the Office of Management and Budget. DHS is in the process of forwarding the proposed extension to the House Ways and Means and Senate Finance Committees.

Under Customs' Container Security Initiative (CSI), increasing numbers of Customs inspectors will be stationed overseas.

40. How many inspectors are currently overseas? Is there a concern about sending inspectors overseas while there is still a staffing shortage at many ports in the U.S.?

Answer: Currently, there are approximately 50 Inspectors overseas on CSI Temporary Duty Assignments. While there are plans to expand the CSI program to additional ports, the number of staff in relation to the entire Bureau of Customs and Border Protection at domestic ports of entry is relatively small. In addition, by using CSI to "push our borders out", the sort of targeting and analysis of high-risk cargo that these CSI Inspectors are doing is actually saving the time and effort of Inspectors located at U.S. ports of entry.

There have been reports that many of the new hires in Customs are being assigned to work in place of senior inspectors, rather than to augment and increase border coverage across the country. Additionally, the Bureau of Customs and Border Protection's current year budget is \$5.8 billion, which includes funding for over 41,000 full time equivalent personnel. The current budget includes \$100 million appropriated in the recent fiscal year 2003 supplemental to boost the number of border patrol agents and inspectors at the Northern Border and key maritime ports of entry. The Department proposes to increase the Bureau's workforce by 892 personnel, or 2 percent, next fiscal year. However, even with this increase, the Committee understands that the total number of customs and border inspectors will still fall short of the Bureau's optimum staffing levels.

41. Does the Administration's fiscal year 2004 request adequately fund staffing shortfalls at our nation's borders? Is the request consistent with optimum staffing levels for the border?

Answer: Funding provided in FY 04 President's budget is designed to greatly improve the border security of our Nation. As the positions and technology provided in the budget are deployed, BCBP will be better able to assess the gap between existing resources and optimal staffing.

42. What steps has the Department taken to increase the number of Customs trade personnel (import specialists) in the BCBP? What steps has the Department taken to ensure that Customs trade missions are not being lost in the anti-terrorism focus of the DHS?

Answer: The Bureau of Customs and Border Protection (BCBP) is actively working to fully staff field Import Specialists and other trade personnel to the maximum level funded. BCBP is ensuring "critical need" ports are adequately staffed in order to carry out the Bureau's trade responsibilities.

Although the priority mission of the BCBP is to detect and prevent terrorists and terrorist weapons from entering the United States, we have not abrogated our trade and narcotics interdiction responsibilities.

BCBP trade personnel in Headquarters and field offices continue to ensure trade functions are carried out correctly and efficiently. The changes in BCBP's primary mission have not negatively affected our ability to collect and protect the revenue, enforce trade agreements, monitor import compliance, and enforce textile quotas. We use a risk management approach to ensure the efficient use of resources to move legitimate trade across our borders. We identify and interdict violators and merchandise in violation of importing laws, embargoes, and/or sanctions to stop predatory and unfair trade practices that threaten the United States economic stability, market competitiveness and public safety. An example of this is the President's Steel 201 initiative that BCBP is aggressively enforcing.

The Under Secretary for Border and Transportation Security and his staff, including the Assistant Secretary for Border and Transportation Security Policy and Planning, have been focused on maintaining the trade missions assigned to BCBP.

Recently, a spokesman for the DHS stated that DHS plans to add an additional 90 remote inspectional video surveillance camera systems (R.V.I.S.) on the Northern Border. Currently, there are 236 surveillance systems along both the northern and southern borders. A number of frontline Customs inspectional personnel have stated that on more than one occasion these RVIS systems are down or are unable to identify persons or automobiles crossing the border into the United States.

43. Is it in the best interest of homeland security to increase the use of video entry technology that, according to a January 2002 Treasury Department Inspector General report, often fails because of severe weather and software problems?

Answer: It is not in the best interest of homeland security to replace people at these often-remote locations. That is one of the reasons that on October 31, 2002, Commissioner Bonner approved a recommendation by the Office of Field Operations to terminate the RVIS program and incorporate the existing RVIS equipment into the Northern Border Security Project.

The North Atlantic CMC issued a notice to the public indicating that the RVIS ports would be closed as of March 15, 2003.

Federal regulations were issued on March 25, 2003, directing companies that transport hazardous materials to put in place security plans for their cargo and personnel in the next six months. The regulations provide for civil penalties.

44. What is the plan for enforcement of this measure?

Oversight of hazardous materials transportation, including security, is entrusted in a number of Federal agencies within DHS and the Departments of Transportation and Treasury. The activities these agencies have been coordinated, and each issued regulations this year intended to strengthen security. The specific regulations to which you refer were issued by the Research and Special Programs Administration (RSPA) of the Department of Transportation (DOT). You should consult with RSPA on precisely how this regulation will be fully implemented. That said, DHS has a close working relationship with DOT and will ensure that the enforcement of these regulations will support homeland security goals.

The Daschle- Comprehensive Homeland Security Act of 2003- S 6 calls for an additional 250 Customs personnel each fiscal year between fiscal year 2003 through fiscal year 2006 for a total of 1,000 additional Customs personnel. The Domenici-Border Infrastructure and Technology Modernization Act- S 539 calls for an additional 200 Customs and Border Protection (CBP) personnel each fiscal year between fiscal year 2004 through 2008 for a total of 1,000 additional CBP personnel.

[No Response Received by the Committee]

45. Does the Department support these bills that would increase the number of frontlin border security personnel?

Answer: BCBP fully supports the President's fiscal year 2004 budget, which provides over 600 additional personnel at our borders. In the future, as staffing needs are reviewed, we will work with the Department and the Administration to ensure that the proper number of border security personnel are in place at the frontline.

The Committee understands that a report by the Inspector General of the Agriculture Department has pointed out that the U.S. Forest Service has 620 officers who currently patrol 520 miles of our border. The problem is that there are 970 miles of miles of our border within land that is in the jurisdiction of the US Forest Service.

46. What specific steps has the Department of Homeland Security taken with the Department of Agriculture or related agencies to ensure that the 450 mile hole in our border is closed?

[No Response Received by the Committee]

47. What is the expectation of DHS that inspectors from Customs, INS, and APHIS would be expected to do all of the work of all of the agencies? Wouldn't this lead to the homogenization of the individual inspector position, with no recognition of the expertise and specialization need to do the detailed and specific work done by the different agencies today? How does DHS plan to make sure expertise is not lost?

The Transportation Safety Administration is beginning a program to do background checks on the 3.5 million truck drivers who are licensed to carry hazardous materials in the United States.

[No Response Received by the Committee]

48. When will the checks be completed? Does this program include truck drivers from Mexico?

Each year, approximately 2.5 million rail cars cross America's borders. Some are open, most conceal their cargo.

[No Response Received by the Committee]

49. How many of these rail cars are inspected for radiological and chemical devices that could be detonated on our soil?

While we have devoted a great deal of attention to improving airline security, there has been little noticeable difference in security for passenger rail. At the same time, numerous published reports have indicated that there is a terrorist threat to the rail system. While we have devoted a great deal of attention to improving airline security, there has been little noticeable difference in security for passenger rail. At the same time, numerous published reports have indicated that there is a terrorist threat to the rail system.

[No Response Received by the Committee]

50. What are the Department's plans for improving security on passenger rail?
An often repeated statistic is that at present only about 2% of the millions of containers entering the United States each year can be inspected.

[No Response Received by the Committee]

51. Has the Department determined the optimum percentage, in terms of security and of protecting the flow of commerce, of containers that should be inspected?

Answer: BCBP continues to increase the number of containers examined and will continue this increase as additional inspectors are hired and trained and additional non-intrusive inspection equipment (e.g. x-ray equipment) are procured. The increased use of non-intrusive inspection equipment should enable BCBP to achieve higher inspection percentages while minimizing the impact on the trade. BCBP also continues to minimize the impact on legitimate trade through programs such as the Customs Trade Partnership Against Terrorism (C-TPAT) and increasing the percentage of containers examined before reaching the United States through the Container Security Initiative (CSI) Program.

52. Of the 2% of the containers that are being inspected, what are the inspectors looking for? Are the inspectors informed by intelligence on what terrorists might be trying to send in these containers?

Answer: Containers are targeted for examination for many reasons. In addition to examinations performed for security purposes, these reasons include regulatory concerns of many other agencies such as FDA and USDA and also include trade concerns such as evasion of anti-dumping and countervailing duty cases and quota restrictions. Inspectors performing these examinations are informed of the causes of these examinations through BCBP's targeting systems. Targeting criteria of the BCBP's Automated Commercial System (ACS) provide specific information regarding the reason for the examination and also provide examination instructions. The Automated Targeting System (ATS) provides the results of targeting rules designed to collectively determine relative levels of risk and integrates the targeting with the Treasury Enforcement Communications System (TECS). This linkage to TECS provides a systemic mechanism for linking critical intelligence to specific examination activities. All of this targeting information includes high-risk cargo that might be exploited by terrorists.

Information Analysis/Infrastructure Protection

The press release which accompanied the decision to lower the threat level from "orange" to "yellow" following the conclusion of active combat in Iraq indicated that this was based on "credible intelligence reports." Committee staff has asked for a briefing on these reports, and the decision making process, but no briefing has yet been provided.

53. What are the reports in question? How was this decision made?

Committee members have heard from local law enforcement departments that they hear about changes to the threat level on CNN. Congressional offices get a fax when the threat level changes - usually a few hours after the announcement.

[No Response Received by the Committee]

54. Is DHS notifying the people with a compelling need to know prior to changes in the threat level?

There still exists some confusion over what role the Department will play in analyzing terrorist threat information given the recent creation of the CIA-FBI Terrorist Threat Integration Center. Deputy Secretary Gordon England has testified to the Senate Governmental Affairs Committee that the Department would cede its intelligence analysis role over to the TTIC. However, Assistant Secretary Paul Redmond, who heads the intelligence analysis section of the Department, recently briefed Committee staff that DHS would conduct rigorous analysis of intelligence products created by both the Department and the TTIC. Secretary Ridge indicated in his testimony before the Committee that the Department would gain access to all the necessary intelligence through the Department's presence at the TTIC.

[No Response Received by the Committee]

55. Who is right? What type of analysis will DHS perform? What analysis will the TTIC perform? How do these arrangements square with Homeland Security Act's mandate to have the Department serve as the central place in the U.S. government where all of the "dots" can be connected?

[No Response Received by the Committee]

56. What is the relationship between the new Terrorism Threat Integration Center (TTIC) and the Department of Homeland Security? Will DHS receive the same information that TTIC receives? Will DHS have its own personnel in the TTIC?

On February 28, 2003, Secretary Ridge executed a Memorandum of Understanding "Between the Intelligence Community, Federal Law Enforcement Agencies, and the Department of Homeland Security Concerning Information Sharing." Section 3(f) of that document contains the agreement "that, when fully operational the Terrorist Threat Integration Center (TTIC) shall be the preferred, though not exclusive, method for sharing covered information [terrorism information, and other information relevant to the duties of the Department of Homeland Security] at the national level."

[No Response Received by the Committee]

57. The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis and Infrastructure Protection, to "disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security and to agencies of State and Local governments..." How is Section 3(1) consistent with the statutory obligations? Given that the Information Analysis/Infrastructure Protection Directorate was intended to be the central place for "mapping threat and vulnerability," why should TTIC be the "preferred... method" for sharing such information? Should TTIC be established in law?

The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis & Infrastructure Protection, to "identify and assess the nature and scope of terrorist threats to the homeland."

[No Response Received by the Committee]

58. Have any such assessments been completed? If so, please identify them by subject matter, and provide copies to the Committee. If not, why not? Has a schedule been set to complete such assessments?

The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis & Infrastructure Protection, to "carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructures of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks within the United States..."

[No Response Received by the Committee]

59. Have any such "comprehensive assessments" been completed? If so, please identify them by subject matter, and provide copies to the Committee. If not, why not? Has a schedule been set to complete such assessments?

The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis & Infrastructure Protection, to "integrate relevant information, analyses, and vulnerability assessments... in order to identify priorities for protective and support measures by the Department... and other entities."

[No Response Received by the Committee]

60. Has the Department completed this task and identified such priorities? If so, please identify them. Have they been reduced to writing? If so, please provide copies to the Committee.

The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis & Infrastructure Protection, to "develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States."

[No Response Received by the Committee]

61. When will such a comprehensive national plan be completed?

The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis & Infrastructure Protection to "recommend measures necessary to protect the key resources and critical infrastructures of the United States..."

[No Response Received by the Committee]

62. What recommendations have been made thus far?

[No Response Received by the Committee]

63. How does the Department assign responsibilities for protecting critical infrastructure that is owned and operated by the private sector?

[No Response Received by the Committee]

The Homeland Security Act requires the Secretary, through the Undersecretary for Information Analysis & Infrastructure Protection, to "review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, and other information relating to homeland security."

[No Response Received by the Committee]

64. Has the Department made any such recommendations? What are they?

The Homeland Security Act makes the Secretary responsible for providing the Information Analysis & Infrastructure Protection with “a staff of analysts having appropriate expertise and experience to assist the Directorate in discharging responsibilities [the Act.]

65. How many such analysts are currently on staff? Has the Department set a schedule for providing such a staff?

The Intelligence Authorization Act for Fiscal Year 2003 requires the Director of Central Intelligence to establish “standards and qualifications” for individuals within the

Intelligence Community undertaking intelligence tasks—to the extent the Information Analysis & Infrastructure Protection is “concerned with the analysis of foreign intelligence information” it is within the Intelligence Community.

66. How many of the analysts in IAJIP are “concerned with the analysis of foreign intelligence information,” and have they met standards established by the Director of Central Intelligence?

[No Response Received by the Committee]

67. How many people are working at the Directorate of Information Analysis & Infrastructure Protection? Are there enough? There have been reports that a planned reliance on skilled detailees from the Intelligence Community has failed, as the detailees either never came, or were pulled back to their home agencies soon after coming to DHS. Is this true?

The Committee has repeatedly asked for intelligence information to inform critical policy decisions—as of yet, we have been provided almost nothing. The Department has requested the Congress provide the resources for \$36 billion worth of programs, many of which involve, to quote the Homeland Security Act, the necessity to “determine the risks posed by particular types of terrorist attacks within the United States.” The Committee assumes that the Department’s budget and programmatic requests have been informed by a careful reading of timely, comprehensive intelligence describing the threats posed by terrorist groups.

[No Response Received by the Committee]

68. How does the Department expect a Member of the Congress to consider the DHS budget and program requests without reading the same intelligence? Is the underlying assumption true—that DHS has been relying on intelligence product? If so, please identify what intelligence supports the Department’s plans.

The Committee understands that allocations of first responder grant funding to states and localities are based, in part, on “threat and vulnerability assessments” that each state has produced which highlight their specific vulnerabilities. A total of \$2.9 billion has already been made available to the Department this year for disbursement to state and local first responders to assist them in preparing for and responding to terrorist incidents. However, it remains unclear whether such a state “vulnerability assessments” are informed by intelligence assessments of likely threats. It is also unclear if the assessments are tied in any way to the National Homeland Security Strategy.

[No Response Received by the Committee]

69. How does the Department expect a state or local official, with no expertise in foreign intelligence analysis (or access to the classified intelligence data), to accurately assess the level of threat posed by a terrorist group? What is the value of first responder grant vulnerability assessments if they are not tied to any sort of national plan?

Answer: The State Homeland Security Assessment and Strategy (SHSAS) process was developed by the Department of Homeland Security’s Office for Domestic Preparedness (ODP), in coordination with Federal agencies, state and local representatives, and state and local organizations. As such, the assessment process provides detailed guidance on how to identify threats, risks, vulnerabilities, and needs. Further, the assessment process facilitates a collaborative effort among state and local officials as well as Federal representatives such as the FBI’s local weapons of mass destruction task forces. The assessment process also incorporates the experience and expertise of the state and local public safety officials, who are often best equipped to identify critical vulnerabilities and needs.

Further, as it did with its previous assessment and strategy process, ODP is providing comprehensive guides and templates for each state’s State Administering Agency (SAA), which coordinates the state’s assessment and strategy development process. These reference materials were provided to each SAA. To facilitate this process, ODP has activated a revised Online Data Collection Tool, which allows

states and local jurisdictions to input data from the assessment section of the SHSAS online, without the need to develop complex systems to support the required data collection.

Additionally, ODP has established a technical assistance toll-free helpline to provide information and expert guidance to those collecting and inputting data. As part of its technical assistance efforts, ODP is providing each state and territory with access to tailored technical assistance options. For instance, ODP is providing four distinct training sessions to assist state and local jurisdictions to develop comprehensive security strategies. These includes sessions on “Understanding and Implementing the ODP SHSAS,” “Jurisdiction Assessment Technical Assistance,” “Direct Jurisdiction Assessment Technical Assistance,” and “Developing a State Homeland Security Strategy.”

To further support the implementation and successful completion of the SHSAS process, ODP is providing financial assistance to cover related expenses. Through the State Homeland Security Grant Program, every state, territory, and the District of Columbia has received an administration and planning allocation.

[No Response Received by the Committee]

70. Has the Department of Homeland Security created any “tailored” intelligence product designed to assist State and Local officials in making the decisions which are necessary in their jobs? Please note that the question does not refer to current threat information, but rather to strategic and tactical intelligence assessments. What are those products? Please provide copies to the Committee.

71. Should the National Security Act be amended to add “State and Local Officials responsible for counter- and anti- terrorism” to the list of so-called “Intelligence Consumers,” joining the more traditional Federal intelligence consumers? Would that encourage a more creative approach to serving a new type of intelligence customer?

The Department’s advisory announcing the lowering of the threat level from orange to yellow stated that during the “Liberty Shield” operation, the Department worked closely with the FBI and the CIA in evaluating all source threat information.

[No Response Received by the Committee]

72. What was the role of the Information Analysis/Infrastructure Protection Directorate in Liberty Shield?

[No Response Received by the Committee]

73. What types of intelligence did IA/IP receive from the FBI, CIA and other intelligence community agencies?

At a recent Government Reform Committee hearing, the Chief Information Officer (CIO) for the Department confirmed that there is still no single terrorist “watchlist” for the Federal Government. As Members of the Intelligence Committee are all too aware, this continues to be a significant problem for the Federal Government.

[No Response Received by the Committee]

74. Why, more than a year and half after September 11, is there not a single integrated watchlist for the Federal Government? In the absence of a single integrated list, who is watching the watchlists? Aren’t we still vulnerable to flaws in our existing watchlist systems?

[No Response Received by the Committee]

75. What role will the Department play in finally solving this problem? When can we expect the formation of one list?

[No Response Received by the Committee]

76. With regard to the nation’s critical infrastructure, please identify the industries that are of greatest concern to the Department from a security perspective?

[No Response Received by the Committee]

77. To best protect the nation’s infrastructure, should government regulation of security measures be required? If so, who will be responsible for paying for the required improvements? If not, please give an assessment of the ways in which the Nation can ensure adequate security of its critical infrastructure.

[No Response Received by the Committee]

78. Beyond the segment of the private sector labeled as pertinent to critical infrastructure, please outline the outreach and programs DHS has underway with the balance of the private sector.

Numerous experts have stated that the nation’s chemical industry remains critically vulnerable to a terrorist attack. The GAO pointed out in a March, 2003 report that additional funding may be required to assess vulnerabilities at chemical plants

across the country. Much of our nation's chemical plants exist within the private sector. Leaving security precautions to the private sector, however, may not result in the types of protections that are needed.

[No Response Received by the Committee]

79. What steps is the Department taking to address the issue of security at our nation's chemical plants? Does the Department favor government safety regulations, or a mix of government and private sector efforts?

[No Response Received by the Committee]

80. How does the Department prioritize budget requests between, for example, protecting against chemical, biological, and conventional weapons attacks?

[No Response Received by the Committee]

81. How is DHS soliciting information from local authorities and businesses? Is information collected at the local level getting integrated into national threat analysis?

Secretary Ridge's written testimony states that IA/IP provides indications and warnings of potential attacks.

[No Response Received by the Committee]

82. To whom is IA/IP providing these products? How is the information being provided?

IMMIGRATION ISSUES

Section 428 of the Homeland Security Act grants the Secretary certain authorities to refuse visas and to develop programs of homeland security training for consular officers, working with the Secretary of State.

83. Has the Secretary exercised the authority to refuse visas? If so, please describe the circumstances.

[No Response Received by the Committee]

84. Has the Department developed training programs for consular officers?

Section 428 of the Homeland Security Act also mandates that the Secretary conduct a study of the role of foreign nationals in the granting or refusal of visas, including any security concerns involving the employment of foreign nationals.

[No Response Received by the Committee]

85. Has DHS begun the study? What progress has been made?

Under Section 441 of the Homeland Security Act, the Bureau of Customs and Border Security has the responsibility for the Student and Exchange Visitor Information System (SEVIS). SEVIS is designed to track foreign students attending U.S. colleges and universities. Universities that enroll foreign students must enter the students' information into SEVIS, but they are reporting that they cannot enter the information due to technical problems with the system. A March, 2003 Department of Justice Inspector General report found numerous problems with the SEVIS system, and a lack of adequate personnel and training for the (then-INS) offices that were receiving the SEVIS information.

[No Response Received by the Committee]

86. What is the Department doing to alleviate problems associated with the SEVIS system? When can we expect these problems to be solved?

Section 451 of the Act authorizes the Bureau of Citizenship and Immigration Services to initiate pilot initiatives to eliminate the backlog in the processing of immigration benefit applications.

87. What steps are being taken to address the backlog? Will the Department be able to meet the statutory deadline for elimination of the backlog by November 25, 2003 (8 U.S.C. § 1573)?

Answer: Beginning in fiscal year 2002, the President pledged \$500 million over a 5-year period for the Bureau of Citizenship and Immigration Services (CIS, then the Immigration and Naturalization Service) to reduce backlogs and achieve 6-month processing time for all immigration benefit applications. To meet this objective, CIS developed a comprehensive Backlog Reduction Plan. Under this plan, CIS initially realized significant improvements in reducing processing time. After September 11th, however, CIS implemented necessary national security measures that were extremely time consuming and costly (e.g., conducting background checks on all applications and conducting interviews for the National Security Entry Exit Registration Program). These measures have resulted in substantial increases in application processing times, leading to increased backlogs. The CIS is currently revising its Backlog Reduction Plan to reflect the post-September 11th changes. The plan

will establish specific milestones toward achieving the 6-month processing time goal, and reflect initiatives identified by the Director to eliminate the current backlog.

The Washington Post reported on May 24, 2003 that Foreign Services officers will be required to conduct face-to-face interviews with most visa applicants from countries in the Middle East, Asia and Latin America.

88. What would be gained in terms of increased security by requiring face to face interviews of each visa applicant? What resources would be required to conduct interviews of each applicant? What impact would the interviews have on the international economy? Would the benefits in increased security balance any harm to our economy?

Section 461 of the Homeland Security Act directs the Secretary, within 60 days of the effective date of the Act, to appoint a Technology Advisory Committee to advise the Secretary on establishing an Internet-based system that will provide the current status of applications filed with the Bureau of Citizenship and Immigration Services.

89. Has the committee been appointed? What steps are being taken to establish such a system?

Answer: In October 2002, legacy INS introduced the Case Status Online service to allow customers to check the status of a pending application or petition. Customers with a receipt number for an application or petition filed with BCIS at a Service Center can check the status of their case at the BCIS website. Today, the Case Status Online service is the most visited page on the BCIS website with over 37,000 visits per day.

On May 29, 2003, BCIS began offering customers the option of e-filing for certain immigration benefits using the Internet. Customers who e-file are also able to pay the fees for these applications online through the electronic transfer of U.S. funds from their checking or savings account. The applications available for online filing are forms I-765 (Application for Employment Authorization) and I-90 (Application for Replacement of Green Card). These two forms represent approximately 30% of the total number of benefit applications filed with BCIS annually. Upon completion of the e-filing session, customers will receive instant electronic confirmation that the application was received. To date over 26,000 applications have been received electronically.

Section 477 of the Homeland Security Act requires the Secretary, within 120 days of the effective date of the Act, to provide certain reports on the implementation of the Act with regard to the Bureau of Border Security and the Bureau of Citizenship. The required reports are to cover the proposed division of funds and personnel between the two bureaus and the organizational structure, procedures, and transition involved in splitting the former INS into the two bureaus. The statute, which was passed before the creation of this Committee, requires the Secretary to submit the report to the Appropriations and Judiciary Committees.

[No Response Received by the Committee]

90. Has DHS submitted these reports? If so, please provide copies to the Committee.

On April 29, Secretary Ridge announced a new "U.S. Visit" system which will use at least two biometric identifiers to build an electronic check in/check out system for people coming to the United States. It will replace existing system, and also integrate the SEVIS program. Secretary Ridge announced that the first phase of "U.S. Visit" would be in place by the end of 2003.

91. Please elaborate on what procedures will be in place by 2003.

[No Response Received by the Committee]

92. Has the Department decided which biometric identifiers will be used? Who has provided the expertise to the Department on what biometric identifiers should be used?

[No Response Received by the Committee]

93. When will the entire system be deployed? Please describe what the system will be like when fully deployed.

[No Response Received by the Committee]

94. Are there plans for the development and deployment of a universal, secure biometric ID card for the twelve million transportation workers in the United States. If so, what is the timeline for full deployment?

A recent GAO report stated that "1990, we have reported that INS managers and field officials did not have adequate, reliable, and timely information to effectively carry out the agency's mission" and identified "INS's IT management capacities as the root cause of its system problems".

[No Response Received by the Committee]

95. Given that history, and the recent problems with SEVIS, what assurances can the Department give that the new entry/exit system will not suffer from similar technical problems?

Under Section 402 of the Act, the Secretary is responsible, acting through the Under Secretary for Border and Transportation Security, for carrying out the immigration enforcement functions formerly vested in the Commissioner of the INS.

[No Response Received by the Committee]

96. As the Department now has immigration enforcement responsibility, what is the Department's view on whether state and local law enforcement officers have authority to enforce Federal immigration laws?

AIRLINE SECURITY

Section 1402 of the Homeland Security Act established the Federal Flight Deck Officer Program. The Act requires the establishment of procedures that address important issues such as the risk of accidental discharge, interaction between armed pilots and Federal air marshals, and proper storage and transportation of firearms between flights.

[No Response Received by the Committee]

97. What is the progress of the Department to date in establishing those procedures?

[No Response Received by the Committee]

98. Has the Department analyzed intelligence on the current threat to airline safety that is addressed by the arming of pilots? What agency has provided the intelligence or threat assessment on this issue?

There have been numerous recent articles about the problem of "false positives" on the No-Fly List.

[No Response Received by the Committee]

99. What agencies provide the information for the No-Fly List?

[No Response Received by the Committee]

100. Is each agency responsible for the accuracy of the information that leads to their request for a name to be added to the No-Fly List? Does TSA take any action to vet the information received from other agencies? Is there one person "in charge" of making sure that the names on the No-Fly List should be on the No-Fly List?

The press reports indicate that once the airlines receive the No-Fly List, they use a variety of name-matching systems that result in an alert for any passenger with a similar spelling or phonetic as the name on the No-Fly List.

[No Response Received by the Committee]

101. Is TSA or any other agency taking action to improve the accuracy of the systems used by the airlines?

The TSA announced on April 30, 2003 that due in part to budget constraints, the agency will cut 3,000 positions by May 31 and another 3,000 positions by September 30.

[No Response Received by the Committee]

102. How will the reductions in personnel affect airline security? Did TSA conduct an analysis of the effect on airline security of the reduction in these positions?

[No Response Received by the Committee]

It is the Committee's understanding that TSA is developing a system that will cross reference various databases for personal information to develop profiles of suspect passengers needing higher security scrutiny. This is the so-called CAPPS II system.

103. What is the status of the CAPPS II program? What privacy assurances are built into the system and when is planned deployment?

The mandate of the Transportation Safety Administration is to secure the safety of passengers and every kind of transportation network in the United States. That means on the land, sea and air. We are all familiar with the TSA agents deployed by the thousands at our nation's airports.

[No Response Received by the Committee]

104. What percentage of TSA's funding goes to securing transportation modes other than air transport?

CIVIL LIBERTIES

Section 705 of the Homeland Security Act established an Office for Civil Rights and Civil Liberties, and the President has appointed Daniel Sutherland as the Officer for Civil Rights and Civil Liberties. The stated mission of the Office is to review and assess allegations of abuse of civil rights and civil liberties by the Department, and to make public through the media the responsibilities and functions of the Office.

[No Response Received by the Committee]

105. How big will the staff of the Office for Civil Rights and Civil Liberties be? How many allegations of abuse of civil rights and civil liberties have been received thus far?

[No Response Received by the Committee]

106. The statute states that the Office will "review and assess" allegations of abuse of civil rights and civil liberties. Will the Office have any powers beyond to "review and assess"?

[No Response Received by the Committee]

107. Will the Office have the authority and resources to investigate the allegations? If not, who will have that authority? Will it be the DHS Inspector General?

[No Response Received by the Committee]

108. Has the Office for Civil Rights and Civil Liberties made efforts to notify the public of the existence and functions of the Office?

[No Response Received by the Committee]

The Homeland Security Act requires the Secretary, through the Department's Privacy Officer, to conduct "a privacy impact assessment of proposed rules of the Department."

109. Has the Department proposed any rules, and if so, has a privacy impact assessment been completed? Have any rules been adopted without a privacy impact assessment having been completed?

[No Response Received by the Committee]

Under regulations that went into effect in April, doctors and other health professionals are permitted to disclose health information to Federal officials for conducting national security and intelligence activities.

110. Is this authority being used by the Department or any other Federal agency? What safeguards exist to prevent the misuse of this authority?

Personnel Issues

Section 881 of the Homeland Security Act directs the Secretary, in consultation with the Office of Personnel and Management, to review the pay and benefit plans of each agency that has been transferred into the Department and to submit a plan to Congress within 90 days of the effective date of the Act to eliminate disparities in pay and benefits within the Department.

111. The Committee has not received such a plan. Has the Department submitted such a plan to other committees or the congressional leadership? If so, please provide a copy to the Committee.

[No Response Received by the Committee]

A point of contention in the debate in forming the Department dealt with the personnel protections of the employees of the new department. Section 841 of the Homeland Security Act authorized the Secretary, working with the Director of the Office of Personnel Management, to establish a human resources management system that will be "flexible" and "contemporary".

112. How does the Department plan on building a new human resources management system? What aspects of the human resources systems does the Department intend to reform? How will the Department go about deciding what changes need to be made?

[No Response Received by the Committee]

113. What will the Department do to make sure that equal employment, whistleblower and other protections that must be continued pursuant to the Homeland Security Act remain vigorous in the Department?

[No Response Received by the Committee]

One aspect of the President's management agenda for the Federal Government is the outsourcing of certain positions currently held by Federal employees.

114. To what extent does the Department outsource positions to private contractors? Please describe what types of functions are performed by contractors. Does the

Department use contractors that are foreign companies? Are there certain positions that should not be contracted out?

EMERGENCY PREPAREDNESS

A recent GAO Report surveyed seven cities and their state governments on their level of preparedness for a biological attack. The overwhelming response was that cities and state governments need more guidance from the Federal Government on how best to prepare for a possible biological attack.

115. What guidance is being provided by the Department to state and local officials on how to increase their preparedness to prevent or respond to a biological attack? Why hasn't more been done to date? Is such guidance even available?

Answer: *This question should also be directed to DHHS.*

FEMA has extensive guidance available for use by States and local communities to increase preparedness for all hazards, as well as for terrorism.

116. Should we seek some baseline level of readiness everywhere across the country, and build additional readiness in higher threat or higher vulnerability areas?

It is the Committee's understanding that the Office for Domestic Preparedness (ODP) has established a comprehensive training strategy for emergency responders that initiated the establishment of performance standards for WMD terrorism response training and operations nationally. ODP has also worked with established training entities that have a proven track record in this area. There appear to be a plethora of other Federal agencies that are still involved in aspects of WMD terrorism incident response training.

Answer: The Department of Homeland Security (DHS) was created with the primary mission of protecting the homeland by preventing acts of terrorism. DHS' Office for Domestic Preparedness (ODP), is the lead program for supporting states and local efforts to prevent and prepare for acts of terrorism. . Even prior to the creation of DHS, ODP had developed a strategic approach to training and a national training architecture for the development and delivery of ODP programs and services.

The ODP Training Strategy identified 10 emergency response disciplines that required training, and the critical tasks associated with the disciplines. Consistent with the identification the emergency response disciplines and the tasks requiring training, ODP also developed Emergency Responder Guidelines, which provide minimum performance standards for the development of training. In developing the training strategy and performance guidelines, ODP consulted with subject matter experts at the Federal, state and local levels. Building upon this effort, ODP recently completed development of minimum performance standards that also address prevention and deterrence training for homeland security professionals.

As the Committee noted, there are a plethora of other Federal agencies that are involved in aspects of WMD terrorism incident response training. These are generally embedded in broader training curriculum maintained by each agency, and are therefore more limited than the programs provided by ODP. Nevertheless, coordinating these multiple training efforts is critical. In April 2000, ODP established the Training and Resources Data Exchange (TRADE) Group as a vehicle to meet with other Federal agencies to coordinate the development and delivery of WMD training. The TRADE Group meets on a quarterly basis and consists of over 15 Federal agencies. The ODP also meets with other Federal agencies to ensure coordination in the development and delivery of training. The Department of Homeland Security is committed to ensuring that all federally-supported terrorism training efforts are fully coordinated and meet rigorous standards.

117. What is the plan for establishing oversight for the national training program for our state and local emergency responders?

Answer: The President's National Strategy for Homeland Security identified the requirement to "build a national training and evaluation system." The Department of Homeland Security is still considering the best means for providing oversight and coordination of the various homeland security community training activities within the Department and elsewhere. DHS looks forward to working with Congress once this plan is ready for implementation.

We applaud the effort to put accountability in the grant process for emergency responders. While the programs were under DOJ, ODP adhered to the provisions Congress established for awarding grants to states based on the state's submission of a threat, risk, and needs assessment-based state strategy.

118. What are the Department's intentions for continuing this stewardship of the funding appropriated for our emergency response communities?

Answer: The Department of Homeland Security (DHS) will build on the solid foundation it has established with the state and local emergency response community. ODP has provided resources for equipment acquisition, training, exercise sup-

port, planning, and technical assistance to state and local jurisdictions since 1998. Since that time, ODP has provided nearly \$5 billion in support, has trained more than 225,000 responders, and has supported over 175 exercises.

ODP has also established strong and reliable contacts with the State Administering Agencies as well as the Urban Area Working Groups, which support the Urban Area Security Initiative in the 30 participating cities. ODP and other DHS officials are actively engaged with state and local officials to provide expert guidance, advice, and assistance. For instance, ODP convened a series of regional meetings to discuss with SAAs the State Homeland Security Assessment and Strategy Program and the Urban Areas Security Initiative Program. These regional meetings allowed ODP officials to orient state officials on these two programs, and to ensure open communications between ODP and its state partners.

In addition to working with the state and local community, ODP has established excellent relationships with several agencies, including the EP&R and IAIP directorates within DHS, the FBI, the Centers for Disease Control and Prevention, and the U.S. Departments of Agriculture, Health and Human Services, State, and Transportation.

119. Is the Department considering reinstating civil defense programs?

Secretary Ridge's written testimony states that the EP&R Directorate is improving on-site management of Federal assets in the immediate aftermath of an incident by initiating plans for the rapid deployment of DHS Incident Response Teams. EP&R is incorporating Domestic Emergency Support Teams, Nuclear Incident Response Teams, the National Disaster Medical System and the Strategic National Stockpile into its planning and response capabilities.

Answer: DHS is committed to assisting state and local governments and the public to prepare for all hazards, including terrorism. This preparation includes community preparedness through the Citizen Corps program. We do not envision a return to the civil defense programs but intend to continue with the ongoing evolution of all-hazards preparedness.

120. Both of these initiatives are characterized as being in the planning phase. When will the DHS Incident Management Teams be activated, and when will the various response teams be fully incorporated into the National Response Plan?

Answer: The United States today is not only at risk from natural and technological hazards, but also from the new and changing threat of terrorism. These threats can take many forms and have the potential to involve destructive chemical, biological, radiological and nuclear weapons for the purpose of wreaking unprecedented damage on this country. The Department of Homeland Security (DHS) has the pre-eminent role in domestic disaster response, policy and coordination for managing such events, and to that end is developing a National Response Plan (NRP) and National Incident Management System (NIMS) that will provide the Nation a comprehensive capability to respond to and recover from all threats and hazards, including incidents involving weapons of mass destruction (WMD) and major natural and technological incidents.

The Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response (EP&R) Directorate, DHS, retains the responsibility as the lead agency for all-hazards consequence management when and if a Presidential disaster or emergency is declared under the Stafford Act. Current FEMA authorities, policies, structures and procedures remain in effect at both Headquarters and in the regions if a Federal response is required. While the NRP is being finalized as the standard operative Federal procedure for responding to all disasters and emergencies (fully coordinated and integrated with State and local governments, private-sector and volunteer organizations), the use of newly developed Federal Incident Management Teams (IMT) will help streamline a wide variety of incident management structures, response procedures, and lead and support agency responsibilities and relationships. IMTs will provide more unified response leadership and a system that can ultimately be folded into the NRP and NIMS and will provide a critical response asset that will enhance the capability of DHS, EP&R, and FEMA to meet the intent of Homeland Security Presidential Directive-5.

The IMT concept will be tested during Fiscal Year 2004 by creating a Prototype IMT that can bridge response capability gaps until the permanent teams are established and can develop operational doctrine that will guide the future teams. A Prototype IMT fielded in fiscal year 2004 can complete the necessary advance work and set the framework for fielding dedicated permanent IMTs in fiscal year 2005. This advance work to be completed this fiscal year includes the development of the required doctrine, policies, and procedures and other preparatory work necessary to guide operations of the prototype team as well as future teams and deploying to an incident, if required.

Secretary Ridge's written testimony described the activities of the Citizen Corps.

What has Citizens Corps done to enhance the preparedness of state and local governments? What activities are being executed by Citizen Corps Councils?

