



**HEARING OF THE HOUSE HOMELAND SECURITY COMMITTEE -
"UNDERSTANDING THE HOMELAND THREAT LANDSCAPE –
CONSIDERATIONS FOR THE 112TH CONGRESS"**

CHAired BY: REP. PETER KING (R-NY)

WITNESSES:

HOMELAND SECURITY SECRETARY JANET NAPOLITANO

**MICHAEL LEITER, DIRECTOR OF THE NATIONAL
COUNTERTERRORISM CENTER (NCTC)**

February 9, 2011

REP. KING: The Committee on Homeland Security will come to order.

To committee is meeting today to hear testimony from Homeland Security Secretary Janet Napolitano and National Counterterrorism Director Michael Leiter on the homeland threat landscape.

And I look forward to the hearing. And I now recognize myself for an opening statement.

I want to welcome our returning and new committee members to this the first hearing of the 112th Congress. We also welcome back Secretary Napolitano and Director Leiter to the committee and thank them for appearing today as they've done in the past.

And while she's not here yet, let me also take the opportunity to recognize the outstanding

service of Representative Jane Harman, who has announced that she'll be leaving Congress to run the Woodrow Wilson International Center for Scholars.

Jane Harman has been leader on this committee; she's been a leader in the Congress. And no one since September 11th, 2001 -- or even before that, for that matter -- has been more knowledgeable or informed or dedicated on intelligence and homeland security issues. And her departure is a loss to both sides of the aisle. And we certainly -- we have -- everyone, I believe -- we certainly wish her well in her new role.

Let me also express my deepest sympathies to the family of David Hillman, a retired CBP officer who was killed a suicide bomb in Kandahar while working as a border mentor and adviser. And there's other CBP personnel -- Michael Lachowsky, Thomas -- Terry Sherrill and Vernon Rinus who were also injured in the attack. Our thoughts and prayers are with them all. And to me, that just personifies the level of patriotism that CBP officers demonstrate, no matter where they happen to be located. And again, they perform a tremendous service for our country.

And also, we should never forget there are members of the DHS family serving all around the world working to protect the homeland.

And Ms. Harman has just arrived and we said very good things about you, Jane. Again, great to have you here; thank you.

As we begin the work of the 112th Congress, the goal of the committee today is to hear comprehensive review of the terrorist threats facing the nation. Today will be an open, unclassified session. So I would ask the secretary and the director if they could report back to us any members' questions which might require a classified response.

The top priority for the committee is to counter the serious and evolving terrorist threats facing our country. To put our work in context, a number of committee members went out to the NCTC and hear from Director Leiter in a classified setting about threats and plots against the U.S. and our allies. And as we approach the 10th anniversary of September 11th, we are constantly reminded that terrorist continue to plot to kill Americans at home and abroad.

According to Attorney General Holder, in the last two years alone there have been 126 people indicted for terrorist-related activity, including 50 U.S. citizens. There was the Times Square bomber, Shahzad; there was the Fort Hood terrorist, Army Major Hasan; there was the Little Rock recruiting center shooter; the New York City subway bomber; the Mumbai Plot; David Healey; Jihad Jane; dozens of individuals in Minnesota and so many other plots and cases -- Portland, Oregon; Ashburn, Virginia; the Riverdale section of the Bronx; Dallas, Texas; Springfield, Illinois; John F. Kennedy Airport; Fort Dix. We can go through an entire list of cases just in the last several years.

Homegrown radicalization is a growing threat and one we cannot ignore. This shift, as far as I'm concerned, is a game changer that presents a serious challenge to law enforcement and the intelligence community. Indeed, Attorney General Holder said that he loses sleep at night thinking of the young men in this country, who were raised in this country, who are being

radicalized and are willing to take up arms against their own nation.

Just last week Senator Joe Lieberman and Senator Susan Collins released a bipartisan Senate Homeland Security Committee report examining the events leading up to the terrorist attack at Fort Hood. The report concluded that: "The Department of Defense should confront the threat of radicalization to violent Islamist extremism among service members explicitly and directly." Unquote.

I believe the statement is true for the entire government. We must confront this threat explicitly and directly. That is why I intend to hold a hearing next month examining the threat of domestic radicalization in the Muslim community.

Because of policies the U.S. has implemented since September 11th, the threat from al-Qaida has evolved, but it is still deadly. Because of the layers of defense that we have set in place that we have put in motion, it is very difficult for al-Qaida to launch an attack similar to what happened on September 11th. Obviously, it's possible, but it's much more difficult for them and they've realized that.

And they have adapted their strategy and their tactics so they're no recruiting from within the country and they're looking for people under the radar screen -- people who are living here legally, people who have green cards, people who are citizens, people who have no known terrorist activity -- to, again, probably the classic example of that would have been Zazi in New York who was raised in Queens, went to high school, had a small business in lower Manhattan and was brought back to Afghanistan for training and came back as a liquid explosive bomber attempting to blow up the New York subways.

So that's the type of person we have to be looking for. The good side of that, I suppose, is al-Qaida feels it cannot launch a major attack from the outside. And it also means that they cannot send the type of fully trained and skilled terrorists to this country. The downside of it is that these terrorists are people living under the radar screen who are very difficult to detect.

On certain issues that I have a particular interest in -- one is the threat of chemical, biological weapons, which is why I believe the Secure the Cities Program is so important, because it's very likely that the next attack against a major city in this country will be launched from the suburbs - - similar to what happened in Madrid and London. The nightmare scenario would be to have that attack involve a dirty bomb, which would put that metropolitan area off limits, besides the massive loss of human life that would result. So that's a program the secretary and I have discussed. We are particularly interested in that.

But in any event, there can be no doubt that the threat against the United States remains extremely high and we must remain vigilant and never allow the memories of 9/11 to fade.

And with that, I recognize the distinguished ranking member of the committee, Mr. Thompson from Mississippi, for any statement he may have.

REPRESENTATIVE BENNIE THOMPSON (D-MS): Thank you very much, Mr. Chairman, for

holding today's hearing.

I want to join you in welcoming Secretary Napolitano and Director Leiter.

But before we hear their testimony on the threat posed by terrorism, I want to encourage our colleagues to remember that our words travel far beyond these four walls. For several weeks we've seen protests across North Africa and the Middle East. In many ways, these protests represent a demand for democracy. Yet, we know that this is the same region that has been home to some of those who call for jihad.

The United States -- the world's only remaining super power -- occupies a providential position. If we take the right action, many of our concerns about a terrorist threat from this region could be significantly reduced.

That is why I want to ensure that our examination of the global threat from terrorist activities does not complicate the job being done by the State Department and others in this administration. We must recognize that this predominately Muslim area of the world is seeking to embrace democracy. Let us take care that nothing we do or say here today works to undermine those efforts.

Since September the 11th, the threat of terrorist attacks has become an undeniable and unsettling feature of the American society. However, combating the terrorist threat depends on accurate intelligence and an unbiased assessment of the size, scope, depth and breadth of this threat.

The lessons learned from past wars are clear: We cannot defeat an enemy that we do not know. Unreliable information, personal opinion or narrow agendas cannot inform our assessment of a threat to our nation. We've seen the results of unreliable intelligence in Iraq. Our examination of the global threat must look at the vulnerabilities within commerce, transportation and all aspects of our modern lives. We must find and eliminate these vulnerabilities, focus on what we can do and keep the nation safe.

We can secure an airplane; we can secure the border; we can secure federal buildings. We can secure a chemical plant or a nuclear facility. We must not become distracted from our basic mission to keep this nation safe and maintain the security of the people.

Finally, Mr. Chairman, I want to bid farewell to my colleague from California. She's demonstrated her commitment to the security of this nation by her service on the Intelligence Committee and this committee. We'll miss her, but we wish her happiness in her new undertaking.

Again, I want to -- thank you. (Laughter.) I want to thank the witnesses and look forward to hearing their testimony.

REP. KING: Thank you, Mr. Thompson.

And now I would ask unanimous consent to recognize the gentlelady from California, Ms.

Harman, for one minute or as much as time as she may --

REPRESENTATIVE JANE HARMAN (D-CA): Oh, thank you, Mr. Chairman; and thank you, Ranking Member Thompson. And welcome to our witnesses.

This is probably my last hearing on this committee. And as all of you know -- I know this, including the new members -- I have worked my heart out for many years in this Congress to keep our homeland safe. And it is an honor to be one of the initial members of this committee and to have chaired its intelligence subcommittee for four years.

I just want to thank all the members, and I want to thank all the staff, for the effort we've made so far together. And to these two witnesses, who are both dear friends of mine, I want to thank you for the effort you make.

And finally, let me urge that the best present you could all give me is to find a way to get more jurisdiction in this committee, which ought to be -- and I know the secretary agrees with this -- the central point in the House of Representatives for oversight and focus on this critical subject of keeping our homeland safe.

So once again, thank you all for your good wishes. And I'm just moving down the street. I'm really not leaving this place.

Thank you very much. I yield back.

REP. KING: Thank you, Jane.

I remind other members of the committee that opening statements may be submitted for the record.

As I mentioned, we are pleased to have two very distinguished witnesses today on this topic -- probably no two more important in the entire government: Secretary Napolitano, who is the third secretary of the Department of Homeland Security, overseeing over 200,000 employees. I have to say on the record that she has worked very closely with us, does not let partisan lines divide us. And she probably meets with us more than she wants to, but she meets on a regular basis and she's always on the phone both with compliments and criticisms. I never know when I'm going to get a call from the secretary. But again, she's totally dedicated to the job. Whatever differences we have are ones of policy and no one's ever questioned her dedication or her ability.

Similarly, Mike Leiter has served as the head of the National Counter Terrorism Center for three-and-a-half years under two presidents. He's done a truly outstanding job in the capacity. Prior to that, he was in the military; he was assistant to the United States attorney. And again, absolutely dedicated to combating international terrorism and protecting the homeland.

So I would ask that the witnesses -- your entire statements will appear in the record. I'd ask you summarize the testimony, but because of the importance of it, obviously I'm not going to cut you off. I'd just ask you to keep in mind that many members here today do have questions for you.

And with that, I now recognize Secretary Napolitano.

Secretary Napolitano.

SEC. NAPOLITANO: Well, thank you, Chairman King, Ranking Member Thompson, members of the committee, for the opportunity to appear before you today to testify on the terrorist threat to the United States and what the Department of Homeland Security and the NCTC are doing to combat it.

I also have to echo the thoughts about Representative Harman. You will be missed. You have been totally dedicated to this effort and that effort has been producing results in terms of the safety of the American people.

And I also have to echo your thoughts about the amount of congressional oversight of this department. We added up the 111th Congress and our department testified over 285 times. I testified over 20 times myself. I think that was the most of any Cabinet official. That of course requires a lot of preparation and work. We provided over 3,900 substantive briefings to different committees of the Congress.

So Chairman King, Ranking Member Thompson -- you and I have all discussed this. But that amount of oversight does have impact so I thought I would just mention that. But let me turn now to the subject and the very important subject of today's hearing.

There is no question that we have made many important strides in securing our country from terrorism since 9/11, but the threat continues to evolve. And in some ways, the threat today may be at its most heightened state since the attacks nearly 10 years ago. In addition to the core al-Qaida group -- which still represents a threat to the United States, despite its diminished capabilities -- we now face threats from a number of al-Qaida associates that share its violent extremist ideology.

Among these groups, we are also seeing an increased emphasis on recruiting Americans and Westerners to carry out attacks. These groups are trying to recruit people to carry out attacks that have connections to the West, but who do not have strong ties to terrorist groups that could possibly tip off the intelligence community.

They are also encouraging individuals in the West to carry out their own small-scale attacks, which require less of the coordination and planning that could raise red flags and lead to an attack's disruption. This means that the threat has evolved in such a way that we have to add to our traditional counterterrorism strategies, which in the past have looked at the attack as coming from abroad.

The realities of today's threat environment also means that state and local law enforcement officers will more often be in the first position to notice the sign of a planned attack.

So our focus must be on aiding law enforcement and helping to provide them with the information and resources they need to secure their own communities from the threat they face.

To this end, the Department of Homeland Security is working to counter violent extremism here at home by helping law enforcement use many of the same techniques and strategies that have proven successful in combating violence in American communities. DHS is moving forward in this area based on the recommendations provided to us by the experts on the Homeland Security Advisory Council. We are releasing the first iteration of a community-oriented policing curriculum for front line officers which is aimed at helping them to counter violent extremism in their communities. And that curriculum is being focus grouped right now down at FLETC.

We are sharing amongst state and local officers unclassified case studies about the signs of violent extremism. We are helping communities to share with each other best practices about forming productive community partnerships. This way law enforcement (across ?) can better know what works and what does not.

We are helping law enforcement to reach out to American communities to include them as partners in the effort to combat the presence of violent extremism in our country. Americans of all stripes resoundingly reject violence, which we must use as an important tool in countering violent extremism here at home.

DHS is also expanding our own outreach to communities and conducting these initiatives in a way consistent with Americans' rights and liberties. At the same time, we are building a new homeland security architecture that guards against the kinds of threats we are seeing right here at home.

There are four major parts of this architecture I want to mention here today. The first are the Joint Terrorism Task Forces which are led by the FBI. These task forces bring together agencies and jurisdictions to jointly investigate terrorism cases. DHS has hundreds of personnel supporting the 104 JTTFs across the country.

The second is the network of state and locally run fusion centers that bring together agencies and jurisdictions to share information about the threat picture and what it means for our communities. This information sharing and analytical work complements the investigative work done by the JTTFs.

DHS is intent on helping these fusion centers to develop their core capabilities to share and analyze information and to provide state and local law enforcement with useful actionable information they can use to better protect their own communities. We're supporting fusion centers in many ways. Among them, we are providing DHS personnel to work in them and are providing properly clear law enforcement personnel with classified threat information.

The third is the Nationwide Suspicious Activity Reporting Initiative, or the SAR Initiative. We're working closely with our partners at the Department of Justice on this project. The SAR Initiative creates a standard process for law enforcement to identify, document, vet and share reports of suspicious incidents or behaviors associated with specific threats of terrorism. The reports then can be used to identify and share a broader trend. To date the SAR Initiative is under various stages of implementation at 33 sites that cover two-thirds of the American population. It

should be fully implemented across the country by September.

We're also working with DOJ and major law enforcement associations to provide SAR training to all front line enforcement officers in the country. They'll learn how to properly make, vet, share and analyze reports in accordance with best practices and with regard to civil rights and civil liberties. Thousands of officers have already been trained and we expect to train virtually all front line officers in the country by this fall. The pilots of the SAR program have proven its tremendous value to law enforcement, and I believe it will be a critical tool in strengthening the ability of law enforcement to protect our communities from acts of terrorism.

The fourth piece of the new homeland security architecture that I want to mention is the "If You See Something, Say Something" campaign. This campaign focuses on the positive role Americans can play in our own security. It focuses on fostering the kind of public vigilance that we know is critical to the success of community-oriented policing.

We constantly see examples of why this sort of vigilance is so important, not just in the attempted Times Square bombing last May, but also just last month in Spokane, Washington, when city workers noticed a suspicious backpack and notified police before an MLK Day parade. DHS is rolling out this campaign across the country and in many -- and in many important sectors, including passenger rail, Amtrak, sports stadiums -- you may have seen it in the stadium at the Super Bowl -- retail stores and more.

Now, on top of these four pieces, last month I also announced changes to the National Terrorism Advisory System. We are replacing the old system of color-coded alerts with a new system that aims to provide more useful information to the public and to those who need it. This new system was developed collaboratively by a bipartisan group and with the consultation of law enforcement. It reflects our need to be ready, while also promising to tell Americans everything we can when new threat information affects them. And in addition to what I have mentioned here today, there are numerous other areas of action I have detailed in my written statement, Mr. Chair, and ask that that statement be included in the record.

Now thank you again for inviting me to testify today. I look forward to working with this committee and its leadership in this new Congress as we continue to make progress in securing our nation. And I'll be happy to take your questions once you've heard from Director Leiter.

REP. KING: Thank you, Secretary Napolitano. And your statement will be made part of the record -- your full statement. I will now recognize Director Mike Leiter. Director Leiter.

MR. LEITER: Thank you, Chairman King, Ranking Member Thompson, members of the committee. Thank you for having me with Secretary Napolitano. And I hate to sound like a broken record, but I do want to add my personal thanks to Congresswoman Harman, who has been a leader in intelligence and homeland security for many years now.

She's been a staunch supporter of NCTC, and the one -- one anecdote I would pass along beyond the laws you've worked on, the oversight you've provided -- now, Congresswoman Harman came out and spent about two and a half hours with a packed room of analysts -- about 50 or 60 men

and women -- to talk to them about what it was like to be a senior woman in national security. And those young analysts came out glowing about their experience and I think it was the personal touch that you provided, which helped, I think, inspire another generation of national security leaders. So thank you very much.

I also want to thank the committee for coming out and visiting NCTC. I think the opportunity to see young analysts and the ways in which NCTC and DHS are so entwined in our work on a daily basis was a great opportunity.

As Chairman King noted, the past two years have obviously highlighted the many dangers associated with a geographically and ideologically diverse group of terrorists that seek to harm the United States and our allies. These threats are not only from outside our borders but increasingly from within. And although we've made enormous strides in combating and reducing the likelihood of some complex, catastrophic attacks by al-Qaida from Pakistan, we continue to face threats from many other corners. I'll briefly outline those remarks, and again, ask that my full record be made part of the record -- my full statement be made part of the record.

To begin, I'll touch on the threats that we face. Today, al-Qaida and its allies in Pakistan still pose a threat despite degradation suffered from extensive and sustained counterterrorism operations over the past several years and accelerated over the past two years. Al-Qaida, we believe, in Pakistan is at one of its weakest points in the past decade, and it is continuously forcing -- being forced to react to a reduced safe haven and personnel losses, but it remains a very determined enemy.

And of course, Osama bin Laden and Ayman al-Zawahiri maintain al-Qaida unity and strategic focus on the U.S. and other Western targets. At least five disrupted plots in Europe during the past five years, including the plot to attack U.S. airliners transiting between the U.K. and the United States, in addition to disrupted cells in the U.K., Norway, and attacks against newspaper offices in Denmark demonstrate al-Qaida in Pakistan's steadfast intentions.

We are also concerned about future homeland attacks from one of al-Qaida's key allies within the Federally Administered Tribal Areas, or the FATA, Tehrik-i-Taliban Pakistan, TTP, the group that trained Faisal Shahzad, the Times Square bomber from May 1st of last year, as well as the potential threat from other al-Qaida regional allies within the Pakistan and Afghanistan region.

Also in Pakistan, we remain focused on Lashkar-e-Taiba, the group behind the 2008 Mumbai attacks, which remains a threat to a variety of interests in South Asia. And although LT has not yet conducted attacks in the West, it does have individuals who have been trained, who have been involved in attacks, and it could pose a threat to the homeland and Europe, in addition to destabilizing South Asia more broadly.

Of course, we continue to view Yemen as a key base of operations from which al Qaeda in the Arabian Peninsula can and has planned and executed attacks. Over the past year, AQAP expanded operations against the homeland, including, of course, the December 2009 attack, and its follow-on effort to down two U.S.-bound cargo planes in October of 2010.

In addition to these specific attacks, AQ has made several appeals last year to Muslims to conduct attacks on their own initiative. Specifically, over the past year AQAP released four issues of its magazine, English magazine, Inspire, which attempts to persuade adherents to launch attacks on their own in the West.

East Africa remains a key operating area for al Qaeda associates as well. Of course, last year, for the first time, they struck outside of Somalia, killing 74, including one American, in Uganda. And they continue to attract violent extremists from across the globe, including from the United States.

Now, these were mostly threats from outside the country. And as the chairman noted, we are extremely concerned with homegrown violent extremists here in the United States. Plots disrupted in Washington, D.C., Oregon, Alaska and Maryland during the past year were indicative of the common cause rallying independent extremists to attack the homeland. Homegrown violent extremists have yet to demonstrate a sophisticated ability. But as Fort Hood demonstrated, attacks need not be sophisticated to be quite deadly.

And although time doesn't permit me to go into all the threats we watch, I would just like to highlight, in addition to these threats, we continue to watch al Qaeda in North Africa and Iraq, Hezbollah and its targeting of U.S. interests globally, and also other terrorist groups, including Greek anarchists that recently sent letter bombs to embassies in Rome and elsewhere.

In light of this changing dynamic, we have significantly evolved our capabilities to try to reduce the likelihood of a successful attack. Most notably, as you saw last week or two weeks ago on your visit, NCTC established a pursuit group that is designed to track down tactical leads that can lead to the discovery of threats aimed against the homeland. And as I hope you saw, the pursuit group has repeatedly identified and passed to our operational partners, like DHS, key leads which might otherwise have been missed.

We're, of course, also focused on continuing to lead information integration across the U.S. government for counterterrorism purposes. We have always had access to a plethora of databases. But in conjunction with DHS, FBI and others, we have further developed over the past year an information technology architecture which aims to improve our ability to detect this new sort of threat.

Finally, as this committee knows quite well, counterterrorism efforts are not just about stopping attacks, but also trying to address the upstream factors that drive violent extremism. Our focus, as a general matter, is undercutting the terrorist narrative and building safe, resilient communities, not NCTC operationally but with our partners like DHS, in conjunction with other parts of the U.S. government.

Specifically, on behalf of the national-security staff, we are coordinating interagency planning in partnership with departments and agencies across the U.S. government. Where appropriate, we are helping to support and coordinate the federal government's engagement with American communities where terrorists are already focusing their recruiting efforts.

In my view, while government has an important role in implementing these strategies, we, along with DHS, view the private sector and community institutions as key players in countering radicalization. And we believe strongly that addressing radicalization requires community-based solutions, sensitive to local dynamics and needs.

In coordination with FBI and DHS, NCTC developed a community awareness briefing that conveys unclassified information about the realities of current terrorist recruitment to the homeland on the Internet. So communities can be mobilized to fight the same fight that we are involved in.

Chairman King, Ranking Member Thompson and all the members of the committee, thank you very much again for having us here today. As you know well, despite the improvements, imperfection in this endeavor is not possible. We are working every day, 24 hours a day, tirelessly, to try to stop the attack -- the next attack. But we cannot guarantee 100 percent safety.

In this regard, I believe we must continue to foster domestic resilience while highlighting the ultimate futility of al Qaeda's fight. Without your leadership, and again, without Ms. Harman's leadership, we would not have made the strides that we have. I very much look forward to taking your questions and working with you for years to come.

Thank you.

REP. KING: Thank you, Director Leiter. I thank both witnesses for their testimony.

Secretary Napolitano, two years ago, when you made your first statement before this committee, I pointed out the fact that you did not use the word terrorist or terrorism even once. In today's statement, you used it more than 60 times. Is that a reflection of the growing terrorist threat? Is it a reflection of the changing emphasis within the administration? Or is it just something that happened?

SEC. NAPOLITANO: Well, I think my initial statement before the committee was one of several speeches, and it just happened to be the one that didn't use the word terrorism. But the plain fact of the matter is that I spend the bulk of my time working on counterterrorism-related activities. It can be in the TSA world. It can be in the CBP world. It can be with intel and analysis and working with our fusion centers, with NCTC and others. But this is a top priority for us.

And Mr. Chairman, one area that is really not up to bat today but is a new one, and is also one I think we need to watch out for, is the whole world of cyber and cyber security and how that is going to interconnect with the terrorist -- (inaudible).

REP. KING: In fact, Chairman Lungren is going to be working on that extensively during the year.

How prepared do you believe the department is to deal with the threat from biological, chemical, radiological weapons?

SEC. NAPOLITANO: Yeah. No, that's an extraordinarily difficult area in the sense that we are still working at the science-and- technology level on things like detection mechanisms that are effective in all areas.

Mr. Chairman, I think I would say that we are more prepared now than we were two years ago, and two years ago we were more prepared than two years before then. But there still is much work to be done. That's why we have funded and are continuing to fund pilots of different types with laboratories and universities, and actually private-sector entities around the country, particularly in the CBRN arena. That's why those things are so important. (Secure Cities ?) is an example of that.

REP. KING: Thank you.

Director Leiter, with the splintering -- with the development of these various splinter groups, how much control do you see coming from al Qaeda central to those groups? And if there's not control, is that good or bad?

MR. LEITER: Mr. Chairman, I think there remains certainly ideological inspiration from al Qaeda's senior leadership, but less and less operational control. And I think that's in large part due to the offensive pressure that we're applying to al Qaeda in Pakistan.

I think, to some extent, that's quite good. It reduces the likelihood, again, of a large-scale organized attack. I think the negative aspects of it is it allows the franchises to innovate on their own. And in the case of al Qaeda in the Arabian Peninsula and Yemen and folks like Anwar Awlaki, they've been quite successful at being innovators that make our jobs more challenging.

REP. KING: Not to be, I guess, rating them, but would you say that Awlaki is at least as severe a threat today as bin Laden?

MR. LEITER: I actually consider al Qaeda in the Arabian Peninsula, with Awlaki as a leader within that organization, probably the most significant risk to the U.S. homeland. I'm hesitant to rank them too carefully --

REP. KING: I understand.

MR. LEITER: -- but certainly up there.

REP. KING: And would Awlaki be the one who has been the most successful as far as radicalizing through the Internet?

MR. LEITER: I think Awlaki is probably -- he certainly is the most well-known English-speaking ideologue who is speaking directly to folks here in the homeland. There are several others who we're concerned with, but I think Awlaki probably does have the greatest audience on the Internet and the like. So in that sense he is the most important.

REP. KING: How effective do you find Inspire?

MR. LEITER: It's a difficult question, Mr. Chairman. We obviously look at Inspire. It is spiffy. It's got great graphics, and in some sense we think probably speaks to individuals who are likely to be radicalized. Frankly, there's very little new information in Inspire. So to that extent, it is not, I don't think, something revolutionary and new in the substance. But again, in the way it conveys the message, it is useful. And we think it is attractive to English speakers.

REP. KING: How concerned are you with the possibility of messages or signals being sent through Inspire?

MR. LEITER: I think I'd rather take that more in a classified setting, but as a general matter I think Inspire is attempting not to build a secret network between AQAP and folks in the United States or other English-speaking countries. It is more looking to what the title suggests, inspire them to act on their own.

REP. KING: Secretary Napolitano, in your state of the homeland security speech, you mentioned "D Block," and the president made reference to it in his State of the Union speech. We don't have the details yet. Can you give us any indication when it will be formally unveiled or what the specific details of the D Block will be?

SEC. NAPOLITANO: I don't know the exact day, but we'll find that for you, Mr. Chairman. But I know the president is intent on working with the Congress to set aside the D Block for public safety. It's something that both our department and the Department of Justice advocated very strongly within the administration. But I don't know the exact date when they're going to approach the Congress about the legislative change that will --

REP. KING: I look forward to working with you and the administration on that.

SEC. NAPOLITANO: Indeed.

REP. KING: I recognize the ranking member, Mr. Thompson.

REP. THOMPSON: Thank you very much, Mr. Chairman, for the, again, very timely hearing.

Secretary Napolitano, in your testimony you went to great lengths to describe the evolving threat on the homeland relative to homegrown terrorists. Law enforcement agencies have also talked about neo-Nazis, environmental extremists and anti-tax groups as more prevalent than al-Qaida-inspired terrorist organizations. Have you all looked at this to see if that in fact is the truth?

SEC. NAPOLITANO: Representative Thompson, not in that sense. I mean, we don't have, like, a scorecard. The plain fact of the matter is that from a law enforcement, terrorist-prevention perspective, we have to prepare law enforcement and communities for both types of acts.

REP. THOMPSON: Well, Mr. Leiter, given what has occurred in the last two years here in this country, have you been able to analyze what that threat looks like?

MR. LEITER: Congressman, by law the National Counterterrorism Center only looks at international terrorism or that inspired by international terrorists. So my analysts do not actually look at some of the groups that you described in your question to the secretary.

REP. THOMPSON: But you do communicate to the people -- am I correct -- on the domestic side?

MR. LEITER: We generally work through the Department of Homeland Security and the FBI, who have the direct operational responsibility.

REP. THOMPSON: All right. Madame Secretary, could you help me with that?

SEC. NAPOLITANO: In what sense?

REP. THOMPSON: Relative to the information in terms of individuals who are deemed a threat to the homeland -- is it -- I'm trying to look at it in a broader sense. Sometimes we tend to narrow the focus, but I think what we have to do in looking at the threat is look at the entire threat. Can you share with the committee some of those other threats that you have deemed necessary to list?

SEC. NAPOLITANO: Well, what we are focused on is helping law enforcement and communities look for the tactics, the techniques, the behaviors that would indicate that a violent act, a terrorist act is impending. Now, some of those are inspired by Islamist groups -- al-Qaida and so forth. Others can be inspired by, like, anti-government groups -- flying a plane into the IRS building, for example. And so the JTTFs are the ones on which we have members who case-by-case analyze what was the motivation of a particular actor at a particular time. And I would say, Representative Thompson, that we see a variety of different types of motivations in addition to the Islamist motivation that we're here talking about right now.

REP. THOMPSON: Just for the sake of the record, give us some of those varieties, when you say varieties.

SEC. NAPOLITANO: Well, they can be anti-federal government type of motivation -- I mentioned the individual who flew a plane into the IRS building; Tim McVeigh -- I worked on the Oklahoma City bombing case -- would be another great -- I don't want to say great example -- another example of that sort of motivation. It can be a variety of other things. As Mike indicated, the FBI works directly on those cases, has operational lead for their investigation.

REP. THOMPSON: Mr. Leiter, let's take an international situation. The incident that occurred in October with the printer bomb -- were you involved in that?

MR. LEITER: Yes, we were.

REP. THOMPSON: Can you share with the committee, if you can, whether or not security gaps like that are being reviewed going forward so that and others hopefully will be closed?

MR. LEITER: Congressman, I can, and then I'll also defer again to Secretary Napolitano, who

has some broader responsibilities for cargo. Actually even before that event we were obviously concerned with the possibility of using cargo in a terrorist attack. You only have to look back at the Lockerbie bombing to know that this is something that could occur. The -- since that event we have worked at NCTC and the intelligence community to find new ways to support DHS to sharpen our ability to find individuals or shippers who we consider high-risk so those packages can be put through further screening. I think as Secretary Napolitano will echo, it is a challenge.

SEC. NAPOLITANO: Yes, Representative Thompson, even prior to October we had assembled an international initiative, similar to what we've been doing on passenger air travel, with respect to cargo. It involves the World Customs Organization, the International Civil Aviation Organization, and the International Maritime Organization.

What we are doing is working to have international standards, requirements and also working with the private sector, who are the main air shippers -- and this of course was air shipment. We are now screening 100 percent of at-risk cargo that is on a passenger plane inbound to the United States, which is something we had not had the capability of doing until the last year. So -- and we continue to work across the world, across different modes of transportation, across different types of cargo, across different types of personnel who handle that cargo, to secure the entire supply chain.

MR. LEITER: Congressman, if I could just add one point -- I think this is an area where the cooperation between DHS and NCTC has really improved and been stellar over the past year, not just with cargo but with screening personnel. The movement now of information as we see a threat in the intelligence stream about a country or a name or a region and where we think an attack might be coming to -- that movement is moving -- that information is moving in real time to DHS so that DHS can rapidly adjust their -- (inaudible) -- and again, that's happening on an hourly basis.

REP. KING: The gentleman from Texas, Mr. McCaul.

REPRESENTATIVE MICHAEL MCCAUL (R-TX): Thank you, Mr. Chairman.

Thank you, Madame Secretary, Director Leiter.

In November 2009 I attended the Fort Hood memorial service just north of my district in Texas, and saw the 13 combat boots, the rifles. I talked to the soldiers who had been shot that day. They described how the -- Major Hasan said "Allahu Akbar." It's very, very dramatic. Some said that wasn't an act of terrorism; I said it was. I think it's the deadliest attack we've had since 9/11.

Since that time the Senate has issued a report called "A Ticking Time Bomb." In that report it talks about how the Joint Terrorism Task Force in San Diego had information about Major Hasan's contacts with what you described, Director, as the most dangerous threat to United States security, and that's Awlaki. Unfortunately that information was not shared with the commander, General Cone, at Fort Hood, who I talked to, and I said, "Wouldn't you have liked to have known that?" When the attack took place, the FBI agent was quoted as saying, "You know who that is? That's our boy."

Can you tell this committee and the American people what happened that day and what Major Hasan's connections are to the terrorist community?

MR. LEITER: Congressman, to begin, I would just say at NCTC, within about 48 hours of that attack we designated that a terrorist attack in what we call the Worldwide Incidents Tracking System.

So from our perspective as soon as we had the initial indication of the motivation, we counted it as a terrorist attack. It can always change back; in this case, it hasn't.

With respect to his connection to Awlaki and AQAP, and I want to be very careful here because obviously this is still a case for prosecution, but we've said publicly it looks to us like inspiration rather than direction. Finally, your question about what happened.

I want to be careful not to speak for other -- Director Mueller or the Department of Defense. I think they said quite clearly at the time that information was not shared effectively between the FBI and the Department of Defense. They have taken remedial action to address some of that, and I know for NCTC's part since then we have worked with the FBI to produce and improve training materials and training for our field offices. So there really is no question for the next special agent, when he's investigating a case, that he will recognize the telltale signs of radicalization and moving towards mobilization and not just convey that to the Department of Defense but probably be more aggressive in following that up.

REP. MCCAUL: I mean, I think the American people -- it's hard to understand, you know, you got to -- and we can talk about infiltration in the military, what the threat is there, but it's hard for the average citizen to understand how the FBI could have this kind of information, that you have a major -- the biggest installation in the United States in contact with one of the biggest threats to the security of the United States and yet that information is not shared at all. I think that's a major breakdown and I hope -- and I know that's not totally within your purview and your jurisdiction, but I sure hope we can fix that problem.

MR. LEITER: Congressman, I'll say again, I do know that the Department of Defense and FBI now have a much tighter relationship, so that information is shared. During the investigation it was shared with a Department of Defense agent on the JTTF, but not shared back to the Army.

We have also since then expanded NCTC's access to some of that granular information that was the basis for the investigation, so NCTC can help to fill those gaps and make sure the information is properly shared.

REP. MCCAUL: Thank you. Madame Secretary, you were quoted in The Hill newspaper saying that with respect to the border that it's inaccurate to state that the border is out of control. We had a briefing with border patrol. They said that about 44 percent of the border is under operational control.

As you well know, the killings, the violence going on -- you know, coming from Arizona, me

coming from Texas, I would say my constituents do view it as an out of control state. The special interest aliens has increased by 37 percent. Those are persons coming from countries that may have potentially terrorist influences. There was recently a potential terrorist that was found in the trunk of a car, paid a Mexican cartel drug dealer \$5,000 to sneak across the border.

Could you just clarify the statement in terms of your statement that it is not out of control down there?

SEC. NAPOLITANO: Oh, absolutely. First, and I will give you the full talk that I gave at UTEP, but the border, thanks in part to the bipartisan efforts of the Congress, has more manpower, technology and infrastructure than ever before, and the numbers in terms of seizures that need to go up are going up and the numbers in terms of illegal immigration are going way down.

And the communities that are along the border -- San Diego, Nogales, El Paso and so forth -- are among, in terms of violent crime statistics, are among the safest in the United States. And so what I was saying at that -- from which I'm quoted in part was to the cartels of Mexico: don't bring your violence, what you're doing in Juarez, et cetera, over to the United States. You will be met with an overwhelming response.

It is true that there are crimes on this side of the border -- the murder of a rancher in Arizona is one example -- but it is inaccurate to extrapolate from that to say that the entire border is out of control.

With respect to that 44 percent number, I think it's important to recognize that operational control is a very narrow term of art in border patrol lingo. Basically, it is restricted to where you have individual agents located. It does not take into account infrastructure, it does not take into account technology, which is a full force multiplier, as you know, so that I think it would be inaccurate to take from that number or that phrase to say, well, that means the other percentage of the border, 56 percent, is out of control. That would not be accurate.

REP. KING: The gentleman's time has expired. The gentelady from California, Ms. Sanchez.

REPRESENTATIVE LORETTA SANCHEZ (D-CA): Thank you, Mr. Chairman, and thanks to both of you for being before us again. Secretary Napolitano, I am still worried about this whole issue of overstays with respect to visas, in particular because I belong to a couple groups that deal with the Europeans and, as you know, the European Union is having a difficult time understanding why we accept some and not some others on the visa waiver.

So I'm very -- I would like to know two things. First, can you discuss the security measures with respect to somebody being able to come from a country where there is visa waiver going on, and how that might be infiltrated by someone like al-Qaida to get people over here? And secondly, what progress are we making on the exit part of U.S. visits?

SEC. NAPOLITANO: Well, in terms of visa waiver, what we have is ESTA and what ESTA does is that it gives us advance information on someone traveling to the U.S. on a visa waiver.

REP. SANCHEZ: Is it working? Have we seen any places where some cell group might be, in fact, trying to come in that particular way?

SEC. NAPOLITANO: It is. Well, let me just say that it is working in terms of smoothly identifying individuals coming across and, you know, we deal with so many passengers every day and so from a systemic point of view, it is working. However, I think it important to say that there's no system, no matter how well working, is a hundred percent guarantee that someone will not be able ultimately to infiltrate.

It may be somebody about whom we have no advance information; it may be somebody who has managed to steal an identity of someone else. This is unfortunately a business in which we cannot give guarantees. What we can do and what we are doing is maximizing our ability to catch somebody ahead of time and minimize the risk that they will be infiltrated.

And in terms of visa overstays, in addition to U.S. exits, let me just suggest that one of the most effective investments that Congress can make is in ICE investigative agents because they are the ones that really find the visa overstays and get them into proceedings. And so one of the things we are looking at doing as we move forward in the budget process is being able to staff ICE appropriately in that regard.

REP. SANCHEZ: You were talking earlier in answer to one of my colleague's questions that you believe that all this technology that we've been using at the border, and particularly with respect to Mexico, is a force multiplier. The entire time that I was the chair of the Border Subcommittee, we would get both GAO and Border Patrol saying they didn't know if some of this technology was actually going to require that we have more people or that we actually get that savings that we intuitively think should come from that.

Do we have any -- I mean, do you now have a new study? Do you have new numbers? Do you have something that is showing that relationship, because the entire time that I was the chair, which was for about three years, I could never -- you know, it was intuitive but we, you know, we have on record people saying maybe it doesn't lower the amount of body power that we need.

SEC. NAPOLITANO: Well, you still need manpower. I mean, technology is no substitute for manpower, but you're never going to have enough money to put a Border Patrol agent every hundred yards along the thousands of miles of border. So you have to have technology and infrastructure -- it's a three-legged stool -- as part of the system.

And then you have to have interior enforcement inside the country to back that up. One of the reasons that I stopped the SBInet program was so that we could redeploy those monies into technologies that we know work, that we know are force multipliers, that enable, for example, a small forward operating base near the Tohono O'odham nation in Arizona to be a deterrent and be able to cover a larger distance than otherwise they would be able to do.

REP. SANCHEZ: And lastly, and this would be to our other guest, I represent a very large Arab Muslim community in our nation, have the second largest community mosque, if you will, and we've had a lot of situations with FBI probes and local infiltration, et cetera.

What are the safeguards that we now have in place so that we aren't sending people into mosques and trying to elicit proactively somebody to create some sort of terrorist attack?

MR. LEITER: Well, Congresswoman, I want to be a bit careful because, although I'm familiar with them, I'm certain no expert on the FBI domestic intelligence operating guidelines and the attorney general guidelines.

What I can tell you is the FBI, approved by the attorney general, has very strict guidelines on the level of intrusiveness and what they can do based on specific information about individuals, not having radical thoughts, but moving to action which would be a terrorist action. And one of the key requirements is that no investigations can be predicated on the exercise of First Amendment rights. There always has to be additional evidence on which to predicate an investigation that would then lead to some of the tools that you referenced.

REP. SANCHEZ: Has that always been the case? Because we have documented cases, of course, even out in the press and out in the public where the fact of the matter was there was instigation of these things within the mosques by our own undercover --

MR. LEITER: I can tell you that the current attorney general guidelines were developed during the end of the Bush administration and ultimately approved under the Obama administration and signed by the current attorney general.

The key piece here, if I may, is that you have to -- obviously, there are going to be places where you have to do law enforcement investigation. In my view, you have to have a balanced approach, not just those law enforcement investigations, but you have to engage with those communities, with other non-law enforcement elements of the U.S. government to make clear that this is not an adversarial situation. In fact, this is a partnership, and as you know well, many of our tips to uncover active terrorist plots here in the United States have come from the Muslim community. So we have to make quite clear that the communities are part of the solution and not part of the problem, and you do that through using a variety of tools, not just law enforcement.

REP. KING: The time of the gentlelady is expired.

Dr. Broun of Georgia?

REPRESENTATIVE PAUL BROUN (R-GA): Thank you, Mr. Chairman.

Secretary and Director, I appreciate y'all being here today. I have several pressing questions for both of you, and in my limited amount of time, it will allow for only one or two. And I trust that you will send a prompt response to my written questions.

And my first question is for both of you, but I would like maybe the director to give me a written response, but I'd like to address this particularly here in the hearing to the secretary.

Most terrorist experts believe that, given the list of incidents of homegrown radicals, lone wolves

and trained terroristic recruits, the U.S. is now a little different from Europe in terms of having a domestic terrorist problem involving immigrants as well as indigenent (sic) Muslims as well as converts to Muslim -- to Islam.

However, in April 2010, the Obama administration announced that it intended to remove religious terms such as, quote, "Islamic extremism," from the national security strategy. Moreover, in a May 2010 speech at the Center for Strategic and International Studies, the deputy national security adviser for homeland security and counterterrorism, John Brennan, stated that the administration would not, quote, "describe our enemy as jihadist or Islamist."

Do you believe that by discarding the ideological factor behind the recent rise in domestic and international terrorism, namely by Islamic extremism, the administration is inhibiting our ability to address and combat this dangerous trend?

SEC. NAPOLITANO: Representative, without having seen John Brennan's speech or having recently reviewed the national security strategy, let me, if I might, respond to that in writing -- I would venture to say that what the concern was is that, in addition to Islamist terrorism or Islamist-inspired terrorism, we not overlook other types of extremism that can be homegrown and that we, indeed, have experiences with as I described to Representative Thompson.

But as our testimony here today indicates, we understand full well that Islamist-inspired, al-Qaida-inspired, however you want to call it, terrorism, be it coming from abroad or now being homegrown, is part and parcel of the security picture that we now have to deal with in the United States.

REP. BROUN: Well, I appreciate that written response. I went through a security at TSA not long ago, and I went through, that was a guy who followed me, very obviously was of Arabian (sic) or Middle Eastern descent. Both of us were not patted down. There was a grandma who followed me, and she was patted down. There was a small child with her. He was patted down.

I have yet to see a grandma try to bomb any U.S. facility with chemicals in her bloomers. So I think we need to focus on those who want to do us harm --

SEC. NAPOLITANO: Representative, if I might respond to that, because that is a common complaint that I --

REP. BROUN: Well, I saw it myself.

SEC. NAPOLITANO: Well, I know. And let me just suggest, first of all, that when we add random screening to whatever we are doing, it has to be truly random. Otherwise, you lose the value of unpredictability. And secondly, I'd be happy to have you briefed in a classified setting about how, when we set firm rules about we won't screen this kind of person or that kind of person, our adversaries, they know those rules and they attempt to train and get around them.

REP. BROUN: Well, thank you. And I'd appreciate that briefing.

We've got to focus on those people who are going to do us harm. And this administration and your department has seemed to be very averse to focusing on those entities that want to do us harm and have even, at times, back when your spokesman came and testified before this committee, would not even describe that Fort Hood massacre as a terrorist threat and talked about an alleged attack. I think this is unconscionable.

We've got to focus on those people who want to harm us. And the people who want to harm us are not grandmas, and it's not little children. It's the Islamic extremists. There are others, and I want to look into those, too. But your own department has described people who are pro-life, who are pro-gun, who believe in the Constitution and military personnel as being potential terrorists. Now, come on. Give me a break.

We do need to focus on the folks that want to harm us, and I encourage you to maybe take a step back and look and see how we can focus on those people who want to harm us. And we've got to profile these folks. Y'all have not been willing to do so, in my opinion, and I hope that you will look at this issue because I think it's absolutely critical for the safety of our nation and for the American citizens.

I will submit the other questions for written comment, and thank you both for being here.

SEC. NAPOLITANO: Mr. Chairman, may I make a response to that?

REP. KING: Yes.

SEC. NAPOLITANO: First of all, Representative, the hundreds of thousands of men and women in my department, they come to work every day to protect the American people. The writing or the document I think you're referencing was something that was actually drafted at the end of the Bush administration and issued by mistake at the beginning of this administration.

And I would point out that we just established that, in the Hasan matter, he is a terrorist, and he was an active-duty military individual.

REP. KING: The time of the gentleman is expired.

The gentleman from New York, my colleague, Mr. Higgins.

REPRESENTATIVE BRIAN HIGGINS (D-NY): Thank you, Mr. Chairman.

REP. KING: A new member of the committee, good to have you aboard, Brian.

REP. HIGGINS: Thank you very much, Mr. Chairman.

Madame Secretary, the Peace Bridge connects my community of Western New York to Southern Ontario, which is the busiest passenger crossing at the northern border and is a vital economic asset to us in New York and to the country and of profound national security importance.

We are advancing a project to reduce congestion at the Peace Bridge by building a new span and Customs facilities, but our progress has been slowed, in part due to ambiguous and sometimes conflicting communications from the Department of Homeland Security. Specifically, confusion exists about whether the project would include preclearance, a shared border-management strategy that would locate the American Customs plaza on the Canadian side of the bridge.

On August 20th of 2009, you wrote to me that preclearance was not possible because it would require the United States accept a lower level of security at the Peace Bridge than at any other U.S. port of entry or require Canada to accept actions contrary to its charter of rights and freedoms.

Mr. Chairman, I'd like to enter that letter into the record.

REP. KING: Without objection.

REP. HIGGINS: Yet in response to recent media inquiries on the issue, the Department of Homeland Security officials have issued vague responses that have caused confusion about the status of the preclearance proposal. Madame Secretary, we need to clarify -- from Department of Homeland Security, clarity on this issue in order for this important project to proceed. So can you please tell us, does the position of the Department of Homeland Security remain consistent with your letter that due to security and constitutional obstacles that cannot be overcome, the Peace Bridge project will not include locating the American customs facilities in Canada? Is it your position that Department of Homeland Security will not reopen negotiations on preclearance at the Peace Bridge and that the preclearance proposal is, for the purposes of this project, dead?

SEC. NAPOLITANO: Representative, I will be very clear. We have looked into preclearance on the Canadian side. We cannot do it. The position has not changed. When and if the bridge and the facilities are expanded on the U.S. side, we are fully prepared to provide the staffing and support for that on the U.S. side. We understand the importance of the span for trade and tourism and so forth, but we are not going to be able to resolve the preclearance issues in Canada.

REP. HIGGINS: All right. I yield back. Thank you.

REP. KING: The gentlelady from Michigan, Ms. Miller.

REPRESENTATIVE CANDICE MILLER (R-MI): Thank you, Mr. Chairman.

I think I'll follow up a bit of my colleague from New York who raised sort of a northern border issue. And if I could talk a bit, Secretary and Director -- and first of all, thank you both for coming, and we appreciate your service to this -- to the nation, sincerely.

We have a lot of people on the committee that talk about the southern border -- and believe me, I'm not minimizing; I recognize the challenges that we have on the southern border and facing our nation -- but I do sometimes think we forget almost about the northern border. One of my colleagues said there was a 44 percent of operational control in the southern border. According to

the GAO report that came out last week, we have less than 2 percent under operational control of our 4,000-mile with our wonderful, wonderful trading partner -- our biggest trading partner. It's not Mexico. It's Canada by a huge, huge margin.

And as you mentioned, the Peace Bridge in Buffalo, which is -- I think is -- we've always thought sort of the third busiest crossing -- I think the first in passenger -- but in my district, and my colleague from Detroit, Mr. Clarke, where he has the Ambassador Bridge, which is the busiest commercial artery on the northern tier -- the Windsor Tunnel, there -- and the Blue Water Bridge, in my district, which is 30 minutes -- 30 miles to the north -- is the second-busiest border crossing. The Canadian National Rail tunnel runs under the St. Clair River there, as well.

And we were very concerned about what the GAO said about essentially no operational control, for all practical purposes, along the northern border. And I'd just like to address that a bit, because as we think about our wonderful trading partner, our neighbors of Canada, they are -- there are several Islamic terrorist extremist groups that are represented there, as you're well aware. And I thought it was interesting with the GAO report coming out on the heels of that -- President Obama and Prime Minister Harper came out with the U.S.-Canadian agreement, which was a wonderful step forward. They're going to put this working group together, but talking about some of the various unique challenges, dynamics along our shared border, how we can have interagency cooperation, sharing of intelligence, et cetera, et cetera.

And so from a high-tech perspective of the kind of resources that I think we -- are necessary along the -- obviously we're not going to build a 4,000-mile long fence along the northern border, so certainly the kind of technology that we need to be utilizing in there, as well as low-tech -- canine. There are about 60 canines, as I understand it, at El Paso. There are zero at the Blue Water Bridge and maybe one at the Ambassador Bridge. So I -- and believe me, I'm not minimizing what's happening on the southern border, but for everything to be going on the southern border at the expense of the northern border, I think we need to have a bit of a balance. Even the UAV missions, which I am heavily an advocate of now with the ground mission at Corpus Christi -- and I know we do have one along the more northern part of our border, but I think in the Detroit, certainly Michigan, New York sector, having those kinds of -- we need those kinds of technologies -- off-the-shelf hardware, essentially, that's worked extremely well in theater, that the taxpayers have already paid for, that we can utilize along the northern border.

So I just raise this as a concern, and perhaps when we think about threats from abroad, et cetera - - they're not all going to come on an airplane from Amsterdam. And of course as the terrorists think to cripple our nation and they think about doing it economically, it just -- to use Blue Water again as an example, that is -- at that, as it comes into the U.S., that is the genesis for I-69, I-94, two of the most major trade routes that we have. And as my colleague talked about, what we consider to be reverse inspection -- that's another thing we've been trying to advocate for. Could we have reverse inspections so that we are inspecting things before they start coming across our major infrastructure, as well?

And so I raise some of these questions. I'm not sure who I'm directing them all to, but --

SEC. NAPOLITANO: I think they're mine.

REP. MILLER: Okay.

SEC. NAPOLITANO: Mike's going like this -- (laughter) --

MR. LEITER: All yours. (Laughter.)

REP. MILLER: Thanks, Secretary.

SEC. NAPOLITANO: I'll be brief, Mr. Chairman. And first of all, again, on the GAO report, we're -- I encourage the committee -- the term "operational control" is a very narrow term of art, and it does not reflect the infrastructure and technology and all the other things that happen at the border. And so it should not be used as a substitute for an overall border strategy.

One of the most significant things that has happened in the last month, quite frankly, or even in the last year, was Prime Minister Harper and President Obama signing the shared security strategy, border strategy between our two countries. It is our number one trading partner. Canada is now beginning to do or conducting some of the same kinds of things around its perimeter that we used to be concerned about coming across inland on the border. We will be working more in light of this shared vision statement on an integrated northern border strategy. Indeed, we have prepared one. It is in review right now at the OMB because, as you recognize, Representative, borders are -- they're law enforcement jurisdictions and you've got to protect the borders from that regard, but they are also huge trade jurisdictions, and you've got to be able to move the legitimate trade and commerce.

We are very much in favor of looking at ways to preclear certain things before they -- cargo, for example -- before it gets to the border so that we can relieve the pressure on the line, and the technology for being able to do that kind of thing gets better all the time. And so that's one of the things we'll be, I'm sure, working on and implementing over the coming months and years.

REP. MILLER: Thank you. And I know my time's expired, but I would just also point out in regards to the -- (inaudible) -- list, without quantifying it, it is much higher -- much higher hit on the northern border than they are on the southern border with the -- (inaudible) -- much higher.

MR. LEITER: And Congresswoman, I'll just say that I've been working extremely closely, going up to Ottawa since 2005. It is a very different set of challenges on that border, but it is one that we are acutely engaged on with the Canadians, who are an excellent partner in information sharing and the like. So although we talk about it less than the southern border quite often, that -- I don't want to leave anyone with the impression that it is not a very high priority for us and the Canadians.

REP. MILLER: Thank you, Mr. Chairman.

REP. KING: At the other side of the aisle, one of the more enthusiastic new members, Mr. Clarke of Michigan.

REPRESENTATIVE HANSEN CLARKE (D-MI): Thank you, Mr. Chair. Thank you for calling this meeting.

Thank you, Secretary Napolitano, Director Leiter.

I want to make sure that I address you directly but that I speak into this mic -- (inaudible) --

MR. LEITER: It's okay.

REP. CLARKE: All right.

MR. LEITER: We're good.

REP. CLARKE: I want to thank Chair Miller for outlining the importance of the international border crossing in North America which is in the city of Detroit, and also the fact that we have a large airport, which is an international hub. This makes this area a big -- at high risk of attack and also high impact in a case of a natural disaster or other emergency. In the event of such an emergency, it will be local police, local firefighters, our local emergency medical providers that will be the first to respond. My concern, though, is with the security of those first responders. And I realize that this department cannot be local law enforcement, the first responders.

Last week I visited a police precinct in Detroit, which a few hours earlier had been attacked by a lone gunman who tried to kill virtually every officer in that precinct, to find out that that precinct needed a metal detector that would have cost \$5,000 but because of the city's budget constraints couldn't afford that.

And I am aware that, you know, many of the grant programs are awarded on a competitive basis or based by formula. There are some districts, some areas that will get resources, some that won't.

In your written testimony, Madame Secretary, you rightfully say that homeland security starts right here with hometown security. What types of resources, in addition to the grants, are available to protect our first responders so that they can be in a good position to protect our citizens in case of an attack or other emergency?

SEC. NAPOLITANO: Representative, I would suggest in addition to the grants -- some of which are formula driven, others of which are based on analysis of risk and threat -- one of the -- two of the things that are of direct assistance to our first responders are A, training. That's why, as we do our countering violent extremism curricula, we are testing at FLETC with representatives of the chiefs association, the sheriff's associations and other who would have to implement this on the ground. And the second is information sharing so that they have maximum access to actionable intelligence.

Now, the latter probably would not help much in the case of a lone-wolf gunman. Those are -- and I'll ask Director Leiter his comments on that -- but the lone-wolf type situation is almost impossible to prevent from a law enforcement perspective. So when you deal with the first

responders, you deal with maybe early tips that somebody is getting ready to come in and then the ability to respond very effectively. And that's SWAT training, equipment and the like.

MR. LEITER: Congresswoman, what I would say is immediately after the Mumbai attacks in November 2008, we started working with DHS and FBI to look at the techniques that were used in India and how U.S. law enforcement and Homeland Security would be able to respond.

Out of that, we created a scenario that's been used in Chicago and other cities by the local authorities in conjunction with the federal authorities to see what kind of response could be brought. And recently, we combined with FEMA and we now have a program for each of the -- I think it's the eight FEMA sectors. The last one -- first one was run in Philadelphia several weeks ago. It involved over 300 people, including the Philadelphia police chief, DHS, FEMA, FBI. Again, running through a scenario like Mumbai with multiple shooters, because you're absolutely right, it's going to be the Detroit police or the Philadelphia police that are there first. How do they respond, what specialized tools can the U.S. government bring to bear?

And certainly would be happy to work with -- I think it's Sheriff Bouchard or the Detroit Police Department or others to get that sort training in conjunction with DHS and FBI to Detroit.

REP. KING: The gentleman from Pennsylvania is recognized -- Mr. Meehan.

REPRESENTATIVE PATRICK MEEHAN (R-PA): Thank you, Mr. Chairman. And I appreciate the opportunity to be with you here today.

I've noticed that the gentlewoman from California has departed, but I did want to take a moment on the record to express my regret that I will not have the opportunity to work so directly with her -- having been given the opportunity to chair the Subcommittee on Counterterrorism. And it would have created that chance. I think -- I spoke to my staff -- it's a little bit like finally making it to the Yankees and realizing that they just traded away Derek Jeter. (Laughter). But I'm very grateful for your presence here today and for helping us set the table.

Let me ask both of Madame Secretary and Director Leiter: I came onto this issue just five days after September 11th, like many -- each of us did in different capacities -- as the United States attorney. But we're sitting here now 10 years later. We've done a lot; we've done a lot right. And I think the greatest marker of what we've done right is the incredible record of safety in the American homeland in that 10-year period.

But we've also spent a lot of money. As you've said, Madame Secretary, we've had hundreds of thousands of people deployed in this. We've done a lot right. What are we doing now to begin to look back at what we're doing and say, hey, where are we going wrong? Where are we creating redundancies? What is our process now 10 years later for asking some tough questions about whether we could be doing something better or if we're doing something? You know, the institution keeps moving forward, because it's there, but maybe it's not the best expenditure of dollars, making tough choices.

SEC. NAPOLITANO: I'll take that one first, Representative, and say we are always asking those

hard questions. And I begin every morning with an intel briefing. And I think my briefers would tell you it begins with hard questions: why, where, how, what could have been done to prevent, what's needed, et cetera.

With respect to those dollars, we all appreciate the fiscal discipline needed by our department. You know, even though it's security and everybody says they want to protect security, we still have a duty to really protect dollars and use them in the wisest possible fashion.

So it's everything from procurement reform that we have undertaken, acquisition management, which sounds really government-ese, but I'll tell you, it's those kinds of things that help find projects before they get too far along that are not really going to work or be value added to the process.

And then the third -- and we've literally found hundreds of millions of dollars that we have built into our budgets now of cost avoidances using some of those just plain old management techniques.

Lastly, I think that our ability and the -- just the -- and I've seen it just even over the last two years -- the increasing integration and leveraging of the data resources that NCTC has with its pursuit teams, with our incredible data resources that we collect on the Customs and the TSA side and the ability to leverage those resources together is a Homeland Security kind of architecture that we just plain didn't have before and allows us to make maximum use of the dollars we do get.

But I'd ask the director if he has anything.

MR. LEITER: Congressman, I have three quick points, but I'll open with the fact that the Yankees have traded a lot of greats. They keep on winning.

REP. MEEHAN: Yeah, but it's much to my chagrin.

REP. KING: I share the director's -- (laughter).

MR. LEITER: The Mets keep making a lot of trades and not winning.

Three quick points, Congressman: First, the amount of change that already goes on is really quite incredible. Ms. Sanchez asked about visa waiver program. The way in which we screen ESTA travelers today compared to how we screened them a year ago is radically different. So it really has not been a steady state in the first place. There have been lots of twists and turns. Unless you're kind of in the counterterrorism trenches you don't necessarily know that's going on.

Second, we of course try to learn lessons from our failures, but we also do a lot of gaming to try to figure out what the next attack will be and how we have to shape things. Now, that's an imperfect science and you're going to end up going down some wrong paths, but there are some things like that -- as I said to Congresswoman Clarke about gaming here domestically about a Mumbai-style attack.

When you look at that, do we have the right resources, do we have the right communications, what can we buy -- even though we haven't seen that event here in the United States yet.

The third is, Congressman, the NCTC has a statutory responsibility to do net assessments. And that is looking both at the changed enemy, our U.S. capabilities and the changed global environment, including here in the United States. And we provide that annual net assessment, along with targeted net assessments, to the White House. And we also work closely with the Office of Management and Budget to try to look across all of these expenditure centers and see which are being the most effective.

I will tell you that that is a huge challenge, because simply identifying what -- what satisfies part of a counterterrorism purpose, as you can imagine, is very difficult. The Homeland -- Department of Homeland Security is a perfect example. It's not just counterterrorism, what CBP does. It's immigrant smuggling; it's drugs; it's all of these pieces. So trying to parse this out remains a challenge, but one that I think -- especially over the last two years -- we've made some good progress on.

REP. MEEHAN: I agree with the -- I'm not looking at it just from -- although, in this day and age, we are paying particular attention to how the dollars are spent. But it's almost also technique as well. I mean, at what point in time do we reach a tipping point?

While I ascribe (sic) to the belief that we're doing the right things, now you hear people say, hey, when I have to walk through an airport screener and make the decision about whether I'm groped or photographed, you know, are we going too far along? We keep pushing.

I went to that UPS terminal, and the impact of trying to push off further and further the screening of the packages, at some point it's going to have impact on their ability to do business. I mean, where do we make those analyses? They're tough choices, but we say, hey, maybe we're overcompensating in order to try to create some sense of safety, or is it necessary?

REP. KING: The time of the gentleman has expired, but you can answer the question.

SEC. NAPOLITANO: Well, thank you, Congressman. First, with respect to the AITs and the pat-downs, it was very interesting, but between Thanksgiving and Christmas -- that heavy travel season -- fewer than 1 percent of travelers opted out of using the AITs. And as you may have seen, we're now piloting the next software, which will be even less invasive and will allow us to do fewer pat-downs.

But the plain fact of the matter is we do that because from a security and intelligence perspective and just looking at what Abdulmutallab did going into Detroit in Christmas of '09, we know they tried to (hide ?) nonmetallic base explosives to get on a plane and we know that aviation, be it cargo or passenger, continues to be a target. And so that is something that we've, you know, have to deal with -- the TSA administrator, who is the former deputy director of the FBI, has to deal with on a daily basis.

We're working with UPS and FedEx and the other major shippers on how we secure cargo, and we're moving toward kind of a trusted shipper regime so that cargo can move and we can meet the needs of real time inventory. And that is part of the global cargo supply chain initiative I was describing earlier. And they are part and parcel of how we are divising that strategy. So we're not just sitting here as the government figuring this out. We've got the private sector who has to move those planes and move that cargo helping us.

MR. LEITER: I'll simply add, I think almost everything we do in counterterrorism, there is a second order effect. If we increase screening, that's going to affect people's perceptions. If we increase investigations domestically, that's going to affect the community. And we have to build into those required and necessary preventative steps, additional programs, to address those second order effects so you're not worsening the situation inadvertently. Again, that applies to screening, applies to homegrown extremism, it applies to overseas efforts.

REP. KING: The gentlelady from the Virgin Islands.

DELAGATE DONNA CHRISTENSEN (D-VI): Thank you, Mr. Chairman. And welcome and thank you for, you know, the great job you're doing with these tremendous challenges that the country faces, to both of you. And my question is to both of you, my first one. I want to focus on another part of the southern border that I don't think gets enough attention. As the representative from the U.S. Virgin Islands, where -- a district where (I even see gaps ?) I'm always concerned that not enough attention is being paid to the Caribbean, either in assessing the risks or in building strong partnerships that we need in that region.

So do you feel comfortable that the department and the center are seeking and getting adequate information from the Caribbean, and even from South and Central America, where there are countries there that are friendly with areas in the world that have radical Islamic extremism? Or are there any efforts, for example, to prevent radicalization, reduce the likelihood of radicalization or to help the governments in those countries to strengthen their capabilities to do so?

SEC. NAPOLITANO: Representative, I have myself asked somewhat similar questions, in part because of the increase in special interest aliens that we're seeing get up to the Mexican border. What are their roots; how are they getting across? It's a terrorism issue. It can be a human trafficking issue, a drug trafficking issue.

DEL. CHRISTENSEN: All of it.

SEC. NAPOLITANO: All of the above. In this open setting, I would prefer not to give more of a detailed answer except to say that I share your concern to make sure that we not lose sight of this part of the world as we plan our protection strategies and would be happy to sit with you in a classified setting to give you more information.

DEL. CHRISTENSEN: Thank you.

MR. LEITER: Representative, I would largely say the same thing. I think there actually are some

interesting pieces that I can't go into in an open setting, with a particular focus to radicalization and movement travelers. And we do spend significant time on the Caribbean. I will also tell you that there has been good cooperation in the past. For example, I believe it was 2007, the Cricket World Cup that was held in the Caribbean and that provided an opportunity to help the region develop more effective screening of travelers. So there are some steps that the U.S. government has taken to enable them. And of course, more towards South America, we have ongoing concerns about the influence of terrorist -- state sponsors of terrorism in that region and their presence.

DEL. CHRISTENSEN: Thank you. I've also been away from the committee for a while, but while I was here before, I did put a lot of pressure on the then secretary to beef up the Office of Health Affairs and to make sure that lines of authority and the response was clear between them and the Department of Health and Human Services and that they work seamlessly together.

Given your response to the question about biological threats, what role does this office play, and are they adequately staffed, resourced and placed to be effective?

SEC. NAPOLITANO: We're working very closely with the Department of Health and Human Services on a number of scenarios, pandemic planning being one, but also medical countermeasures in the light of if there were to be a biologic attack. And we have been working with them on protocols -- who would do what, when, and where? Do we have the search capacity to handle, say, if there were to be an anthrax attack? We've been table-topping some of these things. And so, Representative, the work between our departments, I think, has been very good. I'm not able right now at the table to say, do they have enough resources. All I can say is that we believe the biologic threat is real, and we believe it is something that we need to keep maturing our efforts about.

DEL. CHRISTENSEN: Thank you.

And Director Leiter, from some of the reading that I did in preparation for this, it seems that there's still some turf battles and disalignment -- I guess I would call it -- regarding lines of authority and some stovepiping within the intelligence community, which would be very, you know, dangerous if it does exist. So where is the communication and the integration and the collaboration? Is it where it needs to be in the intelligence community?

MR. LEITER: Like every government official, I will say, it's good; it can always get better. But now I do want to give you some perspective. Having been doing this since 2004 and where we are today, it is night and day. And Secretary Napolitano and I sit on what is called the Counterterrorism Resource Council, which is chaired by Jim Clapper. It includes Bob Mueller, the director of the FBI; the director of DIA; Leon Panetta, the director of CIA. And over the past year, we have met every two weeks to delve in as senior leaders for hours on end about how we can integrate our missions better. That is night and day, again, from where we were in 2004-2005. And frankly, it's night and day from where we were in 2009. So I think there are always some tensions when organizations are trying to do the right thing and think they're trying to do the right thing and someone else disagrees. Not all of that tension is bad. On the terrorism issue I think I've never seen it better integrated than it is today.

And just one other point about integration: You mentioned the Health and Human Services. We are integrated with them and DHS. They are in charge of refugee resettlement, and they play a critical role in helping us work with new immigrant community communities to reduce the likelihood of radicalization. Again, that sort of partnership between the counterterrorism community and an organization that is responsible for refugee resettlement four years ago never existed at all.

REP. KING: The gentlelady has expired.

The gentleman from Arizona, Mr. Quayle.

REPRESENTATIVE BEN QUAYLE (R-AZ): Thank you, Mr. Chairman and thank you to Madame Secretary and Director Leiter for being here and giving some testimony on a very important subject.

Madame Secretary, while I was reading your testimony and listening to your opening statement, the one thing that I was a little puzzled and it surprised me was the lack of emphasis on the southern border and how we're going to continue to protect the southern border. And the reason that I was a little surprised by that is because the rising escalation of violence between the drug cartels and the Mexican government as they continue to try to tamp down on the various drug cartels that are really ravaging the various areas along our southern border. So the reason I was so -- and that was the reason I was surprised. Was it left out of there just because do you think that we have operational control of the southern border, or was it just not part of this particular testimony?

SEC. NAPOLITANO: Well, thank you, Representative. It was not emphasized in this testimony because I didn't think it was within the scope of this particular hearing.

I will send you the speech I gave in El Paso about a week and a half ago specifically to the southwest border.

And the major point I made there, a major point, was that while we are working with Mexico on the unprecedented level of violence there as the cartels fight for territory, separate, terrible crimes aside and there have been some, but we have not seen systemically that violence come across the border.

And what I've told and been very public about to these cartels is: don't bring that over our border into the United States. We will respond very, very vigorously. And the communities along the border themselves -- you can talk to Mayor Sanders in San Diego or the mayor of El Paso and others, and they will say themselves they are, from a safety standpoint, among the safest in the country. We want to keep it that way.

And then, lastly, you reference operational control. I think you're the third member now, and as I've said before and I'll say it again, that is a very narrow term of art in Border Patrol lingo and doesn't -- and should not be construed as kind of an overall assessment of what's happening at the

border.

REP. QUAYLE: Okay, I understand that. And you mentioned El Paso, you mentioned Yuma, you mentioned San Diego, these are areas where the Border Patrol agents have been actually beefed up and we actually have barriers, and these are the areas that have actually had the expenses put down there. And have we seen the apprehensions? And you have stated in your statement over in El Paso about the apprehensions going down, but do you know how many illegal immigrants have crossed the border, the southern border in the last two years or year?

SEC. NAPOLITANO: Well, it is an estimate. It used to be that the estimate was that we were catching one in three. I think the commissioner would testify if he were here today that that number -- we're catching a much higher percentage and it's a combination of things: of the Congress, what it has invested in this border, the manpower, the technology, the infrastructure.

The area that is my top focus down there is the Tucson sector. We do have some fencing in Nogales, as you know, but we are continuing to basically surge manpower and technology into that sector to shut it down.

REP. QUAYLE: And from that, if you look at what has been happening, where the National Guard troops are going to be taken out starting June through August, is that correct?

SEC. NAPOLITANO: Well, their current term ends in, I believe, June. I don't know that a decision has been made as to whether they will continue or not, and that will be an inter-agency process with the Department of Defense and also the White House involved.

REP. QUAYLE: Now, when we talk about statistics, and statistics can always be skewed a different way, how well do you think that it actually represents what's going on in the southern border when most of the statistics revolve around apprehension and not a really good understanding of what's going on in the rural parts of the border where there's not as much enforcement, and a lot of ranchers and the like are getting inundated from what -- the reports that they give -- with drug smugglers and human smugglers across their property?

SEC. NAPOLITANO: Yeah. I think you're talking about the rural areas of the Tucson sector, and as I said before, that's where we're really flooding resources now to shut some of that down, and we are in constant touch through my office with the sheriffs along the entire border. The sheriffs tend to have the rural areas because they have the areas outside municipalities, and we're working directly with them on where we need to put resources, what they need.

For example, one of the needs they had last year was help paying overtime and we did move overtime money -- Representative Miller's not here, so I think I can say it -- from the northern border down to the southern border, to help cover some of that overtime. So we keep looking for efforts like that, but I can guarantee you, Representative, that this is something that gets daily attention at the department.

REP. QUAYLE: Thank you, Madame Secretary.

REP. KING: The gentleman from Massachusetts is recognized for five minutes.

REPRESENTATIVE WILLIAM R. KEATING (D-MA): Thank you -- (inaudible).

REP. KING: Welcome aboard.

REP. KEATING: Thank you, Secretary Napolitano for being here. I'm a new member but I'm coming from a decade of law enforcement experience, viewing a lot of these issues as a prosecutor. And in fact one of my last cases a few months ago dealt with an issue that really called into very serious question the issues of aviation and transportation security.

It's a situation that everybody needs to -- (off mic) -- Homeland Security to deal with issues and a hundred percent you hit in November for successfully checking everyone that's on the watch list and making sure on inbound U.S. travelers, as well as within the country, that they're checked. But in my case, it wasn't involving a person that had a ticket. It wasn't even involving a person that had a false identification.

What occurred in that case is a young man, a 16-year-old young man, Delvonte Tisdale from North Carolina, had stowed himself into the wheel well of that plane, and it departed from Charlotte and his body was found in Middleton, Massachusetts, when the landing gear of that plane was coming. Despite the tragedy of losing a young man like that, it raised enormous questions about tarmac security.

His video never showed up with investigation, to my knowledge, in the airport, or it didn't even show up near the perimeter as well. So what really I'm concerned about is, what is being done by Homeland Security for safety on the tarmac? It's vital for our aviation security. And what other agencies are you working with in that respect? Because if it wasn't this young man that just stowed himself for his own reasons, if that had been a person with more nefarious motivation, think of what would have happened to that 737 commercial airliner or any of the other airliners that were there at that time.

It really raised enormous concern about aviation safety, and I'd like you to address what's being done on the tarmac as well.

SEC. NAPOLITANO: Well, a couple of things. One is I'm going to ask TSA to respond directly to your question, Representative. The question of who controls what part of the airport -- it's a combination. We work with the local airport authority on the areas and we set standards and requirements for things like the perimeter. They are to carry out those standards and requirements.

Clearly if somebody, a 16-year-old, is able to circumvent those standards and requirements and get into the wheel well of a plane, there has been a breakdown. And so I can't, sitting here, tell you what the after-action analysis was as to how that happened and what corrective action has been taken, but I can share with you that I suspect that that already has occurred and we'll get it to you.

REP. KEATING: I appreciate that. Mr. Leiter, were you aware of this incident at all? And, you know, and really the concern is not just which agency is catching the ball at a certain time. There has to be a seamless way for the agencies to deal with this locally or all the invasive procedures that are there when you're getting a ticket are for naught.

MR. LEITER: Congressman, I was aware but only through the press reports. I remember it took some time to figure out that he was actually stowed away in the plane when the body was first found. What we have been concerned about for quite some time, not just here in the United States but overseas, is the insider threat to aviation.

Those individuals who, even if they're not sneaking in, have credentials either to restricted areas of an airport or work for an airline, understand the watch listing procedures, understand the screening procedures. And I know DHS and NCTC work together with the airline industry to discuss those vulnerabilities, screen individuals and the like, but we'll certainly continue to work with Secretary Napolitano on this case to see whether or not there is a broader perimeter issue.

REP. KEATING: I welcome that information, and I can speak for myself and I think for the members of the committee that this is an area that we'll work with you on because this raised really serious questions, not just in the Boston area but also in the Charlotte area.

SEC. NAPOLITANO: In the Charlotte area, yeah, right.

REP. KEATING: Thank you.

REP. KING: The gentleman's time expired. The gentleman from Virginia, Mr. Rigell, is recognized for five minutes.

REPRESENTATIVE SCOTT RIGELL (R-VA): Thank you, Mr. Chairman. And Secretary Napolitano, thank you for being here, and Director Leiter. Last night the House fell short of the votes necessary to extend certain parts of the Patriot Act. And could you just comment on that, please, the ramifications if those provisions are not extended?

MR. LEITER: Congressman, as I've testified before several years ago when this was up, the Patriot Act remains a very important tool, especially with respect to homegrown extremists. So from my perspective to have the Patriot Act expire on February 28th would be extremely problematic and would reduce our ability to detect terrorists.

REP. RIGELL: Many of my constituents, and I share their view, I have a deep concern about abuse of these powers.

And I'd like to know and my constituents would like to know what specific practical steps are being taken to properly balance this tension that does exist between our freedom and our security. So if you could unpack that a bit, I'd appreciate it.

MR. LEITER: Absolutely, Congressman. And I think it's a more than reasonable concern. They're significant authorities, and there need to be protections. There are three basic provisions

-- the business-records provision, the lone wolf and the roving wiretap.

First of all, I would say that in almost all cases there are very, very similar tools already being used in a criminal context. But in fundamentally all of these provisions, there is a rigorous set of oversight, both within the executive branch but also through the FISA court, the Foreign Intelligence Surveillance Act court.

So in the case of business records, a showing has to be provided to the FISA court of the appropriateness of the order, and they then also can do oversight of those records and the like. So I think this is -- in the words of Ronald Reagan, this is trust and verify. It is trusting we will do it right, but then it is verifying that we are doing it right through independent means such as the FISA court.

REP. RIGELL: And are there examples within the department where you've identified an abuse, where an employee has abused his or her power and you've actually taken action?

MR. LEITER: Congressman, I apologize. I'm not quite the right witness for that. I'd really have to defer to the Department of Justice. I know, in other contexts, NCTC has had situations where, for example, U.S. person information was not protected to the way we protect it to and require. We disciplined those individuals and we submitted those findings back to the Department of Justice, our inspector general and our civil-liberties protection officer.

REP. RIGELL: Director, that's a fair answer.

I have the privilege of representing Virginia's 2nd district, home to a beautiful port, entrance to the Chesapeake Bay. And so port security is a great concern to me. And I noticed that, again, it wasn't really listed in the opening statement as a high-level concern, so please address where on the order of threat assessment does port security come in?

SEC. NAPOLITANO: I'll take that one, Representative.

REP. RIGELL: Thank you.

SEC. NAPOLITANO: Again, it was not in the statement because of the title of the hearing and what we thought the scope of the hearing was. But port security is keenly important for a whole number of reasons. It's -- our ports are where we -- around our ports are where we have a lot of our chemical facilities; the safety of containers bringing cargo into the United States and how they are handled; the ability of the Coast Guard to protect the ports. They serve as the captains of the ports.

So we have major initiatives underway in all of those areas. And in particular, we are working globally on the security of the supply chain, which really, with the International Maritime Organization, because that affects how cargo is actually brought across the seas and into the United States.

REP. RIGELL: Thank you.

I yield back.

REP. KING: The gentleman's time has expired.

I would just add to that that there has been close cooperation between the committee and the department for at least five years now in both administrations on the issue of port security. It's a major, major issue, and it will definitely be addressed throughout the next two years. I can assure you of that. Plus, (I don't have to ?) speak for the secretary, but I know the department takes it very seriously.

The gentlelady from California, Ms. Speier, is recognized for five minutes.

REPRESENTATIVE JACKIE SPEIER (D-CA): Thank you, Mr. Chairman.

Thank you, Madame Secretary and Director Leiter.

You know, I think, at the outset, I would like to say I think you have the toughest jobs around. And it's easy for us to sit here and poke holes, but you always have to be anticipating where the next threat is coming from. And we've got porous borders. We have a system where, if I understand it correctly, the visa waiver program could easily accommodate a terrorist to come to this country. And I realize that we probably have it because we have comity between our countries and the like.

I worry about the lack of exit tracking of visas, and I worry also about cargo surveillance. I had a briefing last week in my district from local mechanics who are concerned about all of the repair work being done offshore now. And they showed me pictures in El Salvador of a repair facility where there was -- you just showed your ID as you came in. There was no tracking. You could have phony ID. No one would know. And you can anticipate that there are lots of holes still out there and that al Qaeda and any number of other terrorists are seeing those same polls.

From your perspective, each of you, what do you think is the biggest hole that we have to close?

SEC. NAPOLITANO: Well, Representative, thank you for your kind words.

I've gotten out of the business of ranking, because it is -- it's fluid. It evolves. It changes based on what the current intel is. It requires us to react to what has occurred and also to be thinking ahead.

With respect to the situation you referenced, El Salvador, one of the things that to me that illustrates is the absolute importance of good intel gathering and sharing, not just within the United States but abroad.

When something as significant as trying to infiltrate a port and get something like a radioactive or biologic weapon inside a cargo container, say, for example, our ability to know ahead of time, to be tipped off, to know what to look for, as what happened in October with the air cargo plane,

absolutely critical.

And so, as we move forward, strengthening and enlarging those intelligence-gathering relationships is also very important.

MR. LEITER: Congresswoman, first of all, also thank you. And I'll say Secretary Napolitano has a harder job than I do.

I'm also loathe to actually give you what our greatest vulnerabilities are, because I know that al Qaeda and other terrorists are listening to what we're saying, and I don't want them to know what I think are our greatest vulnerabilities. I'm happy to talk to you about that in a closed setting.

What I will say is we have to look at both our greatest vulnerability in terms of likelihood and consequences. There are a lot of things that could happen where we have weaknesses, but the consequences of an attack along that angle really might not be that significant. So we have to balance trying to stop the most common attack or the most likely attack with the one that has the greatest consequences.

In that respect, the chairman raised chemical, biological, radiological and nuclear weapons. I don't think that is remotely the most likely avenue of al Qaeda or al Qaeda-inspired terrorists to attack this country, but the consequences of that would be so grave, we have to invest very significant resources to guard against it.

REP. SPEIER: To follow up on the El Salvador issue, should we be requiring American airlines - not American Airlines, but American airlines -- to make sure they have strong kinds of security systems in place when they're doing the work offshore? It appears they do not, and we don't require them to.

SEC. NAPOLITANO: Representative, I (need to ?) know more about the El Salvador situation, but as I testified earlier, we are now requiring 100 percent screening of all inbound high-risk cargo that is on a passenger plane. And those are terms that would -- that require certain levels be met. And we actually do work with the American flag carriers on those, and they are part and parcel of this system, even from international ports.

MR. LEITER: Congresswoman, I'll simply add, if I could, the challenge you identify is unique neither to El Salvador nor to aviation. The counterterrorism effort is truly a global effort, and it's why we spend so much time with our overseas partners on aviation security, port security, intelligence information sharing. We are very reliant on our partners, doing what we think needs to be done to keep the homeland safe.

REP. KING: The time of the gentlelady has expired.

The gentleman from South Carolina, Mr. Duncan, is recognized.

REPRESENTATIVE JEFF DUNCAN (R-SC): Thank you, Mr. Chairman.

And Madame Secretary and Director Leiter, I thank you for being here today.

I wanted to, first off, thank the gentleman from Virginia Tidewater for mentioning the Patriot Act and asking a line of questionings to ensure that our constitutional rights as free Americans aren't trampled.

I consider myself a tea party congressman, and many of my colleagues here in the freshman class feel the same way.

And so, during the course of getting to this office, we were questioned a lot about certain things the United States was doing with regard to patriotic Americans who may label themselves as tea party folks, who peacefully assemble and petition the government for redress of grievances, all the First Amendment rights that we have.

And so I'm concerned, and they're concerned in South Carolina about a report of April, 2009, from your department titled "Right Wing Extremism, Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment." And I understand the House has passed a resolution of inquiry in the last Congress, and this committee held hearings on it. To my knowledge, that document has never been retracted or corrected. And so the question for you today is, does your department consider military veterans or groups dedicated to single issues, patriotic Americans, a threat to homeland security and higher risk to engage in extremist activity?

SEC. JANET NAPOLITANO: I think that's for me, and as I said earlier in this hearing, Representative, that was a report that was begun under the prior administration and issued by mistake by our department before it had been properly edited. Now, to the point, of course, we don't consider patriotic Americans to be terrorism threats. And of course, we work closely with our military.

In my department, we have now, we have had aggressive hiring within military and veterans coming back, and we now have almost 50,000 veterans in my department, not to mention active duty Coast Guard. So, we're heavily military-reliant, dependent and interconnected --

REP. DUNCAN: Thank you for that, by the way.

SEC. NAPOLITANO: There you go. Now, I think a larger point is that as we do our work, we cannot categorize by ethnicity or religion or any of those sorts of things. We have to make decisions based on intelligence, and intelligence sharing and risk about particular individuals. And that's the way that we have directed it be done in our department. That's what is required under the United States Constitution, and while the FBI is not here today, and the Department of Justice is not here, they have very strict standards in that regard.

REP. DUNCAN: What can you do, or what steps have you taken to ensure this type of reporting, as demonstrated, doesn't happen again? Because, in my opinion, we've targeted a group in that report, and we never retracted that. So I just don't want that to happen again.

SEC. NAPOLITANO: Well, that report is no longer available, and Congressman, I would simply say that I've been a secretary for almost two years since then, and you have not seen a similar report come out of the department.

REP. DUNCAN: Thank you very much.

I'll yield back the balance of my time, Mr. Chairman.

REP. KING (R-NY): The gentlelady from California, Ms. Richardson, is recognized for five minutes.

REPRESENTATIVE LAURA RICHARDSON (D-CA): Yes. Thank you so much, Mr. Chairman.

And thank you to our two witnesses who are here today, and always your frankness and efforts to work with this community.

Just a couple of questions that I have. One, there's been much discussion here in the House in terms of reducing budgets back to 2008 levels, and Madame Secretary, I'd like to hear your opinion. If in fact, that were to go into effect, how would that impact your department? And what would you specifically see might need to be cut, since we're not provided any of that direction?

SEC. NAPOLITANO: Well, that is a very difficult question to answer. But this Congress, in a bipartisan way, has been building this department. It put 22-some-odd agencies together. It gave us probably the most varied group of missions of any department, and they touch directly on the safety and security of the American people. They've asked us to protect our ports. They've asked us to protect our borders.

They've asked us to protect our communities against terrorists, whether international or home grown. They've asked us to protect our cyber world. And we have been building to meet those missions. And that's what we do. And so we are going to be, and the president's going to be, I think, very careful in his requests. We are under the same fiscal discipline demands as every other department, and we ought to be.

And there are some places where I think we can eliminate redundancies and save, and we're constantly looking for those. But to simply take a -- (inaudible) -- thing and say we'll go back to 2008 without understanding operational impacts to this kind of work would probably not be what I would advise from a budgetary standpoint.

REP. RICHARDSON: Thank you for that comment, and I think it's very helpful to us all.

My second question is, we have several trade agreements that are on the horizon. Korea is here. Probably soon, Colombia and Panama is coming, and you've heard several questions having to do with the ports. And when we asked the question when you first became secretary about implementing the 9/11 recommendations, one of your responses was, well, in order for us to do that, we'd have to do all these new agreements. How involved have you been with the current

trade agreements that are on the table, if at all? And if you have, do you see the possibility of us implementing some of these 9/11 recommendations with those possible trading partners?

SEC. NAPOLITANO: Representative, I have not personally been involved in negotiating those trade agreements, and we will have to get back to you as to whether individuals of the department may have been. So, I'm just going to have to leave my answer at that for now.

REP. RICHARDSON: Okay. I would say, in particular, Korea is of great concern. It'll -- my understanding is it's coming, and we want to make sure that any future agreements that Mr. Kirk is in line-step with you of what we need to achieve for this committee.

My second question, building upon previous questions of my colleagues -- in this particular committee, we will be having an upcoming hearing about looking at the potential radicalization of Muslims in this country. And as I just heard your response, your department, you don't evaluate based upon race or religion and so on. You're basing your decisions on intelligence.

So if that's the case, what percentage, if you have one, could you say occurs in terms of people, you know, that we're, need to be concerned about? Would you say 50 percent of them? Would you say, 50 percent -- you know, if you could give us kind of a general idea.

MR. LEITER: It is a absolutely tiny percentage of the U.S. Muslim population, and frankly, the global Islamic population are those that we're concerned with at the National Counterterrorism Center. If you look at the numbers, they are significant in terms of the number of attacks we have, but in terms of the broader Muslim community within the United States, it is a minute percentage of that population.

REP. RICHARDSON: Thank you. And with my remaining 49 seconds, I've been doing some work looking at COG and continuity of government. And I think the department has done an amazing job of coordinating various agencies and being prepared.

I think, though, the last ones that are ready happen to be us, elected officials. And so I just wanted to say, Madame Secretary, I plan on working with your folks to really explore how can we better prepare from the local, state and federal levels, as elected officials, when we've got to step forward, when that disaster occurs, that we know who to call, we know where to go, and we know how to be helpful and not a hindrance in the process.

SEC. NAPOLITANO: Thank you.

REP. RICHARDSON: Thank you very much.

Thank you, Mr. Chairman.

REP. KING: The time for the gentelady has expired.

The gentleman from Texas, Mr. Farenthold, is recognized for five minutes.

REPRESENTATIVE BLAKE FARENTHOLD (R-TX): Thank you Mr. Chairman.

And at the risk of redundant, I'm probably the fifth or sixth person here who's going to express some concern over the 44 percent operational control number, and I think you've done an admirable job defining that as a term of art. What I would like to ask is, let's take the word operational out of there and define control as what the average American would say. What percentage control do you think we have of either of our borders now, or both of our borders?

SEC. NAPOLITANO: Well, I think in terms of manpower, technology, infrastructure, we have effective control over the great majority of both borders, particularly at the ports. And then we are using manpower and new technology to help us between the ports. It is a project that is never-ending. We are relentless in it.

We recognize that when you are a country as large as ours with the kind of land borders that we have, that you're never going to seal those borders. That's an unrealistic expectation. But I would say my top priority, in terms of effective control, is the Tucson sector of the southwest border.

REP. FARENTHOLD: And you also mentioned that you didn't feel like some of the violence from Mexico is spilling over into the United States, or crime.

And just as a personal aside, I'd like to take issue with that because I really do believe that what we've got is a very effective distribution network of narcotics that come into this country that I'm very concerned could be exploited by terrorists and used for bringing in the tools of the terrorist trade. The easy availability of drugs in this country I think is an indication that we don't have the level of control that we would all like to hope. And that's --

SEC. NAPOLITANO: Indeed. And one of the things that -- all I will say in open setting is that we have for some time been thinking ahead about what would happen if, say, al-Qaida were to unite with the Zetas -- one of the drug cartels. And I'll just leave it at that.

REP. FARENTHOLD: Okay.

MR. LEITER: Congressman, if I could just add, one of the things we did post-December 2009 attack in looking at other possible avenues is we embedded for the first time several DEA agents and analysts within NCTC to try to make sure the counter-narcotics and counterterrorism information was being shared effectively.

REP. FARENTHOLD: Great.

And then just kind of jumping over to the TSA -- and I realize it's probably outside of the scope of this hearing or something that we might want to take in a more classified environment, but where are we with respect to implementing a trusted traveler program that might mitigate the impact of law abiding Americans of having to undergo these intrusive TSA searches? My 21-year-old daughter had the misfortune of having a false positive display on one of the body scanners just last weekend and was subjected to a search that I think would rise to the level of sexual assault in most states. And a trusted traveler program seems like a way that it would pay

for itself by user fees to alleviate that burden on at least the people who chose to take advantage of it.

SEC. NAPOLITANO: Absolutely. And we are moving as swiftly as we can -- trusted shippers, trusted travelers. We have well over 100,000 Americans signed up for trusted traveler air programs like Global Entry. And I'd be happy to sign your daughter up, by the way. But I think that's the way to go. I mean, we need to have some way to effectively separate passengers and cargo that we need to pay specific attention to from those we don't. We will always have to do some random searches. Unpredictability always has to be a tool in the toolbox, but we need to be working toward a system where we have better ways to tier and focus on who needs to go through what kind of screening, or what needs to go through what kind of screening. And that's what we're working toward, Representative.

REP. FARENTHOLD: Do you think it might be a cost-effective way to use Global Entry also for domestic flights -- use something very similar to that infrastructure and there may be a cost-effective way to implement it?

SEC. NAPOLITANO: Yeah. We're looking at that right now as a possibility.

REP. FARENTHOLD: Thank you.

REP. KING: The gentlelady from Texas, Ms. Jackson Lee.

REPRESENTATIVE SHEILA JACKSON LEE (D-TX): Mr. Chairman, thank you very much. And I'm very grateful for this hearing, and welcome, Secretary and Director Leiter, for what I think is an important discussion.

Let me lay a premise for a series of questions very quickly. The people of Mexico -- many of us who live on the border view them as our friends. But I do believe that there is a war going on, and for us to ignore that -- it is a drug war, it's a violent war, it's human smuggling -- it is a war. When you have two young teenage boys, high school, leave to cross the border for what is perceived as innocent activity at this juncture and wind up dead, this is -- and you can count thousands who have died -- we have a vicious and violent war.

So my first question -- I'm going to ask a series -- is, as we look to the border, is the Homeland Security Department, and of course Customs and Border Patrol -- and Protection -- as the agency, able to decipher the -- and I think our flow of undocumented individuals coming across the border I think has actually gone down -- but the point is -- and I think you might confirm that -- to that kind of war versus individuals who have come to reunite with family members, whether you agree or disagree, that come to work? And has the administration moved away from the concept of comprehensive immigration and border security as being partners in trying to fix the problem for us? That's the first question.

The other question is, to compliment TSA for the progress it has made. I still think, even though I am a proponent of ensuring our rail is safe, and I hope that the administration will look at the legislation we had last year that did not move -- and I'm hoping to work with this majority in this

committee to do it again -- H.R. 2200, which my colleague, Ranking Member Thompson and I and Republican members of this committee joined in on -- aviation still seems to be the most attractive target. In your perspective, are we where we need to be in aviation security? And can you affirmatively tell me that we are not going to go to the battle of 2001, which is to expand privatization of airport security when we are making enormous progress and I think we're being responsible?

We have a new and enriched democracy with diverse persons of many different faiths, and so I'll ask a question that I have heard that has been answered before on dealing with our friends of the Muslim faith. Specifically, Madame Secretary -- and I'll provide you with the letter -- I would like to have an investigation on a Houston imam who was a family person and had had a religious visa approved, and shortly thereafter it was either disapproved -- and that person was deported. We all know that once deported, it is a complicated process, leaving his family destitute, and we can't imagine the circumstances of that. And I think that is very harsh. I will ask the broader question as to how we address the policies of religious visas, and are we going to see the Muslim communities unfairly targeted, because they have a right to their faith as well, so we -- aware that we all must be diligent.

And lastly -- I would be interested in an answer early on this -- is about our cultural competencies and the reach in that department to be diverse and whether or not we have a diverse leadership, which would be under your ship, Director Leiter, you, Madame Secretary, and that includes African-Americans, Hispanics, Asians, Anglos, and of course the faith represented by Muslims.

SEC. NAPOLITANO: Representative, let me take some of those in order and we can respond more fully --

REP. KING: Secretary, if you'd like -- keep your answers about three or four minutes.

SEC. NAPOLITANO: Yeah, I'll try to keep it short. I'm sorry, Mr. Chairman.

REP. JACKSON LEE: Thank you, Mr. Chairman.

SEC. NAPOLITANO: TSA privatization -- the administrator has concluded not to expand privatization for a number of reasons, some of which are security related, some of which are cost related. And he has announced that policy. And as you know, the administrator is the former deputy director of the FBI.

With respect to the Mexican border and the drug war in Mexico, we are highly cognizant of the amount of violence going on in Mexico, the number of deaths associated with that violence, particularly in the northern states of Mexico. We're working very closely with the Calderon administration on that. We have individuals in Mexico themselves working on these issues, but -- and we are being very, very vigilant about that war being brought across our border. And I will say it again to the cartels: Do not bring that war into the United States. But we need to work with Mexico to end the war.

The administration remains committed to immigration reform and looks forward to work that --

REP. JACKSON LEE: That includes comprehensive and border security?

SEC. NAPOLITANO: Indeed.

And then lastly, with respect to the particular case of the religious visa that you referenced, why don't I simply get that from you and respond in writing.

REP. JACKSON LEE: I'd appreciate that.

And just the cultural diversity issue, and including Muslims, at the Department of Homeland Security.

SEC. NAPOLITANO: I'd be happy -- why don't I respond in writing to that?

REP. JACKSON LEE: Mr. Chairman, could I just raise an inquiry to you, please? I would appreciate it if we could have a classified briefing on the border -- on the southern border, particularly as it relates to drug cartels and the intermeshing between issues of terrorism or the porousness that is created and the distinction -- that would be my perspective -- separating out undocumented persons that may be coming for work versus these people.

REP. KING: I will work with our staff to make sure we do that. There's bipartisan interest in that, I concur.

REP. JACKSON LEE: Thank you, Mr. Chairman. Thank you very much.

REP. KING: Time of the gentlelady has expired.

The gentleman from Missouri. You're up next if you want. Okay.

Then I will yield to the -- not yield -- yeah. Yield to the gentleman from Florida, Mr. Bilirakis.

REPRESENTATIVE GUS BILIRAKIS (R-FL): Thank you, Mr. Chairman. I appreciate it.

Madame Secretary, we have previously discussed the importance of visa security -- the visa security program and the need to expand ICE's security units to additional high-risk areas around the world.

I understand that the recent budget guidance at DHS for fiscal year 2012 from the Office of Management and Budget does not propose additional funding for the visa security program and directs ICE to reconsider its deployment of personnel overseas for this purpose. I find this recommendation, of course, very troubling.

The ICE personnel that are deployed overseas to high-risk visa- issuing posts are uniquely qualified to review visa applications and to identify individuals who might be attempting to enter

the United States to do us harm.

Do you agree with the OMB recommendation -- the guidance regarding the visa security program?

SEC. NAPOLITANO: Well, let me -- if I might, Representative -- the president's budget request is not yet out. It will be out on Monday. I believe my first hearing on the budget is next Thursday or -- yes, next Thursday. I think if I might ask your forbearance and respond to budget-related questions at that time.

REP. BILIRAKIS: Okay. But I'd like to keep in touch with you on this issue --

SEC. NAPOLITANO: Duly noted.

REP. BILIRAKIS: It's vital. Thank you.

SEC. NAPOLITANO: Yes, sir.

REP. BILIRAKIS: All right. One more question: As you're aware, terrorists involved in both the 1993 and 2001 World Trade Center attacks entered the United States on student visas, later violating the terms.

I've long been concerned that there are inadequate security controls in the student visa issuance process. I have similar concerns about the process to monitor visa holders' compliance once they enter the United States.

How concerned are you about the fraudulent use of student visas or any visas, for that matter?

MR. LEITER: We look at all types of visas. Congressman, I think you're absolutely right. There is a history with student visas. There's an ongoing interest with student visas, so we have built in some extra protections on student visas both for monitoring and cooperating with the countries that often sponsor those students for additional counterterrorism screening.

REP. BILIRAKIS: I'd like to get with you. I have some recommendations of my own as well.

MR. LEITER: Very happy to do that.

REP. BILIRAKIS: Okay. Thank you very much.

REP. KING: The gentleman from Louisiana, Mr. Richmond, is recognized.

REPRESENTATIVE CEDRIC RICHMOND (D-LA): Thank you, Mr. Chairman.

We heard several points about our port security. And as we talk about trade deals -- I guess my question to you, Madame Secretary, is that -- is there a way to evaluate or to inform us of, for example, South Korea and their port security? Because our security is based on how well they do

their job over there. So as these trade agreements come up and as they're negotiated, I think it's very important for people like my district, which has the port of New Orleans and all the trade down there, is there a way for us to get some information on that?

SEC. NAPOLITANO: Congressman, yes. And we will respond to you in writing on that. I know one of our six international locations for our maritime cargo scanning technology was in Busan in the Republic of Korea. So we will get some information to you.

REP. RICHMOND: Second, watching what happened down in Louisiana with the BP Horizon incident, how safe are our rigs? And you know, give me an assessment on, for example, our loop, which supplies a lot of oil and stuff for the rest of the country. So looking at how long it would take to get it back up or to potentially stop the flow of oil, how safe are our drilling rigs that are off of the coast of all of our Gulf states?

SEC. NAPOLITANO: Congressman, I have been on the loop and met with those individuals. And there are extensive security precautions that are taken around that area. So there are no guarantees in this business -- I think the director and I would both agree on that -- but do I think they're taking all reasonable security precautions? I feel that they are.

REP. RICHMOND: Thank you, Mr. Acting Chairman. Now I'll yield back the remainder of my time.

REP. BILIRAKIS (?): Thank you, thank you.

Congressman Davis.

REPRESENTATIVE DANNY DAVIS (D-IL): Thank you --

REP. BILIRAKIS (?): You're recognized.

REP. DAVIS: Thank you very much, Mr. Chairman.

Madame Secretary and Mr. Leiter, thank you both very much for being here and for your patience.

As a new member of this committee, let me just ask if you would quickly help me sharpen my understanding of what we define and designate as being terrorism or acts of terror.

MR. LEITER: Congressman, there are numerous definitions within federal law about what terrorism is. The National Counter Terrorism Center uses one of those, which is premeditated, politically motivated violence by a non-state actor. So the key piece there -- really the key piece it usually comes down to is politically motivated violence.

REP. DAVIS: Madame Secretary, I'm very interested and very concerned about the impact of illegal narcotics on life in our country and indeed, throughout the world.

We know that Afghanistan supplies about 90 percent of the opium trade. And there's also questions about its relationship to funding the Taliban and its relationship with al-Qaida.

Could you tell me what our goals are there from a DHS vantage point? I mean, what are we attempting to do in that region?

SEC. NAPOLITANO: Well, Congressman, I think a better person to address that question to would be the secretary of Defense. But what our goal is at DHS, working with the government of Afghanistan -- I was just there between Christmas and New Year's -- is to assist them in building their civilian capacity to have control of their own borders, particularly their ports of entry, and to be able to have the infrastructure, the technology and the trained, embedded units necessary to do that.

MR. LEITER: Congressman --

REP. DAVIS: Do -- yes?

MR. LEITER: I'm sorry. If I could just add -- as you know, the Drug Enforcement Agency has a significant presence in Afghanistan and works. And part of this is important from a terrorism perspective, because as you say, some of those funds do go to support the Taliban and could effectively go to al-Qaida, if they're not already. And I think it's an important piece to note, because it simply highlights the moral depravity on this front too and really, the hypocrisy of the organization -- al-Qaida and the Taliban -- of pursuing what they are viewing is a vision of Islam, while still maintaining and shipping heroin and/or opium overseas.

REP. DAVIS: Because I come from Chicago, which is considered to be by many -- and certainly those of us who are there -- the transportation capital of the world. And we place a great deal of focus on emphasis on airline security, airline safety. But I also have some concern about what we're doing in relationship to trucks; transports; busses, the large numbers of people who make use of them; and of course, rail. Could you elaborate a bit on what we're doing in those areas to make sure that there is security and safety?

SEC. NAPOLITANO: Indeed, Congressman. And we have a whole surface transportation program and strategy that we will make available to you.

Now, it's a little bit different, because so much of it's controlled locally -- bus systems, subway systems and the like. I think Chicago is fortunate, because they have built now some extensive security -- at least within the municipal limits that come into a hub area so there could be some effective monitoring of surface transportation.

But we have added so-called VIPER teams, which are intermodal transportation security teams, dogs, explosives trace detection equipment in the surface transportation environment. We've made grants and grant guidance available to localities for things of this nature as well.

REP. DAVIS: Well, let me just thank you very much. And let me again, as other members have done, commend you for what I think is the outstanding work that you do. And I certainly look

forward to working more closely with both of you.

SEC. NAPOLITANO: Thank you, sir.

REP. DAVIS: I thank you, Mr. Chairman. And I yield back the balance of my time.

REP. BILIRAKIS: Thank you, sir.

It doesn't appear that anyone else is here.

So I thank the witnesses. Thanks for the extra time, for your valuable testimony, and the members, of course, for their questions.

The members of the committee may have some additional questions for the witnesses and we will ask you respond to these questions in writing, please.

The hearing record will be held open for 10 days.

Without objection, the committee stands adjourned. Thank you.

END.