

**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR FISCAL YEAR 2011**

---

---

**HEARINGS**  
BEFORE A  
SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

ON

**S. 3607**

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOME-  
LAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011,  
AND FOR OTHER PURPOSES

---

**Department of Homeland Security  
Nondepartmental witnesses**

---

Printed for the use of the Committee on Appropriations



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

---

U.S. GOVERNMENT PRINTING OFFICE

54-971 PDF

WASHINGTON : 2011

---

For sale by the Superintendent of Documents, U.S. Government Printing Office,  
<http://bookstore.gpo.gov>. For more information, contact the GPO Customer Contact Center,  
U.S. Government Printing Office. Phone 202-512-1800, or 866-512-1800 (toll-free). E-mail, [gpo@custhelp.com](mailto:gpo@custhelp.com).

COMMITTEE ON APPROPRIATIONS

DANIEL K. INOUE, Hawaii, *Chairman*

ROBERT C. BYRD, West Virginia	THAD COCHRAN, Mississippi
PATRICK J. LEAHY, Vermont	CHRISTOPHER S. BOND, Missouri
TOM HARKIN, Iowa	MITCH McCONNELL, Kentucky
BARBARA A. MIKULSKI, Maryland	RICHARD C. SHELBY, Alabama
HERB KOHL, Wisconsin	JUDD GREGG, New Hampshire
PATTY MURRAY, Washington	ROBERT F. BENNETT, Utah
BYRON L. DORGAN, North Dakota	KAY BAILEY HUTCHISON, Texas
DIANNE FEINSTEIN, California	SAM BROWNBACK, Kansas
RICHARD J. DURBIN, Illinois	LAMAR ALEXANDER, Tennessee
TIM JOHNSON, South Dakota	SUSAN COLLINS, Maine
MARY L. LANDRIEU, Louisiana	GEORGE V. VOINOVICH, Ohio
JACK REED, Rhode Island	LISA MURKOWSKI, Alaska
FRANK R. LAUTENBERG, New Jersey	
BEN NELSON, Nebraska	
MARK PRYOR, Arkansas	
JON TESTER, Montana	
ARLEN SPECTER, Pennsylvania	

CHARLES J. HOUY, *Staff Director*

BRUCE EVANS, *Minority Staff Director*

---

SUBCOMMITTEE ON THE DEPARTMENT OF HOMELAND SECURITY

ROBERT C. BYRD, West Virginia, *Chairman*

DANIEL K. INOUE, Hawaii	GEORGE V. VOINOVICH, Ohio
PATRICK J. LEAHY, Vermont	THAD COCHRAN, Mississippi
BARBARA A. MIKULSKI, Maryland	JUDD GREGG, New Hampshire
PATTY MURRAY, Washington	RICHARD C. SHELBY, Alabama
MARY L. LANDRIEU, Louisiana	SAM BROWNBACK, Kansas
FRANK R. LAUTENBERG, New Jersey	LISA MURKOWSKI, Alaska
JON TESTER, Montana	
ARLEN SPECTER, Pennsylvania	

*Professional Staff*

CHARLES KIEFFER

CHIP WALGREN

SCOTT NANCE

DRENAN E. DUDLEY

CHRISTA THOMPSON

SUZANNE BENTZEL

REBECCA DAVIES (*Minority*)

CAROL CRIBBS (*Minority*)

*Administrative Support*

KATIE BATTE (*Minority*)

# CONTENTS

WEDNESDAY, FEBRUARY 24, 2010

Department of Homeland Security .....	Page 1
---------------------------------------	-----------

TUESDAY, APRIL 13, 2010

Department of Homeland Security: U.S. Coast Guard .....	133
Nondepartmental Witnesses .....	167



**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR FISCAL YEAR 2011**

---

**WEDNESDAY, FEBRUARY 24, 2010**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Robert C. Byrd (chairman) presiding.

Present: Senators Byrd, Leahy, Murray, Landrieu, Voinovich, Cochran, Brownback, and Murkowski.

**DEPARTMENT OF HOMELAND SECURITY**

**STATEMENT OF HON. JANET NAPOLITANO, SECRETARY**

**OPENING STATEMENT OF SENATOR ROBERT C. BYRD**

Senator BYRD. Good afternoon. The subcommittee will be in order.

Secretary Napolitano, you lead a Department of 219,000 men and women who are on the front line every day protecting our citizens. We commend those employees for their service.

We welcome you to the subcommittee today.

I also welcome Senator George Voinovich, our ranking member. I look forward to working with all of our subcommittee members this year.

Secretary Napolitano, I thank you for your service to the Nation. You took on a Department with many challenges. We share the common goal of working to secure the homeland while striving to protect the rights and the liberties that our Founding Fathers set forth in the Constitution.

Recently you submitted to the Congress the first quadrennial homeland security review, A Strategic Framework for a Secure Homeland, and the review lays out a thoughtful strategy that details five core missions for the Department. I am pleased to say that these five missions are very similar to the missions that the committee approved last year.

Now, it is our responsibility to align those missions with the resources necessary to accomplish those missions.

Quoting from the Strategic Framework—and I quote—“We have learned as a Nation that we must maintain a constant, capable, and vigilant posture to protect ourselves against new threats and evolving hazards.”

As I review the details of the President’s budget, I find significant gaps between the mission assignments stated in the Strategic

Framework and the resources requested in the President's budget. The budget includes a modest increase of 2.6 percent for the Department with most of the increase provided to the Transportation Security Administration in response to the December 25 attempted attack on Northwest Airlines Flight 253. While the proposed increases for checkpoint explosives technology and additional Federal Air Marshals may be appropriate, it is an example of responding to the latest threat rather than anticipating future threats.

The fiscal year 2011 budget does not request the resources necessary to allow the Department to be nimble. You remember—the old poem, Jack Be Nimble and Jack Be Quick?—to be nimble in responding to known vulnerabilities as well as to future threats.

The President proposes to reduce funding critical to maintaining the ability of the Coast Guard to secure our ports, interdict illegal migrants and illegal drugs, and to save lives. To save lives.

The budget proposes to reduce the number of Border Patrol agents and reduce our ability to secure containers shipped from overseas.

The budget proposes status quo funding—status quo funding—for programs that address known vulnerabilities such as cyber security, bioterrorism, port security, and transit security.

Last year, with your leadership, the President requested significant resources—significant resources—for homeland security. I was pleased the Congress sent to him a bipartisan bill that the President signed in October. And I look forward to working with you again this year. I hope that we will have your support in identifying ways to improve upon the fiscal year 2011 budget so that necessary resources are available to meet the mission requirements established in your Strategic Framework.

Finally, I appreciate the Department's efforts through FEMA to help my State as West Virginians dig out from the tremendous amount of snow that fell this year. I support Governor Joe Manchin's request for Federal assistance in response to the December snowstorm, and I look forward to working with you to ensure that the February storms that packed a one-two punch are handled appropriately.

Following Senator Voinovich's opening remarks, we will hear from Secretary Napolitano. After we hear from the Secretary, each member will be recognized by seniority for up to 7 minutes for remarks and questions. Now, I recognize Senator Voinovich for any opening remarks that he may wish to make.

#### STATEMENT OF SENATOR GEORGE V. VOINOVICH

Senator VOINOVICH. Thank you, Chairman Byrd. I am pleased to join you today in welcoming our witness, the Secretary of Homeland Security, Janet Napolitano.

I appreciate your being here today, Madam Secretary, to provide your insights on the Department's priorities as we begin the fiscal year 2011 appropriations process. I enjoyed our recent meeting, and I look forward to a continuing dialogue on improving the management of the Department of Homeland Security. These last few months have presented a number of challenges for you and all of your Department's employees.

For fiscal year 2011, the President's total discretionary request for the Department is \$43.6 billion. This is a 3 percent increase from the fiscal year 2010 level. To put this in a different context, this is a \$13.5 billion, or a 45 percent, increase from the first appropriations act that funded the Department in fiscal year 2004. A 45 percent increase in 8 years. We are quickly approaching the time when we will have doubled the resources of your Department.

Increased security requirements as a result of 9/11, including land, border, cargo, transportation, and maritime security, have led to Federal spending without offsets or revenue increases to pay for it. In other words, during this last period of time, we have increased the budget 45 percent, but we have not asked the American people to come up with any more money to pay for it, on top of everything else that many of those agencies that formed the Department did—I think it was 22 of them. Given all the new requirements brought about by 9/11, in my opinion, I think we should have asked the American people to help pay for it.

The Congressional Budget Office projects that if current laws and policies remain unchanged, the Federal budget would show a deficit of about \$1.3 trillion for fiscal year 2010, with projected deficits averaging about \$600 billion per year over the next 10 years. Now, this is not sustainable. If we are not careful, we will not have any money for anything.

These continuing deficits will push the debt to increasingly higher levels. It is interesting that foreign creditors now own roughly half of our debt, China being lead among them.

Proverbs teaches, chapter 22, verse 7: "The rich rules over the poor, And the borrower is the servant to the lender." I am very concerned about it.

So, Secretary Napolitano, given all our debt, do we really need to make some of the investments your budget calls for? The budget request reflects a response to events of the last few months, but it is not clear to me that all these investments are wise ones. Why is it a budget priority to invest almost \$500 million in new machines and personnel at the TSA just because the Christmas Day bomber boarded a plane in Amsterdam? What is really wrong with the current system? The folks in Cleveland did not believe the new machine piloted added to their ability. They piloted it and they sent it back. Where is the cost-benefit analysis of that decision?

Why are you not applying the same logic to transportation security that you applied to biometric air exit, for which no funding is requested? You have made a case to me that it would not be cost effective to implement a biometric air exit system. If this is the situation, why do you not recommend the repeal of the statutory requirement for it and make the case that you can provide this capability through less costly means? In other words, it is a requirement, and if you cannot justify it from a cost-benefit standpoint, then get rid of it, get rid of the statutory requirement and tell us how you are able to do it without spending the money provided for it.

Another area I question is the connection of the grants we are funding to our national security. One of my concerns, when we set up the Department, was that such funding would become a revenue sharing operation that, in some instances, would have nothing to

do with homeland security. And I have to tell you, like every other Member of the Senate, I just love those news releases going out to my State that I am buying a fire engine or I am buying this and I am buying that, but I got to ask, what has this got to do with our national security?

Now, we did have that program before 9/11, but it has really increased substantially, and we are funding—and I am a former mayor and I am a former Governor—but, we are really funding a lot of stuff that, frankly, I think is the responsibility of State and local government, although they are in a tough spot right now.

After investing over \$28 billion in grants to improve the preparedness and response capabilities of State and local governments, we have no reliable measures to show that this investment has improved the Nation's preparedness. I would like to know where we are investing this money and how is it helping to take care of our Nation's preparedness. And what are you doing to examine if some programs are working, making a difference, and what portion of grants can be categorized as revenue sharing under the guise of national security?

It is important to note that the fiscal year 2011 budget does not propose, as 2010 did, adequate resources to pay for border initiatives funded in previous fiscal years, as the chairman has pointed out. In fact, the budget proposal is to step back from the administration request of only a year ago, intended to strengthen border security, eliminating the funding in fiscal year 2011, for example, of the 120 additional personnel requested by CPB air and marine operations.

Obviously, you would have not recommended this unless you were satisfied the Department can get the job done with this level of resources. And you can be assured that if you do not make good on this case, this money will be added back, quite possibly at the expense of your other priorities. And I would ask why increase the grant funding pot at the same time the budget that is in front of us cuts the Border Patrol. What is the rationale for both of those?

Although I understand you may be reevaluating your priorities. This morning the Department unofficially let us know that you are revising the budget request to include full funding for 20,163 Border Patrol agents in fiscal year 2011. I am most interested to hear what program you will be proposing to reduce by \$15.5 million in order to do that.

On a more positive note, I have long been interested in improving the efficiency and effectiveness of the Federal Government during my time in the Senate. In my role on the Homeland Security and Governmental Affairs Committee, I have worked toward reforming how the Federal Government manages its most valuable resource, its people. And, I am pleased to see you are asking for more money to improve hiring and to strengthen the acquisition workforce at the Department.

In addition to hearing about your budget initiatives for the next fiscal year, I hope to hear your thoughts on the issues I have raised.

Mr. Chairman, thank you very much.  
Senator BYRD. Thank you, Senator.  
Secretary Napolitano?



## SUMMARY STATEMENT OF JANET NAPOLITANO

Secretary NAPOLITANO. Mr. Chairman, Senator Voinovich, members of the subcommittee, thank you for the opportunity to discuss President Obama's 2011 budget for the Department of Homeland Security. I want to thank the subcommittee for the support you have shown the Department in my year here and for the opportunity to work with you on particular issues as we have moved through the past fiscal year.

President Obama's budget for the Department of Homeland Security focuses resources where they can be put to the most effective and efficient use. As you noted, Chairman Byrd, the request for fiscal year 2011 is an increase over the prior year's funding, and while we are focused at all times on protecting the American people, we are also committed to exercising strong fiscal discipline, making sure we are investing the resources in what works, cutting down on redundancy, eliminating ineffective programs, and making improvements across the board.

I think it is important to note that while this budget will not go into effect until October 1, the events of the past months underscore the importance of the investments to our mission and to our ongoing activities. The attempted attack on Flight 253 on Christmas was a powerful illustration that terrorists will go to great lengths to try to defeat security measures we have put in place since September 11, 2001. We are determined to disrupt and thwart those plans and to dismantle and defeat terrorist networks by employing multiple layers of defense that work in concert with one another to secure the country. This effort involves not just the Department of Homeland Security but, indeed, many other Federal agencies with responsibilities for the Nation.

As President Obama has also made clear, the administration is determined to find and to fix vulnerabilities in our systems that allowed the breach on Christmas Day to occur, and the President's budget prioritizes security enhancements in order to do so.

I would also just pause for a moment there to say that the equipment being purchased in this budget, Senator Voinovich, Chairman Byrd, was already designed to be purchased. What we have proposed in this budget is accelerating the purchase and the installation of AIT, and I look forward to discussing that with you.

As Chairman Byrd noted, the President's budget is focused on the five major mission areas determined by our quadrennial homeland review to be the focus of our Department: preventing terrorism and enhancing security; securing and managing the borders; smart and effective enforcement of the immigration laws; safeguarding and securing cyberspace. The first I think any quadrennial review has singled out cyberspace; and ensuring resiliency to disasters. My written statement goes into more detail on each of these.

I have already mentioned to prevent terrorism and enhance security, the President's budget request enhances the multiple layers of aviation security. In addition to the machines, we are also looking to continue deployment of personnel, increases for the Federal Air Marshals Service, as well as more explosive detection teams,

trained K–9 teams, and behavior detection officers at the domestic airports.

To secure and manage our borders, the President’s budget request strengthens initiatives that have resulted in concrete border security successes this past year. For example, it includes monies to expand the Border Enforcement Security Task Force, known as the BEST teams, a multi-agency model that has helped increase our seizures of contraband in every major category last year. Using an intelligence-based approach to going after the drug cartels, we are able to achieve more successes than in any year in history. And to do that and to make that approach intelligence-driven, the budget provides monies for more intelligence analysts.

We also have within the budget the money to sustain Border Patrol efforts at the border at the levels previously stated. If I might just pause here, I cannot say it enough today, but we do not anticipate any reduction in Border Patrol staff in this budget and certainly no reduction at either the northern or the southern border.

I would also like to pause a moment on the issue of Mexico because while we are dealing daily with terrorists who seek to injure us from abroad, there is a situation just south of our border that requires attention. The President of the United States has joined with the President of Mexico to combat the drug cartels. This is an ideal and golden opportunity for us to do so, and it is an urgent time to do so. The city of Juarez, which is just over the bridge from El Paso, the State of Chihuahua, which is the state in which Juarez is located, is essentially lacking the entire rule of law at this point in time. We are, therefore, supporting efforts and working across the Government to work with Mexico to achieve greater security border-wide in relation to the cartels.

In response to our mission area to enforce the immigration laws, we bolster critical initiatives. E-Verify, which is the program necessary to ensure that businesses provide a legal workforce—those monies will help us with broad detection capabilities, as well as the continued registration of more and more employers.

In addition, the budget includes more money for secure communities, which is the program where we insert into local jails or State prisons the ability to identify criminal aliens who are already incarcerated so that they may be removed from the country.

To safeguard and secure cyberspace, the President’s budget includes a total funding of \$379 million for the National Cyber Security Division to identify and reduce vulnerabilities in our Nation’s key cyber networks. As I mentioned before, we have already delineated this as one of our top five mission areas, and in addition to the monies that are in the President’s budget, we have also requested and received the authority to do direct hiring of up to 1,000 cyber security experts over the next 3 years.

To ensure resilience to disasters, the President’s budget request includes an increase for the Disaster Relief Fund. It also includes \$100 million in pre-disaster mitigation grants to support the efforts of State, local, and tribal governments to reduce the risks associated with disasters.

And finally, as I think this subcommittee can appreciate, the Department of Homeland Security—in some respects, I liken it to building the plane while we are flying it, it is a Department that

is still being pulled together out of the 20-some-odd agencies that were put under the DHS umbrella. This requires budget investment. It requires budget investment in a consolidated headquarters. I thank the Congress very much for putting part of that headquarters money in the ARRA, in the Recovery Act. This is the headquarters that will be located at St. Elizabeths.

But in addition to that, we want to consolidate leases. We are now spread in almost four dozen locales around the District. We want to consolidate to fewer than 10. That will save money in the long run. It will make it easier to manage in the long run. It requires some investment now. Those are just a few of the examples, some of the items that get lumped as management, but really are essential to building the bones of this organization so it can sustain the muscle around it.

We are moving full speed ahead with our efficiency review initiative that I outlined for you last year, and we have identified millions in cost reductions and cost avoidances and institutionalized a new culture of efficiency at the Department.

In all of the initiatives I have outlined today with you, we are dedicated to making sure not only that we protect the American people but that we get the most out of our security dollars.

#### PREPARED STATEMENT

I am happy, Mr. Chairman, to answer questions and to provide other information with the subcommittee this afternoon.

[The statement follows:]

#### PREPARED STATEMENT OF JANET NAPOLITANO

Mr. Chairman, Senator Voinovich, and members of the subcommittee: Let me begin by saying thank you for the strong support you have provided me and the Department this past year. I look forward to another year working with you to make certain that we have the right resources to protect the homeland and the American people and that we make the most effective and efficient use of those resources.

I am pleased to appear before the subcommittee today to present President Obama's fiscal year 2011 budget request for the Department of Homeland Security (DHS).

As you know, the attempted attack on Northwest Flight 253 on December 25 was a powerful illustration that terrorists will go to great lengths to try to defeat the security measures that have been put in place since September 11, 2001. This administration is determined to thwart those plans and disrupt, dismantle and defeat terrorist networks by employing multiple layers of defense that work in concert with one another to secure our country. This effort involves not just DHS, but also many other Federal agencies as well as State, local, tribal, territorial, private sector and international partners. As President Obama has made clear, this administration is determined to find and fix the vulnerabilities in our systems that allowed this breach to occur—and the fiscal year 2011 budget request prioritizes these security enhancements.

The Department is also working hand-in-hand with our Federal partners to respond to the devastation and loss of life in Haiti following the January 12 earthquake. Collaboration within DHS among our many components has allowed us to leverage unprecedented resources and personnel to assist with the humanitarian efforts in Haiti, once again demonstrating what these offices can accomplish together. The fiscal year 2011 budget request strengthens the ongoing work in each of our Department's offices to fulfill our unified mission.

I will now summarize the fiscal year 2011 budget request along with some of our key accomplishments from last year.

#### FISCAL YEAR 2011 BUDGET REQUEST

The fiscal year 2011 DHS budget will strengthen efforts that are critical to the Nation's security, bolster the Department's ability to combat terrorism and respond

to emergencies and potential threats, and allow DHS to tackle its responsibilities to protect the Nation and keep Americans safe.

DHS executes a wide array of responsibilities in its unified security mission. To bolster these efforts, DHS collaborates and coordinates with many partners—State, local and tribal governments and law enforcement agencies, international allies, the private sector and other Federal departments. These partnerships are essential to DHS' ability to fulfill its security mission.

The fiscal year 2011 budget continues efforts to use our resources as efficiently and effectively as possible. We must exercise strong fiscal discipline, making sure that we are investing our resources in what works, cutting down on redundancy, eliminating ineffective programs and making improvements across the board.

To institutionalize a culture of efficiency across the Department, DHS launched the Department-wide Efficiency Review Initiative in March 2009. One major element of the Efficiency Review is the Balanced Workforce Strategy, a three-pronged approach to ensuring that the right workforce balance is achieved. First, we are taking steps to ensure that no inherently governmental functions are performed by contractors. Second, we put in place rigorous review procedures to ensure that future activities do not increase our reliance on contractors. Third, we are coordinating workforce assessments across the Department to seek economies and service improvements and reduce our reliance on contractors. In fiscal year 2011, the Department will continue executing the Balanced Workforce Strategy by converting contractor positions to Federal jobs.

DHS secures the United States against all threats through five main missions, each of which is strengthened by this budget:

- Preventing Terrorism and Enhancing Security.*—Guarding against terrorism was the founding mission of DHS and remains our top priority today. A key element of preventing terrorism is recognizing the evolving threats posed by violent extremists and taking action to ensure our defenses continue to evolve to deter and defeat them.
- Securing and Managing Our Borders.*—DHS monitors our air, land and sea borders to prevent illegal trafficking that threatens our country, while facilitating lawful travel and trade. We will continue to strengthen security efforts on the Southwest border to combat and disrupt cartel violence and provide critical security upgrades—through infrastructure and technology—along the northern border.
- Enforcing and Administering Our Immigration Laws.*—DHS is responsible for enforcing the Nation's immigration laws while streamlining and facilitating the legal immigration process. In fiscal year 2011, we will continue to strengthen enforcement activities while targeting criminal aliens who pose a threat to public safety and employers who knowingly violate the law.
- Safeguarding and Securing Cyberspace.*—The Department defends against and responds to attacks on the cyber networks through which Americans communicate with each other, conduct business and manage infrastructure. DHS analyzes and reduces cyber threats and vulnerabilities, distributes threat warnings, coordinates the response to cyber incidents and works with the private sector and our State, local, international, and private sector partners to ensure that our computers, networks and cyber systems remain safe.
- Ensuring Resilience to Disasters.*—The Department provides the coordinated, comprehensive Federal response in the event of a terrorist attack, natural disaster or other large-scale emergencies while working with Federal, State, local, and private sector partners to ensure a swift and effective recovery effort. DHS will continue its increased efforts to build a ready and resilient nation by bolstering information sharing, providing grants and training to our homeland security and law enforcement partners and further streamlining rebuilding and recovery along the Gulf Coast.

Ensuring shared awareness of risks and threats, increasing resilience in communities and enhancing the use of science and technology underpin these national efforts to prevent terrorism, secure and manage our borders, enforce and administer our immigration laws, safeguard and secure cyberspace and ensure resilience to disasters.

The total fiscal year 2011 budget request for DHS is \$56.3 billion in total funding; a 2 percent increase over the fiscal year 2010 enacted level. The Department's fiscal year 2011 gross discretionary budget request<sup>1</sup> is \$47.1 billion, an increase of 2 percent over the fiscal year 2010 enacted level. The Department's fiscal year 2011 net

<sup>1</sup> Gross Discretionary funding does not include funding such as Coast Guard's retirement pay account and fees paid for immigration benefits.

discretionary budget request is \$43.6 billion,<sup>2</sup> an increase of 3 percent over the fiscal year 2010 enacted level. For purposes of comparison the Overseas Contingency Operation funding and transfer from the National Science Foundation are not included in the fiscal year 2010 enacted level.

The following are highlights of the fiscal year 2011 budget request:

*Preventing Terrorism and Enhancing Security*

*Advanced Imaging Technology (AIT).*—An increase of \$214.7 million is requested to procure and install 500 advanced imaging technology machines at airport checkpoints to detect dangerous materials, including non-metallic materials. This request, combined with units the Transportation Security Administration (TSA) plans to install in 2010, will mean a total of 1,000 AIT scanners are providing AIT coverage at 75 percent of Category X airports and 60 percent of the total lanes at Category X through II airports.

*Transportation Security Officers (TSOs) to Staff AITs.*—An increase of \$218.9 million is requested for additional Transportation Security Officers (TSOs), managers and associated support costs to operate additional AITs at airport checkpoints. Passenger screening is critical to detecting and preventing individuals carrying dangerous or deadly objects and materials from boarding planes.

*Federal Air Marshals (FAMs).*—An increase of \$85 million is requested for additional FAMs to increase international flight coverage. FAMs help detect, deter and defeat terrorist and other criminal hostile acts targeting U.S. air carriers, airports, passengers and crew.

*Portable Explosive Trace Detection (ETD).*—An increase of \$60 million is requested to purchase approximately 800 portable ETD machines (\$39 million) and associated checkpoint consumables (\$21 million).

*Canine Teams.*—An increase of \$71 million and 523 positions (262 Full-Time Equivalents, or FTE) is requested to fund an additional 275 proprietary explosives detection canine teams, 112 teams at 28 Category X airports and 163 teams at 56 Category I airports.

*Behavior Detection Officers (BDOs).*—An increase of \$20 million and 350 BDOs (210 FTE) is requested to further enhance TSA's Screening Passengers by Observation Techniques program. The fiscal year 2011 request includes a total of 3,350 officers to enhance coverage at lanes and shifts at high risk Category X and I airports and expand coverage to smaller airports.

*Domestic Nuclear Detection Office Systems Engineering and Architecture.*—An increase of \$13.4 million is requested to fund systems engineering efforts to address vulnerabilities in the Global Nuclear Detection Architecture, the multi-layered system of detection technologies, programs and guidelines designed to enhance the Nation's ability to detect and prevent a radiological or nuclear attack.

*Radiological/Nuclear Detection Systems.*—An increase of \$41 million is requested for the procurement and deployment of radiological and nuclear detection systems and equipment to support efforts across the Department.

*Law Enforcement Detachment Teams.*—An increase of \$3.6 million is requested to bring deployable U.S. Coast Guard Law Enforcement Detachment (LEDET) teams to full capacity. LEDETs help prevent terrorism, secure U.S. borders, disrupt criminal organizations and support counter drug missions overseas. In fiscal year 2009, for example, LEDETs aboard U.S. naval and partner nation assets accounted for more than 50 percent of total maritime cocaine removals.

*2012 Presidential Campaign.*—Total funding of \$14 million is requested for start-up costs associated with the 2012 Presidential Campaign including training for candidate/nominee protective detail personnel. The Secret Service will also begin to procure and pre-position equipment, services and supplies to support candidate/nominee protective operations throughout the country.

*Secret Service Information Technology.*—Total funding of \$36 million is requested for the Information Integration and Transformation program. This funding will allow the Secret Service to successfully continue its comprehensive Information Technology (IT) transformation and provide a multi-year, mission-integrated program to engineer a modernized, agile and strengthened IT infrastructure to support all aspects of the Secret Service's mission.

*Securing and Managing Our Borders*

*Journeyman Pay Increase.*—In the spring of 2010, DHS will implement the journeyman pay increase, raising the journeyman grade level for frontline Customs and

<sup>2</sup>This does not include fee collections such as funding for the Federal Protective Service (NPPD), aviation security passenger and carrier fees (TSA), credentialing fees (such as TWIC-TSA), and administrative costs of the National Flood Insurance Fund (FEMA).

Border Protection (CBP) Officers (including Border Patrol agents and Agricultural Specialists) from GS-11 level to the GS-12 level. An adjustment to the base of \$310.4 million will fund the full-year impact of the salary and benefit requirements associated with this implementation.

*CBP Officers.*—An increase of \$44.8 million is requested to fund 318 CBP Officer FTEs within the Office of Field Operations and 71 support FTEs for CBP. The decline in the number of passengers and conveyances entering the United States in fiscal year 2009 resulted in an almost 8 percent decrease in revenues from inspection user fees. CBP, therefore, has fewer resources to maintain critical staffing levels for CBP officers. The proposed funding will allow CBP to maintain staffing for critical positions to protect the United States at its ports of entry.

*Border Enforcement Security Task Forces (BESTs).*—An additional \$10 million is requested to establish BESTs in three additional locations; Massena, NY; San Francisco, CA; and Honolulu, HI. These multi-agency teams work to identify, disrupt and dismantle criminal organizations posing significant threats to border security, including terrorist groups, gang members, and criminal aliens.

*Intellectual Property Rights (IPR) Enforcement.*—An increase of \$30 million is requested to support CBP and ICE IPR enforcement efforts. This includes information technology systems that support IPR activities and implementation of the 5-year IPR Plan. An increase of \$5 million is also requested for the Immigration and Customs Enforcement (ICE)-led National Intellectual Property Rights Coordination Center (IPR Center). The IPR Center brings key U.S. Government agencies together to combat IPR violations that threaten our economic stability, restrict the competitiveness of U.S. industry and endanger the public's health and safety. ICE will also use these funds to focus on disrupting criminal organizations through the Internet and support for anti-counterfeiting efforts.

*Intelligence Analysts.*—An increase of \$10 million is requested to fund 103 Intelligence Analysts for CBP. This staffing increase will support 24/7 operations of CBP Intelligence Watch, Operations Coordination and the Commissioner's Situation Room.

*Coast Guard Asset Recapitalization.*—A total of \$1.4 billion is requested to continue recapitalization of aging Coast Guard surface and air assets. Included in this request is \$538 million for production of the Coast Guard's fifth National Security Cutter to continue replacement of the 378-foot High Endurance Cutters fleet. Also included is \$240 million for production of four Fast Response Cutters to continue replacement of the 110-foot Class Patrol Boat fleet. The Fast Response Cutters have enhanced capability, high readiness, speed, and endurance, which will allow them to quickly and effectively respond to emerging threats. Additionally, \$40 million is requested to purchase one Maritime Patrol Aircraft (MPA) HC-144A. The HC-144A will address the Coast Guard's MPA flight hour gap by providing 1,200 hours every year per aircraft. Finally, \$13.9 million is requested for improvement and acquisition of housing to support military families.

#### *Enforcing and Administering Our Immigration Laws*

*E-Verify.*—A total of \$103.4 million and 338 FTEs is requested for the E-Verify Program. In fiscal year 2011, U.S. Citizenship and Immigration Services (USCIS) will develop and implement an E-Verify portal that will provide a single-user interface for the program's products and services. In addition, USCIS will enhance E-Verify's monitoring and compliance activities through analytical capabilities that will support more robust fraud detection and improved analytic processes and will continue developing system enhancements in response to customer feedback, surveys, mission requirements, and capacity needs.

*Secure Communities.*—Total funding of \$146.9 million is requested to continue fiscal year 2010 progress toward nationwide implementation of ICE's Secure Communities program—which involves the identification, apprehension and removal of all Level 1 criminal aliens in State prisons and local jails through criminal alien biometric identification capabilities. Secure Communities, in cooperation with Federal, State and local law enforcement agencies, will provide a safeguard to American communities by removing those criminal aliens from the United States who represent the greatest threats to public safety and by deterring their reentry through aggressive prosecution.

*Immigrant Integration.*—A total of \$18 million is requested to fund USCIS Office of Citizenship initiatives, including expansion of the competitive Citizenship Grant Program to support national and community-based organizations preparing immigrants for citizenship, promoting and raising awareness of citizenship rights and responsibilities, and enhancing English language education and other tools for legal permanent residents. The Office of Citizenship will support the implementation of the Immigration Integration program and lead initiatives to educate aspiring citi-

zens about the naturalization process, monitor and evaluate the administration and content of the new naturalization test, and develop educational materials and resources for immigrants and the organizations that serve them.

*Safeguarding and Securing Cyberspace*

*National Cyber Security Division (NCSD).*—Total funding of \$379 million is requested for the NCSD to support the development of capabilities to prevent, prepare for and respond to incidents that could degrade or overwhelm the Nation’s critical information technology infrastructure and key cyber networks. These funds will identify and reduce vulnerabilities, mitigate threats and ensure that cyber intrusions and disruptions cause minimal damage to public and private sector networks.

*National Cyber Security Center (NCSC).*—A total of \$10 million is requested for the NCSC to enhance cyber security coordination capabilities across the Federal Government including mission integration, collaboration and coordination, situational awareness and cyber incident response, analysis and reporting, knowledge management, and technology development and management.

*Ensuring Resilience to Disasters*

*Disaster Relief Fund (DRF).*—The budget seeks funding of \$1.95 billion, an increase of \$350 million for the DRF. The DRF provides a significant portion of the total Federal response to victims in declared major disasters and emergencies.

*Federal Emergency Management Agency (FEMA) Facilities.*—An additional \$23.3 million is requested to address critical FEMA real estate needs. By fiscal year 2011, the capacity of FEMA facilities will be unable to accommodate key mission responsibilities and staff FEMA also faces a critical need to maintain and repair aging and deteriorating national facilities. To address these needs, FEMA has developed a 5-year capital plan to begin critical regional facility acquisitions and repairs.

*Pre-Disaster Mitigation Grants.*—Total funding of \$100 million is requested to provide program support and technical assistance to State, local and tribal governments to reduce the risks associated with disasters, support the national grant competition and provide the required \$500,000 per State allocation. Resources will support the development and enhancement of hazard mitigation plans, as well as the implementation of pre-disaster mitigation projects.

*Flood Map Modernization.*—A total of \$194 million is requested to analyze and produce flood hazard data and map products and communicate flood hazard risk. The funding will support the review and update of flood hazard data and maps to accurately reflect flood hazards and monitor the validity of published flood hazard information.

*Rescue 21.*—A total of \$36 million is requested for the Rescue 21 system, enabling the U.S. Coast Guard to enhance preparedness, ensure efficient emergency response and rapidly recover from disasters. The Rescue 21 system replaces the U.S. Coast Guard’s legacy National Distress and Response System and improves communications and command and control capabilities in the coastal zone. The system is the foundation for coastal Search and Rescue and enhances maritime situational awareness through increased communications ability with mariners and other responders.

*Maturing and Strengthening the Homeland Security Enterprise*

*St. Elizabeths Headquarters Consolidation.*—To streamline the Departments core operations, \$287.8 million is requested to consolidate executive leadership, operations coordination and policy and program management functions in a secure setting at St. Elizabeths, the Department’s facilities are currently dispersed over more than 40 locations throughout the National Capital Region (NCR). This consolidation at St. Elizabeths will reduce the fragmentation of components and will improve communications, coordination and cooperation across all DHS headquarters organizations.

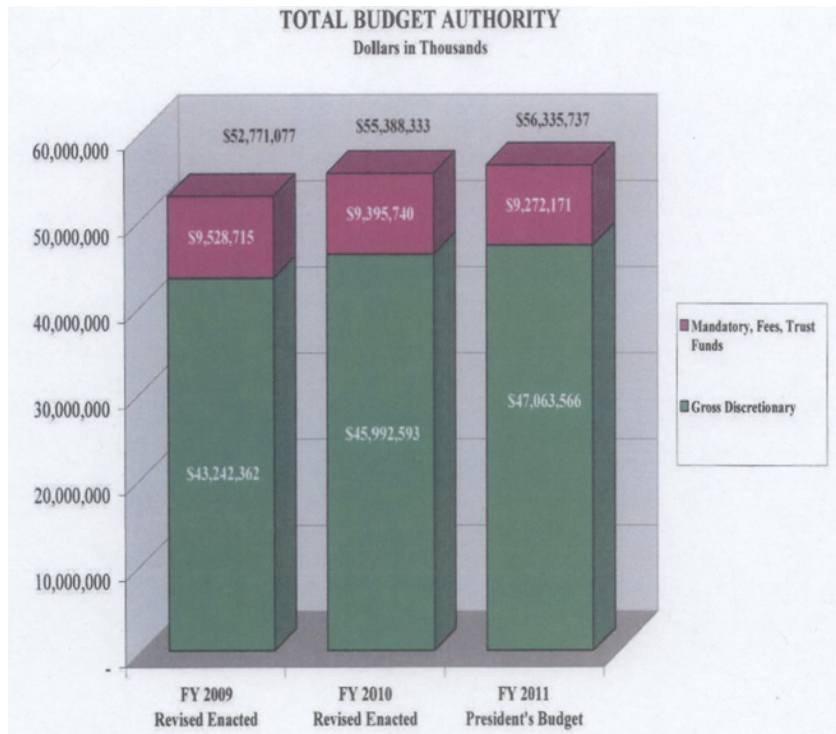
*Lease Consolidation—Mission Support.*—A total of \$75 million is requested to align the Department’s real estate portfolio in the NCR to enhance mission performance and increase management efficiency in conjunction with St. Elizabeths Headquarters Consolidation.

*Data Center Migration.*—A total of \$192.2 million is requested for the continuation of system and application migration of legacy data centers to two enterprise-wide DHS Data Centers to meet current and anticipated data service requirements. Funding will also be utilized for upgrading infrastructure requirements.

*Acquisition Workforce.*—The fiscal year 2011 request includes an increase of \$24.2 million to strengthen the Department’s acquisition workforce capacity and capabilities. The increase is requested to mitigate the risks associated with skill gaps of the acquisition workforce, ensure that the Department achieves the best terms possible in major acquisitions and improve the effectiveness of the workforce.

*Science and Technology (S&T) Safe Container (SAFECON)/Time Recorded Ubiquitous Sensor Technology (TRUST) R&D.*—A total of \$8 million is requested for the S&T SAFECON and TRUST programs. These initiatives develop high reliability, high-throughput detection technologies to scan cargo containers entering the country for weapons of mass destruction, explosives, contraband, and human cargo.

*Grants.*—A total of \$4 billion is requested for grant programs to support our Nation's first responders. This funding assists State and local governments in the prevention of, protection against, response to, and recovery from incidents of terrorism and other events.

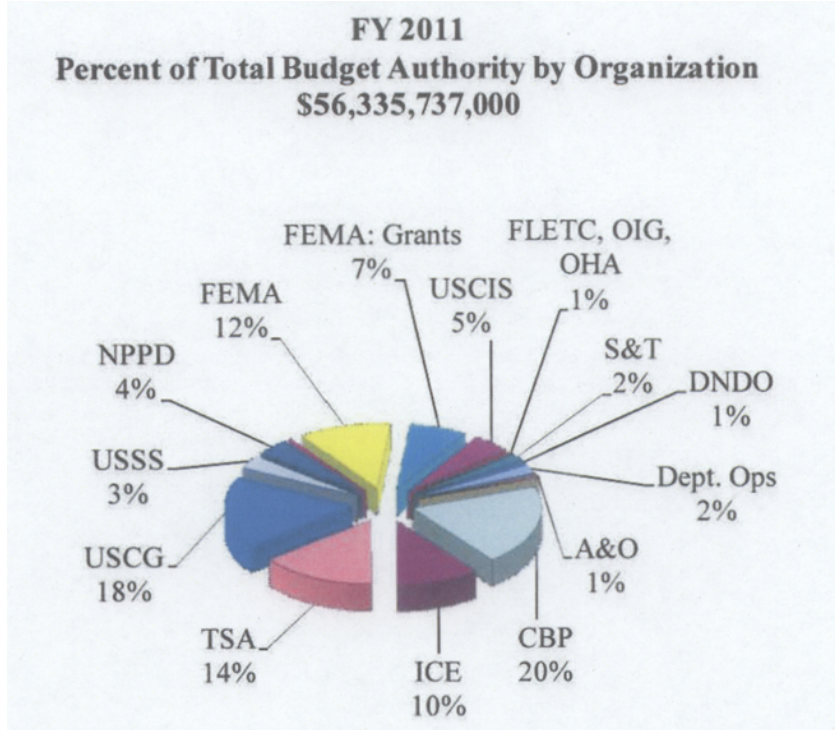


Fiscal year 2011 Gross Discretionary funding increases by \$1.1 billion, or 2 percent, over fiscal year 2010.

There is a decrease of \$123 million, or 1 percent, in estimated budget authority for Mandatory Fees, and Trust Funds over fiscal year 2010.

Excludes supplemental funding and rescissions of prior-year carryover funds.





Notes: Departmental Operations is composed of the Office of the Secretary & Executive Management, the Office of the Federal Coordinator for Gulf Coast Rebuilding, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, the Office of the Chief Information Officer and the National Special Security Event Fund.

**TOTAL BUDGET AUTHORITY BY ORGANIZATION**  
 [Gross Discretionary & Mandatory, Fees, Trust Funds]

	Fiscal year				
	2009 revised enacted <sup>1</sup>	2010 revised enacted <sup>2</sup>	2011 President's budget	2011 +/- fiscal year 2010 enacted	2011 +/- fiscal year 2010 enacted (percent)
Departmental Operations <sup>3</sup> .....	\$659,109	\$802,931	\$1,270,821	\$467,890	58
Analysis and Operations .....	327,373	335,030	347,930	12,900	4
Office of the Inspector General .....	114,513	113,874	129,806	15,932	14
U.S. Customs & Border Protection .....	11,250,652	11,449,283	11,180,018	(269,265)	-2
U.S. Immigration & Customs Enforcement ...	5,968,015	5,741,752	5,835,187	93,435	2
Transportation Security Administration .....	6,992,778	7,656,066	8,164,780	508,714	7
U.S. Coast Guard .....	9,624,179	10,122,963	10,078,317	(44,646)	0
U.S. Secret Service .....	1,640,444	1,702,644	1,811,617	108,973	6
National Protection and Programs Directorate .....	1,188,263	2,432,755	2,361,715	(71,040)	-3
Office of Health Affairs .....	157,621	139,250	212,734	73,484	53
Federal Emergency Management Agency .....	5,971,159	6,194,268	6,527,406	333,138	5
FEMA: Grant Programs .....	4,220,858	4,165,200	4,000,590	(164,610)	-4
U.S. Citizenship & Immigration Services .....	2,876,348	2,859,997	2,812,357	(47,640)	-2
Federal Law Enforcement Training Center .....	332,986	282,812	278,375	(4,437)	-2
S&T Directorate .....	932,587	1,006,471	1,018,264	11,793	1

## TOTAL BUDGET AUTHORITY BY ORGANIZATION—Continued

[Gross Discretionary &amp; Mandatory, Fees, Trust Funds]

	Fiscal year				
	2009 revised enacted <sup>1</sup>	2010 revised enacted <sup>2</sup>	2011 President's budget	2011 +/- fiscal year 2010 enacted	2011 +/- fiscal year 2010 enacted (percent)
Domestic Nuclear Detection Office .....	514,191	383,037	305,820	(77,217)	-20
TOTAL .....	52,771,076	55,388,333	56,335,737	947,404	1.71
Less Rescission of Prior Year Carryover Funds <sup>4</sup> .....	(61,373)	(40,474)	.....	40,474	-100
ADJUSTED TOTAL BUDGET AUTHORITY .....	52,709,703	55,347,859	56,335,737	987,878	2
SUPPLEMENTAL <sup>5</sup> .....	3,354,503	295,503	.....	(295,503)	.....
Less Rescission of Prior Year Carryover Funds <sup>5</sup> .....	(100,000)	.....	.....	.....	.....

<sup>1</sup> Fiscal year 2009 revised enacted reflects:

—Net reprogramming/transfer adjustments for OSEM (\$17.4 million); OIG (\$16.0 million); CBP (-\$24.1 million); ICE (\$16.4 million); TSA (\$14.4 million); USCG (\$4.0 million); USSS (\$2.5 million); NPPD (\$30 million); OHA (\$4.30 million); FEMA (-\$39.5 million).

—Technical adjustments to revise fee/trust fund estimates for ICE—Immigration Inspection User Fee (\$7.0 million); ICE—Detention and Removal Examination Fee (\$1.4 million); ICE—Breached Bond/Detention Fund (\$15.0 million); TSA—Transportation Threat and Credentialing—Registered Traveler (-\$10.0 million); TSA—Transportation Threat and Credentialing—Transportation Worker Identification Credentials (\$22.7 million); TSA—Transportation Threat and Credentialing—HAZMAT (-\$3.0 million); TSA—Transportation Threat and Credentialing—Alien Flight School (\$1.0 million); CIS (\$185.4 million); USCG (\$7.9 million).

—Realignment of USCG Operating Expenses funding and Pursuant to Public Law 110-53 reflects TSA realignment of funds for 9/11 Commission Act implementation (\$3.675 million—Aviation Security, 13.825 million—Surface, \$2.5 million—Support).

—Scorekeeping adjustment for a rescission of prior year unobligated balances from USCG—AC&I (-\$20.0 million).

<sup>2</sup> Fiscal year 2010 revised enacted reflects:

—Technical adjustments for TSA Aviation Security Fees of (\$128.9 million); USCG Health Care Fund (\$5.0 million).

—Scorekeeping adjustment for a rescission of prior year unobligated balances from USCG—AC&I (-\$800 million).

—For comparability purposes, excludes USCG Overseas Contingency Operations (\$241.5 million) and National Science Foundation transfer to USCG of \$54.0 million.

<sup>3</sup> Departmental Operations is comprised of the Office of the Secretary & Executive Management, the Office of the Federal Coordinator for Gulf Coast Rebuilding, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, and the National Special Security Events Fund (NSSE).<sup>4</sup> Pursuant to Public Law 110-329, reflects fiscal year 2009 rescissions of prior year unobligated balances: Analysis and Operations (-\$21.373 million); TSA (-\$31.0 million); FEMA—Cerro Grande (-\$9.0 million).<sup>5</sup> Pursuant to Public Law 111-83, reflects fiscal year 2010 rescissions of prior year unobligated balances: Analysis and Operations (-\$2.4 million); TSA (-\$4.0 million); Counter-Terrorism Fund (-\$5.6 million); FEMA (-\$5.6 million); S&T (-\$6.9 million); DND0 (-\$8.0 million).<sup>5</sup> In order to obtain comparable figures, Net Discretionary, Gross Discretionary, and Total Budget Authority excludes:

—Fiscal year 2009 supplemental funding pursuant to Public Law 110-252: USCG (\$112 million).

—Fiscal year 2009 supplemental funding pursuant to Public Law 111-5 (ARRA): USM (\$200 million); OIG (\$5 million); CBP (\$680 million); ICE (\$20 million); TSA (\$1.0 billion); USCG (\$240 million); FEMA (\$610 million).

—Fiscal year 2009 supplemental funding pursuant to Public Law 111-8: USSS (\$100 million).

—Fiscal year 2009 supplemental funding pursuant to Public Law 111-32: CBP (\$51.2 million); ICE (\$66.8 million); USCG (\$139.5 million); FEMA (\$130.0 million).

—Pursuant to Public Law 111-32 reflects fiscal year 2009 rescissions of prior year unobligated balances: FEMA (-\$100.0 million).

—Fiscal year 2010 Overseas Contingency Operations funding provided in Public Law 111-83: USCG (\$241.5 million).

—Fiscal year 2010 Supplemental funding pursuant to Public Law 111-117: USCG (\$54.0 million).

## NET DISCRETIONARY AUTHORITY BY ORGANIZATION

[Excludes Discretionary Offsetting Fees &amp; Mandatory, Non-Offsetting Fees, &amp; Trust Funds]

	Fiscal year				
	2009 revised enacted <sup>1</sup>	2010 revised enacted <sup>2</sup>	2011 President's budget <sup>3</sup>	2011 +/- fiscal year 2010 enacted	2011 +/- fiscal year 2010 enacted (percent)
Departmental Operations <sup>3</sup> .....	\$659,109	\$802,931	\$1,270,821	\$467,890	58
Analysis and Operations .....	327,373	335,030	347,930	2,900	4
Office of the Inspector General .....	114,513	113,874	129,806	15,932	14
U.S. Customs & Border Protection .....	9,803,667	10,134,554	9,817,117	(317,437)	-3
U.S. Immigration & Customs Enforcement ...	5,005,615	5,436,952	5,523,800	86,848	2
Transportation Security Administration .....	4,369,358	5,129,505	5,724,000	594,495	12
U.S. Coast Guard .....	8,104,707	8,541,749	8,466,537	(75,212)	-1
U.S. Secret Service .....	1,415,444	1,482,644	1,571,617	88,973	6
National Protection and Programs Directorate .....	1,188,263	1,317,755	1,246,715	(71,040)	-5
Office of Health Affairs .....	157,621	139,250	212,734	73,484	53

**NET DISCRETIONARY AUTHORITY BY ORGANIZATION—Continued**  
 [Excludes Discretionary Offsetting Fees & Mandatory, Non-Offsetting Fees, & Trust Funds]

	Fiscal year				
	2009 revised enacted <sup>1</sup>	2010 revised enacted <sup>2</sup>	2011 President's budget <sup>3</sup>	2011 +/- fiscal year 2010 enacted	2011 +/- fiscal year 2010 enacted (percent)
Federal Emergency Management Agency .....	2,777,560	2,963,268	3,292,860	329,592	11
FEMA: Grant Programs .....	4,220,858	4,165,200	4,000,590	(164,610)	-4
U.S. Citizenship & Immigration Services .....	152,490	224,000	385,800	161,800	72
Federal Law Enforcement Training Center .....	332,986	282,812	278,375	(4,437)	-2
S&T Directorate .....	932,587	1,006,471	1,018,264	11,793	1
Domestic Nuclear Detection Office .....	514,191	383,037	305,820	(77,217)	-20
<b>TOTAL .....</b>	<b>40,076,342</b>	<b>42,459,032</b>	<b>43,592,786</b>	<b>1,133,754</b>	<b>2.67</b>
Less Rescission of Prior Year Carryover Funds <sup>4</sup> .....	(61,373)	(40,474)	.....	40,474	-100
Mandatory, Fees, and Trusts .....	12,694,734	12,929,301	12,742,951	.....	.....
<b>ADJUSTED TOTAL BUDGET AUTHORITY .....</b>	<b>52,709,703</b>	<b>55,347,859</b>	<b>56,335,737</b>	<b>987,878</b>	<b>2</b>
SUPPLEMENTAL <sup>5</sup> .....	3,354,503	295,503	.....	(295,503)	.....
Less Rescission of Prior Year Carryover Funds <sup>4</sup> .....	(100,000)	.....	.....	.....	.....

<sup>1</sup> Fiscal year 2009 revised enacted reflects:

- Net reprogramming/transfer adjustments for OSEM (\$17.4 million); OIG (\$16.0 million); CBP (-\$24.1 million); ICE (\$16.4 million); TSA (\$14.4 million); USCG (\$4.00 million); USSS (\$2.5 million); NPPD (\$30 million); OHA (\$4.30 million); FEMA (-\$39.5 million).
- Technical adjustments to revise fee/trust fund estimates for ICE—Immigration Inspection User Fee (\$7.0 million); ICE—Detention and Removal Examination Fee (\$1.4 million); ICE—Breached Bond/Detention Fund (\$15.0 million); TSA—Transportation Threat and Credentialing—Registered Traveler (-\$10.0 million); TSA—Transportation Threat and Credentialing—Transportation Worker Identification Credentials (\$22.7 million); TSA—Transportation Threat and Credentialing—HAZMAT (-\$3.0 million); TSA—Transportation Threat and Credentialing—Alien Flight School (\$1.0 million); CIS (\$185.4 million); USCG (\$7.9 million).
- Realignment of USCG Operating Expenses funding and Pursuant to Public Law 110-53 reflects TSA realignment of funds for 9/11 Commission Act implementation (\$3.675 million—Aviation Security, 13.825 million—Surface, \$2.5 million—Support).
- Scorekeeping adjustment for a rescission of prior year unobligated balances from USCG—AC&I (-\$20.0 million).

<sup>2</sup> Fiscal year 2010 revised enacted reflects:

- Technical adjustments for TSA Aviation Security Fees of (\$128.9 million); USCG Health Care Fund (\$5.0 million).
- Scorekeeping adjustment for a rescission of prior year unobligated balances from USCG—AC&I (-\$800 million).
- For comparability purposes, excludes USCG Overseas Contingency Operations (\$241.5 million) and National Science Foundation transfer to USCG of \$54.0 million.

<sup>3</sup> Departmental Operations is comprised of the Office of the Secretary & Executive Management, the Office of the Federal Coordinator for Gulf Coast Rebuilding, the Office of the Undersecretary for Management, the Office of the Chief Financial Officer, the Office of the Chief Information Officer, and the National Special Security Events Fund (NSSE).

<sup>4</sup> Pursuant to Public Law 110-329, reflects fiscal year 2009 rescissions of prior year unobligated balances: Analysis and Operations (-\$21.373 million); TSA (-\$31.0 million); FEMA—Cerro Grande (-\$9.0 million).

Pursuant to Public Law 111-83, reflects fiscal year 2010 rescissions of prior year unobligated balances: Analysis and Operations (-\$2.4 million); TSA (-\$4.0 million); Counter-Terrorism Fund (-\$5.6 million); FEMA (-\$5.6 million); S&T (-\$6.9 million); DNDO (-\$8.0 million).

<sup>5</sup> In order to obtain comparable figures, Net Discretionary, Gross Discretionary, and Total Budget Authority excludes:

- Fiscal year 2009 supplemental funding pursuant to Public Law 110-252: USCG (\$112 million).
- Fiscal year 2009 supplemental funding pursuant to Public Law 111-5 (ARRA): USM (\$200 million); OIG (\$5 million); CBP (\$680 million); ICE (\$20 million); TSA (\$1.0 billion); USCG (\$240 million); FEMA (\$610 million).
- Fiscal year 2009 supplemental funding pursuant to Public Law 111-8: USSS (\$100 million).
- Fiscal year 2009 supplemental funding pursuant to Public Law 111-32: CBP (\$51.2 million); ICE (\$66.8 million); USCG (\$139.5 million); FEMA (\$130.0 million).
- Pursuant to Public Law 111-32 reflects fiscal year 2009 rescissions of prior year unobligated balances: FEMA (-\$100.0 million).
- Fiscal year 2010 Overseas Contingency Operations funding provided in Public Law 111-83: USCG (\$241.5 million).
- Fiscal year 2010 Supplemental funding pursuant to Public Law 111-117: USCG (\$54.0 million).

**KEY FISCAL YEAR 2009 ACCOMPLISHMENTS AND REFORMS**

In 2009, our 230,000 employees strengthened existing efforts and launched new initiatives to meet our five key responsibilities: guarding against terrorism; securing our borders; engaging in smart, effective enforcement of immigration laws; preparing for, responding to and recovering from disasters of kinds; and building a mature and unified Department.

DIE has emphasized three cross-cutting approaches to achieve these aims—increasing cooperation with Federal, State, tribal, local, private sector, and international partners; deploying the latest science and technology to support our mission; and maximizing efficiency and streamlining operations across the Department.

As a result, we have made major advances in addressing new and emerging threats to keep our homeland safe, fostering trade and travel and continuing to

build a ready and resilient nation able to meet the challenges of the 21st century. The following are some key initiatives accomplished this past year.

*Guarding Against Terrorism and Threats to Cyber Networks and Critical Infrastructure*

Protecting the American people from terrorist threats is the founding purpose of the Department and a top priority. Over the past year, DHS has continued to guard against terrorism by enhancing explosives detection and other protective measures in public spaces and transportation networks, working with the private sector to protect critical infrastructure and cyber networks from attack, improving detection of chemical, biological, radiological, and nuclear materials, and building information-sharing partnerships with State and local law enforcement that enable law enforcement to better mitigate threats.

Fulfilling a key 9/11 Commission recommendation, TSA began implementing Secure Flight, which prescreens passenger name, date of birth and gender against government watch lists for domestic and international flights.

TSA achieved the 9/11 Act requirement of screening 50 percent of air cargo transported on domestic passenger aircrafts by February 3, 2009. Currently, 100 percent of cargo is screened on more than 95 percent of flights originating in the United States and 100 percent of all baggage is screened for explosives.

The Domestic Nuclear Detection Office directly trained more than 3,600 Federal, State and local officers and first responders in radiological and nuclear detection and began demonstrating the first-of-its-kind Cargo Advanced Automated Radiography System, which aims to detect special nuclear materials and shielding material in cargo at ports of entry.

DHS opened the new National Cyber Security and Communications Integration Center—a 24-hour DHS-led coordinated watch and warning center that will improve national efforts to address threats and incidents affecting the Nation's critical IT and cyber infrastructure.

DHS worked with the Office of Personnel Management to attain new authority to recruit and hire up to 1,000 cyber security professionals across the Department over the next 3 years to help fulfill DHS' broad mission to protect the Nation's cyber infrastructure, systems and networks.

S&T partnered with the U.S. Secret Service, industry and academia to digitize more than 9,000 ink samples to expedite the investigation of criminal and terrorist activities by reducing matching times from days to minutes.

DHS held the 5-day National Level Exercise 2009 the first national level exercise to focus on terrorism prevention—in conjunction with Federal, State, local, tribal, private sector, and international partners.

In accordance with the Chemical Facilities Anti-Terrorism Standards Act (CFATS), which allows DHS to regulate the security measures at high-risk chemical facilities, DHS is working with 2,300 facilities on strengthening security measures. In 2009, DHS received Site Security Plans from over 900 regulated facilities.

DHS signed agreements to prevent and combat crime with Italy, Greece, Portugal, and Spain. These agreements allow for the exchange of biometric and biographic data to bolster counterterrorism and law enforcement efforts while emphasizing privacy protections.

DHS and Spanish Interior Minister Perez Rubalcaba signed a Declaration of Principles formalizing the Immigration Advisory Program—which identifies high-risk travelers at foreign airports before they board aircraft bound for the United States.

DHS forged partnerships with Germany and Spain to facilitate scientific research and collaboration to combat transnational threats.

DHS and Canadian Public Safety Minister Peter Van Loan announced a series of cooperative initiatives between the United States and Canada to address terrorism and organized crime while expediting the lawful flow of travel and trade—including a biometric data sharing initiative also involving Australia, the United Kingdom and, eventually, New Zealand.

*Securing Our Borders While Facilitating Lawful Travel and Trade*

In 2009, DHS continued to strengthen security on the Southwest border through additional manpower and new technology to disrupt the flow of illegal drug, cash, and weapon smuggling that fuels cartel violence in Mexico. The Department also received security on the northern border while facilitating lawful travel and trade.

The Obama administration announced the Southwest Border Security Initiative, a joint effort of the Departments of Homeland Security, Justice and State to crack down on Mexican drug cartels by enhancing border security through additional personnel, increased intelligence capability and better coordination with State, local and Mexican law enforcement authorities. As of December 8, 2009, CBP has seized

more than \$38.3 million in southbound currency—an increase of more than \$29.3 million compared to the same period in 2008. In total thus far in 2009, CBP and ICE have seized more than \$101.7 million and nearly 1.59 million kilograms of drugs—an increase of more than \$48.2 million and more than 423,167 kilograms of drugs compared to the same period in 2008.

DHS implemented the Western Hemisphere Travel Initiative for land and sea travel to the United States, increasing border security while facilitating lawful travel and trade by requiring U.S. and Canadian citizens to present a passport or other approved secure document that denotes identity and citizenship when crossing the border.

DHS and the Department of Justice joined with the Office of National Drug Control Policy to release the National Southwest Border Counternarcotics Strategy, the Obama administration's strategy to stem the flow of illegal drugs and their illicit proceeds across the Southwest border and reduce associated crime and violence.

The Department announced the expansion of Global Entry—a CBP pilot program that streamlines the screening process at airports for trusted travelers through biometric identification—as a permanent voluntary program at airports across the United States. Global Entry reduces average wait times by more than 70 percent and more than 75 percent of travelers using Global Entry are admitted in less than 5 minutes.

DHS launched a joint Coast Guard-CBP effort to use Predator Unmanned Aerial Systems (UAS) to provide improved surveillance of the United States maritime borders. DHS will conduct the first UAS operations along maritime borders in 2010.

DHS, the Department of Justice and the Government of Mexico signed a Letter of Intent to develop a coordinated and intelligence-driven response to the threat of cross-border smuggling and trafficking of weapons and ammunition. This first-of-its-kind arrangement leverages the combined investigative capabilities of ICE the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Attorney General of Mexico to combat violence and criminal activity along the United States-Mexico border.

Through Global Entry, DHS launched a first-of-its-kind initiative with the Netherlands to open membership in U.S. and Dutch expedited air travel programs to citizens of both countries in an effort to streamline entry processes for pre-screened fliers.

#### *Engaging in Smart, Effective Immigration Law Enforcement*

Over the past year, DHS has strengthened its immigration enforcement activities, targeting criminal aliens and employers who violate the Nation's immigration laws, while making improvements to the legal immigration system.

DHS implemented a new, comprehensive strategy to reduce the demand for illegal employment and protect employment opportunities for the Nation's lawful workforce by targeting employers who knowingly hire illegal workers through investigations, prosecution and civil and criminal penalties. Since January 2009, DHS' new work-site enforcement policies have led to 1,897 cases and 2,069 Form I-9 inspections targeting employers, 58 companies and 62 individuals debarred, and 142 Notices of Intent to Fine totaling \$15,865,181 issued.

DHS is reforming the immigration detention system, enhancing security and efficiency nationwide while prioritizing the health and safety of detainees. New initiatives include creating an Office of Detention Policy and Planning to ensure uniform conditions of confinement, medical care and design; implementing a medical classification system; centralizing all detention facility contracts under ICE headquarters' supervision; developing a plan for alternatives to detention; more than doubling the number of Federal personnel providing onsite oversight at the facilities where the majority of detainees are housed; creating two advisory boards comprised of community and immigration advocacy groups; and establishing an independent Office of Detention Oversight reporting directly to the ICE Assistant Secretary.

DHS expanded the Secure Communities initiative—which uses biometric information to target criminal aliens in U.S. correctional facilities—from 14 to 107 locations in 2009, reflecting an increased emphasis on identifying and removing criminal aliens who pose the greatest threat to public safety. To date, the program has identified more than 111,000 aliens in jails and prisons who have been charged with or convicted of criminal offenses.

USCIS and the FBI cleared the backlog of a year or more for background checks on people seeking to work and live in the United States or become citizens—reflecting DHS' commitment to quick, thorough and fair adjudication of immigration applications. The vast majority of these checks are now answered within 30 days. At the end of fiscal year 2009, USCIS also reduced the backlog of pending immigration applications and petitions by more than 90 percent and reduced average processing

times for naturalization applicants by nearly 5 months as compared to fiscal year 2008.

USCIS launched a redesigned Web site—available in English and Spanish—which provides a one-stop location for immigration services and information, including real-time alerts on the status of immigration applications via text message and e-mail.

USCIS increased employer participation in E-Verify, the Nation's preeminent employment eligibility verification system, from 88,000 companies at the end of fiscal year 2008 to more than 177,000 employers today.

#### *Preparing for, Responding to and Recovering from Disasters*

In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department provides a coordinated, comprehensive Federal response and works with Federal, State, local, and private sector partners to ensure a swift and effective recovery effort. This year, DHS increased efforts to build a ready and resilient nation by providing grants and training to our homeland security and law enforcement partners, coordinating the Federal Government's response to H1N1, and streamlining rebuilding and recovery along the Gulf Coast.

DHS led the Federal response to the H1N1 outbreak, creating regional coordination teams comprised of representatives from DHS and the Departments of Defense and Health and Human Services to oversee, coordinate and execute national incident management responsibilities. DHS also coordinated outreach efforts to congressional, State, local, tribal, private sector and international officials regarding the H1N1 outbreak.

Since January 20, 2009, Louisiana and Mississippi have received more than \$2.1 billion in public assistance from DHS, including \$125 million for debris removal and emergency protective measures, \$935.5 million in public works and infrastructure projects, \$258 million for mitigation activities to increase resilience and more than \$542 million for K–12 education. In addition, more than 6,000 displaced households in Louisiana and Mississippi have been transitioned to permanent housing.

To cut through red tape and streamline and expedite the decision-making process for public assistance for recovery efforts in the Gulf Coast, DHS established two joint public assistance teams and a new arbitration process to resolve longstanding issues over public assistance funding. Over the past 10 months, the Joint Expediting Team and the Unified Public Assistance Project Decision Team have resolved 156 projects, distributing more than \$100 million to support the repair and replacement of fire and police stations, schools like the Southern University of New Orleans and Holy Cross School, libraries and other infrastructure critical to the recovery of Gulf Coast communities.

FEMA has responded to 47 declared disasters since January 21, 2009, including the Red River flooding in North Dakota and Minnesota, the September flooding in Georgia and the earthquake and tsunami that struck American Samoa.

#### *Unifying and Maturing DHS*

Six years since the Department's creation, DHS' goal remains the same: one enterprise dedicated to a shared vision for homeland security. Over the past year, DHS implemented a series of wide-ranging efficiency initiatives that leverage the economies of scale in DHS in order to recover millions of dollars and create a culture of irresponsibility and fiscal discipline. At the same time, the Department leveraged new technology to improve DHS operations, coordination and outreach.

DHS broke ground on its new headquarters at the St. Elizabeths Campus. While DHS currently operates in more than 40 offices around the National Capitol Region. The consolidated headquarters will unify DHS' many components into one cohesive department and is expected to save taxpayers \$163 million over the next 30 years.

DHS launched the Efficiency Review Initiative to improve efficiency, streamline operations and promote greater accountability, transparency and customer satisfaction through a series of initiatives—including eliminating non-mission critical travel, renegotiating contracts, utilizing government facilities instead of private rentals, reducing printing and postal mail and maximizing the use of Web-based communication, training and meetings, implementing energy efficiencies in DHS facilities and maximizing DHS' buying power to receive the lowest price possible when acquiring office supplies and software licenses. These initiatives collectively are expected to lead to hundreds of millions of dollars in cost avoidances. This past year, DHS identified more than \$100 million in cost savings including \$22 million by eliminating non-mission critical travel; \$16 million by utilizing software licensing agreements DHS-wide; \$7 million through the mandatory review of contracts; \$9 million by eliminating redundancy in processing mariner credentials; \$8 million by consolidating the DHS sensitive-but-unclassified portal system; almost \$4 million by

posting documents online or using e-mail in lieu of printing and postal mail; \$2 million by streamlining boat maintenance and support schedules; \$2 million by utilizing government facilities instead of private rentals; almost \$2 million by increasing energy efficiencies at facilities and many more examples across the Department.

S&T launched the Virtual USA initiative, an innovative, information-sharing initiative that helps Federal, State, local and tribal first responders communicate during emergencies by linking disparate tools and technologies in order to share the location and status of critical assets and information—such as power and water lines, flood detectors, helicopter-capable landing sites, emergency vehicle and ambulance locations, weather and traffic conditions, evacuation routes and school and government building floor plans—across Federal, State, local and tribal governments.

#### SELECTED DHS PRIORITY PERFORMANCE GOALS

##### *Prevention Terrorism and Enhancing Security*

Improve security screening of passengers, baggage, and employees while expediting the movement of the traveling public (aviation and surface transportation security).

Fiscal year 2011 initiatives include deploying new technology, law enforcement and canine assets at domestic airports, enhancing checkpoint technology, implementing the Transportation Workers Identification Credential (TWIC) program—which requires transportation workers to obtain a biometric identification card to gain access to secure areas of transportation facilities, and strengthening our Visible Intermodal Prevention and Response (VIPR) teams—which use unpredictability to deter, detect, and disrupt potential terrorist activities, will help us to achieve these goals.

##### *Securing and Managing Our Borders*

Prevent terrorist movement at land ports of entry and maritime borders through enhanced screening while expediting the flow of legitimate travel.

Fiscal year 2011 initiatives include implementing the Western Hemisphere Travel Initiative by deploying new technology, upgrading our processing capabilities at border checkpoints, and enhancing information sharing among law enforcement, as well as continuing recapitalization of aging Coast Guard surface and air assets to quickly and effectively respond to emerging threats.

##### *Enforcing and Administering Our Immigration Laws*

Improve the efficiency of the process to detain and remove illegal immigrants from the United States.

Improve the delivery of immigration services.

Fiscal year 2011 initiatives include increasing our targets for detaining and removing dangerous criminal aliens from the United States through our Secure Communities program—which uses biometrics to identify and remove criminal aliens incarcerated in State and local jails—by 4 percent per year. Additionally, we will improve the delivery of immigration services by modernizing our adjudication process for new immigrants and potential citizens.

##### *Ensuring Resilience to Disasters*

Strengthen disaster preparedness and response by improving FEMA's operational capabilities and enhancing State, local and private citizen preparedness.

In fiscal year 2011, FEMA will continue to enhance its training programs to help State and local entities prepare for all types of disasters. FEMA is also developing a national strategy to house up to half a million households within 60 days of a disaster—increasing current capacity by 200 percent.

##### *Maturing and Strengthening the Homeland Security Enterprise*

Mature and unify the Homeland Security Enterprise through effective information sharing.

Improve acquisition execution across the DHS acquisition portfolio, by ensuring key acquisition expertise resides in major program office and acquisition oversight staffs throughout the Department.

In fiscal year 2011, our efforts will focus on information sharing across all departmental components. Additionally, the Department is undertaking an initiative to enhance the capability and capacity of its acquisition workforce to ensure that major acquisition projects do not exceed cost, schedule, and performance objectives.

We will focus on these goals over the next 2 years and continue to work closely with the Office of Management and Budget in the monitoring and reporting of milestones and performance measures associated with them. As we continue the Bottom-

Up Review associated with the QHSR, we may update these goals and associated measures.

#### CONCLUSION

The fiscal year 2011 budget proposal reflects this administration's continued commitment to protecting the homeland and the American people through the effective and efficient use of DHS resources. As outlined in my testimony today, the Department will build on past successes in several areas including information sharing with our partners, aviation and port security measures and immigration reform efforts.

Thank you for inviting me to appear before you today. I look forward to answering your questions and to working with you on the fiscal year 2011 budget request and other issues.

#### INTERNATIONAL AIRPORT SECURITY

Senator BYRD. Thank you very much.

Given the fact that the Christmas Day bomber on Flight 253 was not flagged for additional scrutiny until after he was to have landed in Detroit, what steps have you taken to get more information through our customs officers earlier so that potentially threatening individuals are prevented from boarding planes bound for the United States?

Secretary NAPOLITANO. Yes, Mr. Chairman. One of the things that we have done in the wake of December 25 is to change the amount of information that we push forward to customs officers who are located overseas. They are located in nine airports. They are not universally located. But where we have them.

Now, prior to Christmas, we pushed out the Terrorist Screening Database, the TSDB, and we also pushed out the no-fly list. Abdulmutallab was on neither. That was a watch-listing error. That is part of the watch-listing review process that is underway.

We are now pushing out other data. Specifically we are providing overseas the information about anyone who is on a State Department list where there is any visa note that has been entered that makes any reference to terrorism or to extremism. That would have picked up Abdulmutallab in Amsterdam, at which point the Amsterdam authorities would have subjected him to a secondary inspection. So that is one of the several changes that we have already made.

Senator BYRD. Your budget seeks a significant increase to deploy additional transportation security officers, new scanning technology, Federal Air Marshals, and K-9 teams at airport checkpoints. These measures are in response to the failed bombing attack aboard Flight 253 on Christmas Day. Just last week, TSA expanded the random explosives detection swabbing of passengers at airports.

The increases you request for the TSA are mainly in response to the last attack. What are you doing to address future threats?

Secretary NAPOLITANO. If I might, Mr. Chairman, I would differ somewhat in the characterization that these efforts are only in response to the Christmas Day terrorist attack. Many of these programs were underway and were already in process prior to Christmas. What we have done is to accelerate them.

One of the reasons, of course, we have done so is because the intelligence we are receiving shows a consistent effort by al Qaeda and its affiliates to target commercial aviation as the way to attack



the American people. So in response to that, we have moved to harden, as you would, security and the use of better technology for security at our Nation's airports.

In addition, we are working around the world globally to improve security at international airports that are last points of embarkation for the United States.

So the monies in the 2011 budget are really an acceleration of programs, initiatives that had already been begun, but the need for urgency is really quite clear.

#### MEXICO

Senator BYRD. With regard to the drug cartel violence in Mexico, on March 24, 2009, you stated: "This issue requires immediate action. We're going to do everything we can to prevent the violence in Mexico from spilling over across the border." That is the end of the quotation.

You then announced the redeployment of existing resources from elsewhere in the United States to initially respond to this violence.

Congress responded by providing you with \$100 million to hire new agents and officers and to purchase equipment for a response to Southwest border violence. In the past 11 months, the violence and the brutal killings in Mexico have continued, and yet your budget request provides almost no new resources to address the violence and the threat to our Southwest border.

I am pleased to learn that you intend to modify your request in order to maintain the current level of 20,163 Border Patrol agents. That is the right thing to do.

Now, how do you intend to modify the budget request and fund these additional agents?

Secretary NAPOLITANO. Yes, Mr. Chairman. That is about, if I recall correctly, \$15.5 million. It will be a combination of moving some monies that were allocated for Border Patrol personnel but who were not on the border itself, to make sure that they are deployed at the border. There are some monies attributable to some attrition savings that had not been previously allocated and that will be allocated now.

The plain fact of the matter is that if you read the budget document we submitted, you would rationally assume that we were cutting the Border Patrol by 180-some-odd positions. We are not and we will not. It was unfortunate that was presented in that way.

If I might go to the Southwest border and what is happening there in terms of the border initiative. You are right. The monies that you allocated last year were designed in part to prevent spill-over violence. As I mentioned in my opening, northern Mexico, particularly in the Juarez area, is a very, very troubled place right now. We are doing the following:

We have deployed more K-9 teams, more explosive detection equipment, more mobile radar teams to inspect not just vehicles coming north, but vehicles going south and to look specifically for explosives and for bulk cash.

We are also inspecting all of the southbound rail going into Mexico.

We are working very closely with the federal government of Mexico—in fact, I was just there last week—on combined efforts look-

ing not just at the drug cartel leadership but also others who are involved in the drug trade within Mexico and also what needs to be done, particularly in Juarez, to help with security situations or getting a secure situation there.

And then finally, Mr. Chair, we are not the only Department that is now involved in the Mexico effort. There are monies in other Departments and efforts underway by other Departments as well that are all being collaborated or brought together to assist the federal government of Mexico.

Senator BYRD. With a weak economy and stronger enforcement, the number of illegal aliens trying to enter the country is down. But when the economy recovers, we need strong border enforcement. How do these proposed reductions help to accomplish your mission?

Secretary NAPOLITANO. Well, Mr. Chair, I think there are no proposed reductions. And I fully appreciate, particularly given my own background, the need to anticipate what can happen when our economy comes back, that there can be another increase in illegal immigration into the United States.

So in addition to boots on the ground, it is better technology between the ports of entry, and in addition to that, expanding our efforts at work-site enforcement because the big incentive to cross and to make that very dangerous illegal crossing is to get a job. And if we can clamp down now on the ability to get a job, we will, we think, deter some of that illegal immigration.

So we have increased the number of employers who are being audited. We are increasing the sanctions on those employers, although I must say we would like some more or stronger sanctions and fines that we could impose. And we are also deporting a record number of criminal aliens and removing a record number of other aliens from the United States.

So we understand that the issue is today but it also very well is tomorrow.

#### CBP BUDGET

Senator BYRD. The budget proposes to cut CBP by over \$300 million. I am troubled by this proposed cut.

Secretary NAPOLITANO. Mr. Chair, if I might, we think and I think the budget gives the CBP what it needs to secure our borders. Some of the monies that were in last year's budget we do not need this year. By way of example, we increased the number of license plate readers. These are machines that read license plates and report lost and stolen vehicles as they move back and forth across the border. Well, we bought the machines last year. We do not need to buy new machines this year. There are a number of other similar types of investments in last year's budget that we do not need to replicate.

Senator BYRD. Senator Voinovich.

#### ADVANCED IMAGING TECHNOLOGY

Senator VOINOVICH. Thank you, Mr. Chairman.

First of all, I would like to have you provide me, not now, the background on the advanced imaging technology and when the decision was made to go forward with the purchase of it, just the

whole scenario of how it came about and why you made the decision and so forth. Okay?

Secretary NAPOLITANO. Senator Voinovich, we would be glad to. As you know, there was money for the AIT even in the Recovery Act funds. So this has been a longstanding movement. We have simply accelerated it, but we will get you a good briefing on that. [The information follows:]

The Transportation Security Administration (TSA) has been evaluating Advanced Imaging Technology (AIT) for almost 3 years. Through covert testing, ongoing airports assessments, and operational testing at 19 airports in the primary and secondary screening positions, AIT has proven itself as an effective tool for the detection of metallic and nonmetallic threats in the laboratory and in the field.

The Transportation Security Administration (TSA) recently used ARRA funds to purchase 150 Advanced Imaging Technology (AIT) units from Rapiscan and intends to procure an additional 300 units from Rapiscan and L3, the two currently qualified vendors. This next award is currently in the final stages of review and TSA intends to announce the recipient(s) in the March/April timeframe. TSA proposes to procure an additional 500 units using 2011 funding, bringing the total to approximately 1,000 units. Further procurement decisions for AIT, as with any screening technology, will be based on ongoing risk assessments and funding availability.

Senator VOINOVICH. Thank you.

#### FIRST RESPONDER PREPAREDNESS

The other is that the request in front of us includes \$4 billion for grants to improve preparedness and response capabilities of State and local government. This is about 9 percent of the Department's total discretionary request. This is \$4 billion, and it will be in addition to the \$28 billion that we have already appropriated since fiscal year 2004.

The question I have is, does the Department have the capacity to ascertain what we are getting for the money that is being invested there? Do you have something that looks at it and determines whether or not it helps our homeland security and also, of course, multi-hazard situations?

Secretary NAPOLITANO. Senator, indeed. And there is a fine balance to be struck between homeland security and revenue sharing, for example. I will say that we are—actually there have been metrics put in place to evaluate how these grant monies are being used. I am having the metrics re-examined to see whether they really match up with what we need now.

Now, one of the things the President's budget does is it consolidates a number of grant programs. That was in response to a request from a number of Governors and mayors that they were filing multiple grant applications, had to file multiple reports. They wanted fewer grants and more flexibility, and so in this year's budget, we attempt to meet those things so that, for example, they can use grant monies not just to buy a new piece of equipment, but to maintain it. Previously they could not use monies in that fashion. So we have tried to make it as user-friendly as possible from the recipient perspective.

But your concern is one that I share. Have we married those monies up really with the homeland security perspective?

Senator VOINOVICH. I would like to have you share that with our folks. Thank you.

Secretary NAPOLITANO. I would be pleased to do so. [The information follows:]

A review of the Department's efforts in this area revealed the existence of multiple Federal assessment efforts that could benefit from improved coordination combined with reduced administrative burdens on our stakeholders. FEMA is establishing a Preparedness Task Force, as outlined in House Report 111-298, the Conference Report to Public Law 111-83. This Task Force is to be comprised of State, tribal, local, private sector and Federal experts who will be charged with, among other duties, making recommendations as to the system that should be implemented to measure national preparedness. Establishing a consolidated framework for the measurement of preparedness is a priority. We look forward to working with Congress and our stakeholders toward adopting a common assessment methodology that will best inform future decisionmaking across all levels of government.

#### DISASTER RELIEF FUND

Senator VOINOVICH. The other one, of course, is the one I asked about last year, and that is there is a request for \$3.6 billion in emergency supplemental appropriations for fiscal year 2010. And less than 2 weeks later, the amount went up to \$5.1 billion for emergency spending. And if you look at—you know, the question I have got is, does that emergency request include the claims for Katrina that are outstanding?

Secretary NAPOLITANO. Yes. The \$5.1 billion supplemental for the DRF takes into account the recent arbitration award for Charity Hospital. It also includes \$1.1 billion for the schools in the New Orleans area, and it includes monies for the outstanding arbitrations that have not yet occurred.

The idea, Senator, is that with that \$5.1 billion supplemental for the DRF, we will be able to finish out the Katrina-related claims.

Senator VOINOVICH. Great.

#### US-VISIT

Do you believe that the biometric exit system is the most cost effective way to track departure of legitimate travelers to the United States? It gets back to something you and I have been talking about because I am very interested in visa waiver, and we have got a stipulation. You know the details.

Secretary NAPOLITANO. I do.

Senator VOINOVICH. If you do not have the biometrics in place, then the program is not going to go forward, and if it is not required, then what is the substitute?

Secretary NAPOLITANO. Senator, the President's budget does not request any dollars for the biometric exit program this year. There are \$50 million of unspent monies that will be used. This is for US-VISIT, the other name for it.

I think we can and are moving for a biometric entry/exit modality for airports. The problem we have as a country is the fact that we have huge land borders and lots and lots of ports of entry on those borders, and we have not yet ascertained whether what we are doing in the airports is feasible at all at the land ports. And if it is not, then the Congress and the Department and the executive branch really need to have a discussion about whether this is the best way to go with the monies that we have.

Senator VOINOVICH. I would really like to maybe get Senator Lieberman and Senator Collins and have a hearing on this or maybe Senator Akaka to talk about what are the alternatives and how we can change that law so that this program does not end up on a clothes line someplace. So I would like to do that.

## WORKSITE ENFORCEMENT AND E-VERIFY

According to statistics from the U.S. Immigration and Customs, there has been a dramatic decrease in the number of administrative and criminal arrests in worksite enforcement. Administrative arrests—they have gone from 5,184 in fiscal year 2008 to 1,600 in 2009. I mean, how are you measuring the outcomes of this worksite enforcement guidance announced on April 30, 2009 versus the outcomes of the old policy?

In other words, it looks to me, if you take E-Verify, which some of my colleagues wanted to say should be made available to employers so they can go after them, and there was objection to that, of using E-Verify. And then you look at the number of arrests that are down, there appears to be maybe a different approach in terms of dealing with these illegal people that are in the workforce.

I mean, I cannot understand why you do not allow me as an employer to take my workforce and put it through E-Verify. It has the capacity of, I think, 65 million, and we are only doing about 9 million. If you put everything together, it looks like maybe you are slacking off or taking the pressure off in terms of illegal aliens that are working throughout the United States.

Secretary NAPOLITANO. I think absolutely the opposite, Senator. You have to look at the entire program we are doing on the workforce. And I say this as someone who as a Governor signed the Nation's first basically mandatory E-Verify law.

E-Verify to me is the tool we have available—and the President's budget supports this—for employers to use for easy, quick verification of the legal qualifications of someone to work. We have around 185,000 employers on it now. We are signing up about 1,000 per week. We are joining that with an effort to audit more employers to see if they are using E-Verify or if they are keeping proper track of their employees through what are called I-9 audits. I-9 is the form that is used.

We have greatly increased by multiples of hundreds of percent the number of employers who are being asked to perform or undergo an I-9 audit. That helps us target who are the employers that are really not even making a good faith effort to comply with our Nation's immigration laws.

We have coupled that as well with record deportations of illegals this year over the prior year, as well as record deportations of criminal aliens this year over the prior year.

So I think if you had the opportunity to speak with many of the employer groups, they are actually quite unhappy with us because they feel like we have been clamping down on them. We are.

Senator VOINOVICH. Thank you.

Thank you, Mr. Chairman.

Senator BYRD. Senator Leahy.

Senator LEAHY. Thank you, Mr. Chairman.

## AIRPORT SCANNING

Madam Secretary, in the airports where they are going to put these new virtual scanners, whatever you call them, the machines that basically undress people walking through, what do you do if

you have a passenger who does not want to go through one? Does that mean they cannot fly?

Secretary NAPOLITANO. No, it does not, Senator. They have the option of going through a standard magnetometer with a possible pat-down, the same as now.

I think it is important to recognize, first of all, that the machines now are very different than the original version of the machines so that they are not a virtual strip—

Senator LEAHY. You put the Gumby view now?

Secretary NAPOLITANO. That is one view. The ones in Amsterdam now are just a stick figure, and they are really designed to identify where anomalies are. And the readers are not where the person is. So they do not even associate the image they see with an individual. So it is a very different setup than was originally contemplated.

Senator LEAHY. I can imagine you have been asked that question by others because I know I get asked it all the time by people on airplanes.

Secretary NAPOLITANO. Correct, yes.

But I think it is fair to say that this is the new version of screening technology. It is objectively better than just the magnetometer because it helps us identify liquids, powders, other methods that somebody may be trying to take down an airplane with.

And the machines that we are buying now, the contracts are written such that as the software improves, it has to be designed so it fits within the current hardware that we are buying. So we hopefully will not have to keep coming back for new machines. The software is part of the package.

Senator LEAHY. Thank you. I would have assumed your predecessors would have done that, but I am glad you have done that. That makes a great deal of sense.

#### RAINVILLE FARM

I talked to you briefly about the Rainville Farm at Morses Line. It is a border crossing in Vermont, on the State of Vermont/Province of Quebec border. Last spring, DHS announced plans to use over \$15 million in economic stimulus funds to build a new port of entry at Morses Line. I understand the need to upgrade the facility. It is a 75-year-old brick house. It is not equipped to operate in a post-9/11 environment. But I also look at an area where you do not have an awful lot of traffic. It is very small, and you also have the tradition of the people around there.

I was concerned when the first plans came out, they were going to take 10 acres of prime farmland from an adjacent landowner. Since then, they scaled it down, now down to 4.9 acres and considerably less money. I keep getting asked the question back in Vermont, is there a need to keep this port open?

So the letter I handed you goes into more detailed questions. But I was wondering what is the current status of the project. Are there going to be any public hearings in Vermont on this project?

Secretary NAPOLITANO. Senator, I will make sure my staff gets you the correct information. My current understanding on that particular port is that it is a small port. As you know, most of those northern border ports are, maybe 40 cars a day. There is a port

there because there is a road there, and it is as simple as that. It fits within the small business carve-out for the Recovery Act funds, and my understanding is that they are now choosing among three Vermont businesses to do the actual improvement to the port.

Senator LEAHY. Will there be another public meeting on it, do you know?

Secretary NAPOLITANO. I do not know the answer to that.

Senator LEAHY. But you could let me know.

Secretary NAPOLITANO. Yes, sir.

[The information follows:]

CBP personnel have discussed this issue with staff members from the Office of Senator Leahy. CBP and USACE met with the landowners on March 12, 2010 to discuss the matter. A final environmental assessment of the project was released on March 12, 2010.

Senator LEAHY. Thank you.

#### AGENCY COORDINATION

As we all know, a core mission of DHS is to prepare for and manage the effects of a major homeland security incident in the United States, to coordinate with other Federal agencies. We saw in the aftermath of Hurricane Katrina what happens when they do not coordinate Federal, State, and local resources and the tragedy became even worse. Senator Landrieu would understand it better than all the rest of us. Now, that was a natural disaster, but if you have to respond to a terrorist attack using chemical or biological, radiological or even nuclear weapons, the whole scenario is not beyond the realm of possibilities. But as we know, you are going to have to have even better coordination.

Now, you became Secretary only last year, but DHS is now 7 years old. I am concerned it still does not have final plans and guidance as to how it is going to work with other agencies in such an attack.

DOD just completed its 2010 quadrennial defense review. They went forward with a number of plans of what they would do in case of such an attack.

Now, DHS is obviously going to have to call on other agencies, State, local, Federal. But do we have an overall plan? And I am suggesting this is something that should have been done by your predecessors long before you got there. I am not trying to dump that all on you, but where are we in getting an overall plan?

Secretary NAPOLITANO. There are plans and there are plans. There are plans that—

Senator LEAHY. I do not want a plan just for the sake of a plan.

Secretary NAPOLITANO. Exactly right. And particularly for chemical, biological, or radiological, nuclear, the CBRNE, that is an area of great concern in part because we now are seeing an increase in the number of homegrown extremists.

There are plans. There is a framework. We also have our own quadrennial review. We are now in the process of marrying that review to our planning structure so that they come together. We have exercised at the White House level what our administration would do at the Cabinet level, the Vice President, and the President should such an incident occur. And I would have to say, Senator, if we have such an attack, the President ultimately will be at that

point—you know, he will be running the event as it were. But there are plans that are in place and that have been exercised.

Senator BYRD. Senator Cochran.

Senator COCHRAN. Mr. Chairman—

Senator LEAHY. I am sorry, Mr. Chairman. I thought because the first two questions went an extra minute, I might have a chance to put in my final question. But I will send it to you to indicate my support for the Law Enforcement Support Center in Williston, Vermont. And I thank you very much.

Senator COCHRAN. Mr. Chairman, I am pleased to join you in welcoming the distinguished Secretary of Homeland Security to this hearing to review the budget request for the Department for fiscal year 2011. The responsibilities of this Department are the security of our homeland. Madam Secretary, I congratulate you on your leadership and applaud your effort to procure and deploy advanced imaging technologies to screen passengers at our airports.

One of your first initiatives as Secretary was to visit the gulf coast areas which suffered terrible damage from Hurricanes Katrina and Rita. I know that our State's Governor, Haley Barbour, has been very impressed with your attention to the issues that continue to require our best efforts in Mississippi and Louisiana as we continue to rebuild and recover from the devastating effects of the most destructive natural disaster in our Nation's history.

I was pleased with the rulemaking your Department issued in January of this year that outlines how hurricane victims can seek forgiveness of community disaster loans. I am hopeful that the Federal Emergency Management Agency will continue to work closely with our State and the communities along the gulf coast, which still have a lot of work to do to recover from the devastating effects of that monstrous hurricane.

#### COAST GUARD

There are some specific requests that are included in the budget with regard to Coast Guard aircraft and some unmanned aerial system pre-acquisition activities, although there is no specific request or speculation about the needs that exist to begin that process. And in every other Coast Guard aircraft program, there are specific requests.

I wonder, is that an oversight or is that going to be part of a supplemental request? What is your plan for funding those aircraft?

Secretary NAPOLITANO. Senator, I do not have that information now. I would have to go back and look at the budget.

I will share with you, however, that our theory in crafting this budget where the Coast Guard is concerned was that the number one priority is the recapitalization of the Coast Guard so that, for example, we have included the funding for national security cutter (NSC) number 5 and things of that sort. And having now had a year at the Department and having been on Coast Guard vessels in places from Charleston to Kuwait, that recapitalization is absolutely necessary.

[The information follows:]

For fiscal year 2011, Coast Guard aircraft will be funded using the Acquisition, Construction and Improvement appropriation for air assets. Funds will be distrib-



uted according to the Capital Investment Plan. The President's budget requests \$101 million for the recapitalization and enhancement of air assets.

Unmanned Aerial System (UAS) pre-acquisition activities will be funded using the Research, Development, Test and Evaluation (RDT&E) appropriation. The total RDT&E request is for \$20 million.

Senator COCHRAN. The other program of great interest because Northrop-Grumman Shipyard is in Pascagoula, Mississippi, and it has built the national security cutter in the process of developing this most technologically advanced ship in the Coast Guard's fleet.

I wonder if you could tell us about the request. My notes show that \$538 million is in the fiscal year 2011 budget request for production of the fifth security cutter. And the future year budget plan includes \$640 million over the next 3 fiscal years to continue that program. Is that program on schedule and on track? Are there any difficulties or challenges that we need to know about as a subcommittee?

Secretary NAPOLITANO. Senator, right now it is on track. It had a rough start. In part, I think Katrina showed that some of these Coast Guard assets need to be able to perform functions that previously had not been contemplated for the Coast Guard.

But it is on track. We had a bit of a tussle last year getting some of the funding for NSC 4, but that came into place, and now we have the funding for 5.

I think it also important to recognize that as we add on these new assets, we are also decommissioning old ones, and that is according to a prior schedule of the Coast Guard. And that accounts for some of the reduction in Coast Guard personnel that you see in the President's budget this year.

Senator COCHRAN. Turning again to the specific request for assistance to hurricane victims, I think I am compelled to point out that our State and Louisiana too, well represented here on the subcommittee, are going to continue to need funds to rebuild and recover from the devastating effects of that hurricane, the most destructive natural disaster in our Nation's history.

Secretary NAPOLITANO. Thank you, Senator.

Senator COCHRAN. Thanks, Mr. Chairman.

Senator BYRD. Senator Landrieu.

Senator LANDRIEU. Thank you, Secretary Napolitano for testifying before the subcommittee today. The fiscal year 2011 budget request for the Department will bolster emergency preparedness and support disaster recovery. I was pleased to see increases for the State Homeland Security Grant Program, Urban Area Security Initiative, and FEMA management and operations, as well as, level funding for the Port Security Grant Program, Pre-Disaster Mitigation Program, and Emergency Management Performance Grants. These programs are very important to Louisiana.

I am concerned however with the proposed cuts to the National Domestic Preparedness Consortium, the Emergency Operations Centers and the incorporation of the Metropolitan Medical Response System (MMRS) into the UASI program. I look forward to discussing these issues in more detail today.

Let me also begin by following up on the comments made by my colleague from Mississippi to thank your Department for focusing so much effort and attention on fixing FEMA and strengthening our response to disasters by actually living up to the promise to try

to help us, which we want to do, build better and smarter and stronger, which actually, as you and I have talked so many times, is technically against the current law and with the waivers that you are providing with the open interpretation that you and your staff are providing are giving us an opportunity.

#### ARBITRATION PANEL

Specifically, the push for the arbitration panel, where in the past all the communities could do, as Senator Cochran well knows, is to continue to ask FEMA for new decisions over and over and over again. There was no third party, independent arbiter that could come in say was FEMA right or was Mississippi right, or was FEMA right or was Louisiana right. And because of your leadership, that arbitration panel is in effect. It may not always rule in our behalf. So far, so good. We are doing pretty well. But just to have that process now, I just cannot thank you enough.

I want to communicate how many local elected officials have said, you know, they may not rule for us, but please tell the Secretary at least we are getting our day in court to be able to get a decision. So thank you.

Let me ask, to follow up with what Senator Voinovich said—and I thank him for raising this. We are very concerned that this fund may run out of money, Madam Secretary, because there are still some major projects pending for reimbursement. Are you confident that the money that is in the President's budget request, which is I think \$1.95 billion for fiscal year 2011, and the additional \$5.1 billion in supplemental will cover the outstanding or anticipated request from not just the gulf coast, but we have got the California fires and some other things that have happened in the last 5 years as well.

Secretary NAPOLITANO. Senator, first off, let me say that the arbitration panels in my view have been extraordinarily helpful in helping us get to a process closure. And I think you should be thanked for your leadership in getting an amendment to the statute that would allow those panels to go forward. It may be something we want to discuss having added for other disasters as well.

I cannot answer the DRF question without also congratulating you on the victory of the New Orleans Saints in the Super Bowl.

Senator LANDRIEU. Thank you.

Secretary NAPOLITANO. Well done.

Senator LANDRIEU. Thank you. I keep raising it myself. So I am so happy when others raise it. Thank you.

Secretary NAPOLITANO. On the DRF issue, it is our judgment that the \$5.1 billion supplemental, combined with the 2011 budget request, will be adequate to cover all of those claims.

Senator LANDRIEU. And thank you because it is very important. And the chairman will be very pleased to know because he has been really an extraordinary advocate for our recovery on the gulf coast. I have said this publicly many times. Without this chairman, I am not sure where we would be.

But one law that we have passed is to allow both Mississippi and Louisiana and some others to receive reimbursements en bloc. As opposed to one classroom at a time, you could receive it for several schools in a lump sum, which helps the communities to rebuild,

Mr. Chairman, much more smartly. And that is really what is at stake here if there is enough money to allow us to do that. So I thank you.

My second question is the National Domestic Preparedness Consortium, which is a group of seven universities—Louisiana State University is one of them, which is why I bring it to your attention. Over 1,000 courses were taught last year in all 50 States. It is a consortium that has been in existence now for 12 years. It is widely supported and very effective. Unfortunately, in this budget it has been cut by 30 percent. Yet, the overall budget for State/local programs has been increased by 33.

If you are not familiar specifically with this program, would you look into it? Because we believe it is extremely cost effective and it is helping us train our first responders actually in the communities where they live as opposed to expensive transportation to get them to either the capital or some other place in the country.

Secretary NAPOLITANO. Senator, yes, we will look into that.

[The information follows:]

The fiscal year 2011 administration proposal for NDPC funding is consistent with the fiscal year 2010 proposal. States are assuming increased responsibility for awareness level, refresher, and sustainment training that will allow our institutional partners to focus resources on more advanced, specialized training consistent with their respective expertise.

Senator LANDRIEU. Thank you.

#### HAITIAN ORPHANS

And finally, on another subject that is near and dear to my heart and also many members, is the issue of orphans in Haiti and also orphans around the world. Your Department really stepped up with the Department of State to help process about 900 adoptions that were in process when the earthquake hit. We think 700 to 900 is the number. And we believe, because of your quick work with Secretary Clinton, that all of those adoptions will be processed within the next 30 days.

But there still is a great need for safe, transparent processes as we identify children that are, indeed, orphans and have no one, no parents, no extended family, which may not be the majority but is a substantial number.

Do we have your commitment to continue to work with other partners, including our Secretary of State, to try to make sure that we have the right safeguards so those adoptions cannot be halted but processed as appropriate?

Secretary NAPOLITANO. Absolutely.

Senator LANDRIEU. Thank you, Madam Secretary.

Senator BYRD. Senator Brownback.

Senator BROWNBAC. Thank you, Mr. Chairman.

Madam Secretary, good to see you.

I join with my colleague about the support for orphans in Haiti. We had a number as well that were in the adoption pipeline and that we were able to clear on through. And your agency, your office, was good to work with on this, and I appreciate that a lot.

I thought that was a shameless political statement about the Saints, though. I do not know if you noticed but Kansas was the top basketball team in the country.

Senator LANDRIEU. Oh, you see what it starts?

Secretary NAPOLITANO. I really like Kansas too, Senator. It is the appropriations subcommittee, so I am prepared to be flexible.

NATIONAL BIO- AND AGRO-DEFENSE FACILITY

Senator BROWNBACK. I just wanted to note that for you.

We have talked often about the NBAF facility, the bio-agro-terrorism facility, funded last year. I really appreciated the subcommittee doing that, a number of steps going on. It hinges on the Plum Island assets being sold, which apparently is being held up now or the market conditions are poor for that to happen. As I understand, DHS is committed to reprogram \$40 million in unobligated balances in the science and technology directorate budget to fund that for fiscal year 2011. Is that your understanding as well?

Secretary NAPOLITANO. Yes, sir, Senator, and that would be married with \$40 million that the State of Kansas will be putting in to begin the NBAF design and construction process in Kansas. So we are moving ahead with full commitment to that project.

Senator BROWNBACK. It is your understanding that the reprogramming request is moving forward in the agency and is coming for congressional approval?

Secretary NAPOLITANO. Yes, sir.

Senator BROWNBACK. Okay.

And then that \$40 million—you say, well, that will be used for the design phase for this?

Secretary NAPOLITANO. I believe that is the phase that we are in. That is absolutely correct.

Senator BROWNBACK. Do you know the status on the disposition of Plum Island? What is taking place on that? Because that sale holds the rest of the funding formula for this.

Secretary NAPOLITANO. Senator, right now, as you might imagine, the market is not optimal. So there are efforts being made. Our view is that our number one issue is an NBAF facility that really deals with the cutting-edge science that we need for biological- and agricultural-related issues and security, security of the food chain. You and I have discussed this from time to time.

So our 2011 budget request includes the commitment to reprogram the \$40 million which will be, as I said, matched with \$40 million from Kansas for planning. Then depending on what happens with Plum Island, that may require an adjustment in our 2012 budget numbers. But we think it important that that project keep moving ahead.

Senator BROWNBACK. So these ought to be able to keep that project on track at the speed that it can go while we are still getting Plum Island sold off into the future.

Secretary NAPOLITANO. Senator, at least through 2011. Now, next year at this hearing, we may be having another discussion because there may have to be some other options that are being pursued. But I just want to make very clear that in our judgment that is a very important project for the country and we need to move it along.

Senator BROWNBACK. Good. And the State of Kansas has committed a great deal on this, has committed assets, is committing

assets, and they want to make sure that the Federal Government continues to commit its assets on it as well.

#### FLOOD MAPPING

I want to raise one other issue with you that I have previously, and this is—actually I cannot believe I am raising this with you as an issue, but it keeps coming up. I was in Garden City, Kansas last week. It is a semi-arid region. I mentioned this to you previously. They dug these ditches along the Arkansas River 50 years ago to drain water if they got a big rainstorm. It is fairly flat. If they got a heavy rain, they said they wanted to drain into it.

In the last reallocation on your flood mapping, they deemed these as water courses that could flood and put another 600 homes in the flood plain. These are manmade ditches. I am sure you have seen a fair number of them in Arizona that they would have done something similar.

Well, now they have got 600 more homes that are in the flood plain. They got to get flood insurance. They do not have their qualifying to do that.

And then most recently, Gypsum, Kansas—this is a town of 400 people. They had something similar happen. This is on a levee that they put in, and FEMA is requiring them because of, again, remapping to upgrade their certification on their levees even though the Corps of Engineers already does this, and it is going to cost the town \$200,000. Well, you got 400 people here. This is not something they can afford to do, and the Corps already does this.

I would ask you again, if you could, to look at the flood plain mapping and these FEMA regulations on a small community. I will get you the specifics of it. But this is what gives the Federal Government a bad name because people look at this and they go this makes no sense to me. We have had these here for 50 years. If you want me to go fill them in, I will fill them in. But that is dumb because then we are going to have actual flooding that would take place instead of the water running off the course.

So we have been very frustrated with this. The city has even sued. Garden City has sued FEMA, and the court says, no, that is not going to last. We are going to get the regional FEMA director out, the new one, to Garden City.

I met with you previously on this. It would really help if you could break through the logjam on these two issues because they have been like this for a long time, and it just really frustrates people when they happen this way.

Secretary NAPOLITANO. Senator, in my prior life, I was the Governor of a State that had some similar issues. So I am very familiar with this from the recipient side.

We are re-looking at flood mapping at large. There are lots of issues around the country. Garden City is not unique in this regard. My goal is to have the flood mapping and flood zone creation based on the best science, but the best science also needs to combine with common sense.

And so what I would like to propose is or offer is that we will, if you would find it helpful, have the FEMA Administrator come brief your staff or somebody from his staff brief your staff on where

we are right now on re-looking at how we are doing the flood mapping all over, as well as trying to troubleshoot these two towns.

Senator BROWBACK. Thank you.

Thank you, Chairman.

Senator BYRD. Senator Murray.

Senator MURRAY. Thank you very much, Mr. Chairman and Senator Voinovich. I appreciate your having this hearing today.

Madam Secretary, thank you for being here. Before I start, I want to personally thank you and all the members of your staff who do such a great job all the time keeping our Nation safe. And I know how hard they work. I just wanted to thank you for that.

#### PORT SECURITY

I wanted to talk to you today about port security. As a Senator from one of the most trade-dependent States in the Nation, the security of our Nation's ports has long been a very top concern of mine. We know in my home State that seaports are the lifeblood of our economy and that our ports move billions of dollars of goods each and every year and generate tens of thousands of jobs.

I am reminded of this every time I go home because my office sits on the 29th floor of the Jackson Building looking down over the Port of Seattle and I recognize so well that one container coming in with some kind of nuclear device or other explosive could have tremendous damage on people, on property, and on the entire Nation's economy if our ports were shut down.

I worked with Senator Collins and wrote the Safe Port Act under the Bush administration, and I am pleased that we passed that. But I am following the implementation very carefully, and I wanted to raise some concerns with you today.

Recognizing the unique, catastrophic attack that could come from a nuclear device, the Safe Port Act that we wrote required that all cargo entering through our top ports be scanned by radiation detectors, which your Department has done that. But the Department's budget only proposes \$8 million for the radiation portal monitor program under DNDO so that we can have these radiation portal monitors at all of our ports, including our smaller ports.

The funding that has been requested is nowhere near enough to meet that goal. It just absolutely does not come close. And I wanted to ask you today why, when there is still a lot of vulnerable ports in the Nation, in my part of the country in the Pacific Northwest and around the country, did you only ask for \$8 million for these radiation monitors when your Department has not yet met its goals on this.

Secretary NAPOLITANO. Well, Senator, a couple of things, and I need to be careful here that I do not tread into some areas that are classified. But if I might just say I am very cognizant of this issue. There is a plan in place, and I would prefer to be able to brief you in a nonpublic setting.

Senator MURRAY. Well, I would be happy to do that, but I am very concerned that \$8 million only provides 10 additional monitors. We are far short from the 752 that are supposed to be out there. So if you would like to do it in a classified setting, I am happy to do that. But I am deeply concerned that this part of the Safe Port Act has not been moved forward and I am deeply con-

cerned that the budget request is not going to get us there. So we will do that.

Secretary NAPOLITANO. Yes. Put that on your schedule.

Senator MURRAY. Okay, good.

[The information follows:]

Senator Murray's office was contacted on February 26 to schedule a classified briefing on the Radiation Portal Monitoring Program budget request.

#### OLYMPICS

Senator MURRAY. And on another topic, as we speak, the Winter Olympics are occurring, and I know you were up in my home State and saw the coordination center firsthand that has been built there on the border. They have done a remarkably great job, and I personally want to thank you for your support of that effort and all the resources that were available to make sure that we had a coordinated security response at this time.

The Olympics are going to be over in a few days, and Washington State still has the third busiest border crossing across the country. Canada is our largest trading partner. We all know the ongoing security challenges that occur at that border, a very, very complex border with water, mountains, highways, urban areas, rural areas. You name it, we have got in our region.

#### NORTHERN BORDER COORDINATION CENTER

I have thought for a long time, because a lot of our attention has been focused on the southern border. Finally, with this coordination center, we are getting to the point where we are really recognizing that we have got to put the resources in, and this coordination center has been a great model.

So I wanted to ask you if you think that we can maintain this going forward because of the great success that we have had with it.

Secretary NAPOLITANO. Senator, as you know, I was out there earlier on looking at the ops center, the coordination center, as it was getting up and running. I am going to go back out this weekend. Part of my job, or one of the things I want to talk to people about, is would this make sense to do because I have heard great reports. So my mind is very open. I want to just see what have we seen over the past couple of weeks, how has it been during the fall, and just get a sense of people on the ground about their feelings.

Senator MURRAY. Okay, good, because I think this would be a great effort to continue with all the complexities that we have at the border. People really came out of the woodwork to do a good job of coordinating across a lot of different agencies, and I think to pull the plug on that and lose that would be, I think, the wrong direction. So I look forward to working with you on that.

#### HANSON DAM

One last issue I wanted to raise with you while you are here, and I do not know if you are familiar with the Howard Hanson Dam in my home State. Because of heavy rainstorms back in January 2009, which resulted in a presidentially declared disaster, the Howard Hanson Dam was damaged, and as a result, the Corps could

not hold back as much water as it normally should be doing. We have been very lucky and we have not had the rain and snow that this end of the world has had this year. The Olympics know that as well. But because of that, we have been able to be okay this year.

But it is a very complex project. It has to be repaired. We have been working with FEMA on this, and I know their challenges and the limited role that they can do because of their scope and funding. It is not imminent, but if we have a rainstorm, we literally could take out entire communities below that dam.

One of our cities below the dam, Kent, is trying to use its own funding to repair the levees, but they are stuck in this horrible bureaucratic mess because in order to reduce the impacts of being in a flood plain, which they now are, their levees have to be certified. But FEMA will not recognize the rebuilt or repaired levees because they have not been certified by the Army Corps, and the Army Corps is not going to certify them because of measures that are required under NOAA and the Endangered Species Act. So this city is caught in the middle of all of these agencies. They are trying to do the right thing with their own money to get these levees and the protection for a very important community there, and they are in this bureaucratic mess.

So I just wanted to ask you if you could sit down with me in my office and the agencies and see if we can help them work their way through this.

Secretary NAPOLITANO. We will see if we can troubleshoot that problem.

Senator MURRAY. Okay. Thank you very much. Appreciate it.

Senator BYRD. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Madam Secretary, welcome.

Secretary NAPOLITANO. Thank you.

Senator MURKOWSKI. Good to see you.

#### COAST GUARD VESSEL ACUSHNET

I want to talk just briefly this afternoon about the situation with the Coast Guard and the proposal in the fiscal year 2011 budget to decommission the Coast Guard cutter *Acushnet*. This is one of the three large Coast Guard cutters that is serving up in the Alaska waters and I am greatly concerned about the decommissioning of this cutter and the negative impacts that we could potentially see on the safety and security, particularly within our commercial fishing industry.

The folks up there have 3.5 million square miles of ocean that they have got to cover. I mean, I always say it is big, but 3.5 million is a pretty good reminder of what the Coast Guard District 17 is responsible for, and they do a wonderful job of it. We are very, very proud of the men and women who are serving us there.

But with the decommissioning of the *Acushnet*, along with the four other high endurance cutters along the west coast, there is a very real concern that it is going to make it impossible or exceptionally difficult for the Coast Guard to meet its already very challenging mission that it faces in Alaska. We have got over 60 percent of the national fishing totals for the Nation up there within



our industry, and just again, a real concern as to the direction that we are taking here.

Now, I do understand that the effort is to mitigate the shortfall of this decommissioning by replacing them with cutters that are going to be created from the deepwater acquisition project, but it is my understanding that at this point in time, only two of those national security cutters have been accepted by the Coast Guard and neither of them have been proven to be able to operate in some pretty challenging maritime conditions up north.

So the concern is that the proposal—as you take the *Acushnet* out, you have vessels that have not yet been accepted, not yet—basically we do not have the assurance that they are going to be able to meet the needs. And you have clearly a resource gap that will impact our ability to provide for the level of service necessary and impact the economy there.

So what I would like to hear from you is, given the President's desire to decommission the *Acushnet*, how do we—how do you, through the Department of Homeland Security, and the Coast Guard plan to address the mission and the resource shortfalls that we anticipate to be created. And is it wise to be removing the *Acushnet* from service before we have replacement vessels that are suitable?

Secretary NAPOLITANO. Senator, let me suggest that I will get back to you specifically on the *Acushnet*, but let me add to that. The theory underlying the Coast Guard plan of the recapitalization of the Coast Guard is actually—we are several years into it. In other words, it predates my tenure as the Secretary. And the notion was that as we recapitalized with the national security cutters, that other vessels would be decommissioned, and that schedule is now moving along. We are proceeding really on the same basis.

With respect to the *Acushnet*, I will have to get back to you as to have we somehow left a gap there that is not going to be filled. I cannot imagine that we have. I know the leadership of the Coast Guard is very focused on Alaska, but I cannot right now tell you what is the specific plan for the *Acushnet*. So we will get that back for you.

[The information follows:]

The Coast Guard expects to execute its Living Marine Resources and Other Law Enforcement responsibilities in the North Pacific and Bering Sea in fiscal year 2011.

We are currently working on our fiscal year 2011 operational planning process to best allocate our cutter fleet to maximize performance and minimize risk across all statutory missions. The Coast Guard will explore strategies to improve Living Marine Resource program management by increased targeting of high precedence fisheries and continue to leverage international and domestic partnerships to aid in coverage of these areas.

Senator MURKOWSKI. I would like to have a discussion with you on that or whoever that you should designate because we do want to make sure that these vessels that have been identified as the replacement, again, are going to be accepted and that you do not have—

Secretary NAPOLITANO. A gap, yes.

Senator MURKOWSKI [continuing]. A substantial gap.

## TRANSPORTATION WORKER ID CARD

The other issue that I want to bring up is the transportation worker identification credentials, the TWIC. I do appreciate the Department's effort to make much of the TWIC application information available on the Internet and to place the enrollment centers in certain parts of south and southeastern Alaska. That does help.

But we are just really struggling with our geography in Alaska, as we seem to do. But we have got situations where folks that must obtain their TWIC certificate live far from any area where they are able to receive that. We have got a TWIC center in Juneau, our State's capital now, but if you happen to be down in Ketchikan, which is the next community south—it is probably equivalent in size or close to approaching Juneau—you are an hour flight because both Juneau and Ketchikan are islands, no road to drive. It is \$200 one way to fly from Ketchikan to Juneau to make your application, and then you have to come back to pick it up. So you have got to make two trips up to Juneau.

Now, we are getting a lot of complaints. I cannot tell you the number of complaints that we get out of southeast, but some of the other issues are even worse.

In Unalaska out in the Aleutian Chain, the Nation's largest fishing port, we do not have a facility out there. We are trying to get a mobile facility, and I understand that there was a unit there but now it is closed. We are not entirely certain what the status was on that. But there again, you have got a situation where Unalaska is at the end of the Aleutian Chain and the next closest place for them to go to get their TWIC card is in Anchorage. That is a \$600 ticket one way. It is over a 3½ hour airplane trip.

So we are just really, really challenged by this. We are trying to figure out how we can avoid the—we are going to have to do the round trips, but not two trips. It is bad enough to have to send you to Anchorage to get your card, but it is really kind of a poke in the eye that you have to travel back to pick it up.

So the question that I would have for you is whether or not with these mobile application centers, whether we can set something up to allow the folks who need to get their TWIC card, if there is a certified mail option that they could pick up that card without having to do a round trip. I am trying to figure out some way to make this happen because right now it is causing more bad language coming from dock workers and fishermen directed toward the Department of Homeland Security. We need to try to figure out how we can make this more workable. So I would like to work with you to see if we cannot come to a better resolve.

Secretary NAPOLITANO. Senator, I will task someone at the Department to see, again, if we can troubleshoot this. Maybe the answer is to reopen a mobile site. You know, we have issued now, I believe, somewhere in the neighborhood of 1.3 million TWIC cards, and the process has smoothed out as we have moved forward. But I can appreciate the issue and the frustration and the cost that you are describing. So I will task somebody to work this issue with your office, and let us see if we can fix this.

[The information follows:]

The TWIC system and compliance to DHS policy do not support direct mailing of TWICs to individual transportation workers. The TWIC Program, however, has been working with an Alaska Working Group to address the unique enrollment and activation challenges in Alaska. Currently the options to limit travel costs for transportation workers in Alaska include the use of mobile enrollment sites and a concept of Enroll Your Own (EYO) centers. There are now four fixed enrollment sites supporting Alaska in Juneau, Anchorage, Valdez, and Nikiski. Two locations, Ketchikan and Skagway have reached agreements to establish an EYO center. The EYO concept allows local ports to purchase Enrollment Work Stations and provide fully trained Trusted Agents to support enrollment. It provides the capability to modify and change operational hours, as well as location, to accommodate enrollments in the most economic way. Discussions are also ongoing with Unalaska (Dutch Harbor) to establish an EYO center. In addition, the USCG and TSA will be meeting with representatives from Alaska to look at the possibility of adding an additional fixed site and to again review the concerns and issues unique to Alaska.

Senator MURKOWSKI. I appreciate it greatly. Thank you.

Thank you, Mr. Chairman.

Senator BYRD. Thank you, Senator.

#### CHEMICAL FACILITIES

On January 23, 2010, there was a chemical leak at a DuPont facility in Belle, West Virginia, resulting in a tragic loss of life. During the initial investigation, it was determined that first responders to the incident had difficulty receiving the critical information they needed in responding to the accident, such as the nature of the leak and the chemical involved. This incident is similar to the August 2008 chemical explosion at Institute, West Virginia where first responders were left guessing as to the nature of the explosion and the chemicals involved and were even refused information by the company.

The chemical industry has a duty to maintain the utmost in safety standards to protect communities, and these two incidents indicate that the industry as a whole has a lot of work to do to maintain safe operations and provide the necessary information to first responders.

Last October, I asked you to determine what more could be done to improve safety at chemical plants, and I look forward to receiving your recommendations soon. What is the Department doing to ensure that first responders have access to the critical information needed in responding to these types of incidents?

Secretary NAPOLITANO. Thank you, Mr. Chairman. I think one of the key tools is the process by which we are putting into tiers chemical facilities around the country under the so-called CFATS legislation which also provides for inspections and information sharing and the like. That is well underway. We are going to continue it. Different States do different things in addition to CFATS, but that is a primary tool at our disposal.

#### COAST GUARD BUDGET

Senator BYRD. I am troubled by the Coast Guard's budget request which reduces military strength by 1,112 billets. The Coast Guard is the only branch of the military to see its workforce decreased in the President's budget. It is a reduction of capacity and capability for an agency that has rescued 33,000 people following Hurricane Katrina and was first on the scene to evacuate over 1,000 U.S. citizens from Haiti.

The Commandant said that the cuts to military personnel were necessary to pay for capital priorities, particularly the fifth national security cutter. No other military service chief was faced with this tradeoff of people versus assets. Why was the Commandant of the Coast Guard faced with this false choice?

Secretary NAPOLITANO. Well, Mr. Chairman, several things.

One is I could not support the Coast Guard more or echo its effectiveness and its utilization in the protection of our country. It is a valued, and should be valued, branch of our service.

Second, in a budget year where there were tight constraints, there was a prior plan to decommission vessels and add national security cutters. As we decommissioned, we decommissioned the crews associated with those vessels, were no longer necessary. On the other hand, as we add new equipment—it is not a one-for-one tradeoff—with increased technology for every Coast Guard member that we lose, we do not necessarily have to replace on a one-for-one basis. But that was the process that we went through in terms of the budget.

Senator BYRD. I share the concern of the able Senator from Alaska about decommissioning four Coast Guard cutters when it will be over 3 years before we have four national security cutters to replace these. Reduction in billets is the wrong thing to do.

Secretary NAPOLITANO. Mr. Chairman, let me just, please, suggest that that is the kind of issue that we could continue to work with the subcommittee on as we move through the appropriations process.

#### E-VERIFY

Senator BYRD. Senator Voinovich.

Senator VOINOVICH. Thank you, Mr. Chairman.

I am going to hit a couple of issues that are likely to come up when the committee marks up the bill, or as amendments I expect may be offered to the bill on the floor, if we do not get them clarified.

Do you support allowing employers to voluntarily apply E-Verify to their existing workforce, not just new hires?

Secretary NAPOLITANO. On a voluntary basis? Yes, I believe E-Verify is a very useful tool in terms of deterring or ensuring that we have a legal workforce.

Senator VOINOVICH. Well, that was a requirement in the Senate bill and I think it got knocked out in the conference committee, that the employers be able to. So you would be able to, this year, support an employer if they want to use E-Verify, to—

Secretary NAPOLITANO. They could do that now. That is not a change in existing law, as I understand it.

Senator VOINOVICH. Okay.

#### SBINET

The other one is that we got into the whole fence issue last year, the 670 miles. And my colleague, Senator DeMint, had an amendment to put more fencing up. And the question I have is that as far as, I think, you are concerned, we have got enough fence up, but at the same time, we have had significant delays in developing this SBInet. The original schedule was to complete it in two areas

of the Southwest border by October 2008, and as of January, CBP delayed operational testing of the initial deployment in your State of Arizona until the fall of 2010.

Now, the logic here is that if you do not have the fence, then what else is out there to make sure these people do not come in that are illegal. And I would like you to answer that question.

Secretary NAPOLITANO. Yes. You are right. If I might, Senator, divide it into three categories: a fixed fence, SBInet which was the virtual fence, and then other technology, such as mobile radar systems and the like.

Fixed fence. We are on schedule to complete what Congress appropriated monies for. There are very few miles left. That has some utility if it is a part of a plan that includes technology and boots on the ground. But a fixed fence in and of itself is really simply a bumper sticker in my view in terms of actual border protection. The notion that you are going to build a fence from San Diego to Brownsville and keep out illegal immigration is just not the way the border works. But certain areas, a fixed fence, yes, and we are scheduled to complete what Congress has appropriated.

The virtual fence. This is SBInet. This was a project, I think, originally undertaken in 2004 or 2005 to build cell towers along the border. There would be a fixed radar system. It has suffered from a number of problems. One is when it was contracted, they contracted and designed it without really incorporating what the operational needs of the people who actually use it are. So there were those problems. The environment is very harsh in that part of the country.

Senator VOINOVICH. The question really is, when are we going to have it? And second of all, what do you say to some other people that we are going to hear from that say we have got to have more fence because we have got openings out there where people can come across the border?

Secretary NAPOLITANO. What I say to them is, first of all, we are not going to commit right now to finish SBInet across the border. I do not want to send good money after bad.

But this gets to the third area and that is other technology. There is mobile radar. There are backscatters. There are all sorts of things we can deploy along that border to be force multipliers for our boots on the ground, and we are fully committed to doing that. That is a much more effective way to police that border than any fixed fence sort of structure.

Senator VOINOVICH. I would like to have a memorandum or something from you in a great deal of detail, and I think it is really important that the American people understand the good job that is being done. Of course, you and I have talked about this, that you can have the greatest fence in the world, but we are still going to have the problems with a lot of illegal immigrants or aliens that are here in the United States that we have to go after, which means more people for ICE, more beds, and so forth. So that ultimately, even though it is the third rail—we will not get it done this year—this country is going to have to take on a realistic immigration policy to deal with the problem.

[The information follows:]

*Physical Fence*

There are currently 645.2 miles of physical fence (346.7 miles of pedestrian fence and 298.5 miles of vehicle fence) in place along the Southwest border.

DHS/CBP current plans, based on Border Patrol's operational requirements, call for an additional 6.4 miles of fence.

*SBIInet Technology*

A prototype for a fixed-tower based surveillance system called Project 28 (P-28) was deployed to the Tucson area in February 2008. Although P-28 was a proof-of-concept, the leave-behind capability continues to provide operational benefit to Border Patrol.

The initial deployments of the "SBIInet Block 1" system are Tucson-1 (TUS-1) and AJO-1 (AJO-1).

TUS-1 construction is complete, but testing has been delayed to clean up remaining technical issues.

Final system acceptance testing should begin in the summer, with turnover to the Border Patrol for operational testing in the fall.

Despite delays to testing, Border Patrol has been operating the system since February 6, and have provided positive feedback on the system.

AJO-1 construction is underway, and should be complete this summer.

Final system acceptance testing should be complete in November.

SBIInet delays have been a source of major concern to the Secretary, and as a result she has initiated a program reassessment, which is currently ongoing.

The Secretary also announced a "freeze" on all SBIInet Block 1 funding beyond the initial deployments to TUS-1 and AJO-1 until the assessment is completed, and a reallocation of the \$50 million of ARRA funding originally allocated for SBIInet technology to other commercially available technologies.

The assessment is intended to be a comprehensive, science-based analysis of alternatives to SBIInet to ensure that we are utilizing the most efficient and effective technological and operational solutions in all of our border security efforts.

In addition to the fixed tower solutions provided by P-28 and SBIInet Block 1, there are other technology solutions being used to help secure the Southwest border. Among those are:

About 40 Mobile Surveillance Systems (MSS), which are truck mounted systems that include cameras and radar. Operators monitor the radar and camera images from a terminal in the cab of a truck;

Remote Video Surveillance Systems (RVSS) which are remote-controlled camera systems that display pictures at a central dispatch location and allow U.S. Customs and Border Protection personnel to keep an eye on selected areas;

Unattended ground sensors (UGS) which are clandestine sensors that can detect movement in their vicinity and relay an electronic signal to a central location that is monitored by the Border Patrol.

## DHS MANAGEMENT

Senator VOINOVICH. The Department promised me information on management integration initiatives with action plans and milestones. On December 31, we received seven of the initiatives, but I have yet to see the action plans for the initiatives. I would like to see them. How are you going to get it done? And maybe also tell me what you have already done. We have been on that for a long time.

Secretary NAPOLITANO. Yes, and I appreciate your focus on management. It is one of mine as well. We will continue moving along. Some of them, quite frankly, are tied to some of the budget decisions for 2011, but we will keep in constant touch and be giving you more and more as they are prepared.

## COAST GUARD ICEBREAKERS

Senator VOINOVICH. Great Lakes icebreakers. We asked for a study. We are talking about buying a new icebreaker, and the Coast Guard said that we could take the money and put it and rehabilitate another seven of them. And we are supposed to get a re-

port back from you by the 28th of this month on what is the best thing to do. Is that report going to—did anybody tell you about it?

Secretary NAPOLITANO. If it is not done, it will be done.

Senator VOINOVICH. That is wonderful.

Secretary NAPOLITANO. Just nod yes. Right?

#### CYBERSPACE

Senator VOINOVICH. Cyberspace was another one. You just glibly said we are going to hire 1,000 people. The question I have is do we have the flexibilities to find these people today? I really think—Senator Byrd talked about the things that we know and we do not know. But cybersecurity is one area—I have someone in my family that is very familiar with it, and he sat down one afternoon and explained to me how they are going to shut the country down.

And the question is these are very smart people that are out there, and do you have the flexibilities to go out, in terms of human capital flexibilities, to find these people and pay them and get them on board?

Secretary NAPOLITANO. We have direct-hire authority to hire up to 1,000 over the next 3 years. That in and of itself is not an answer to the problem. This country needs a civilian cyber command, just as it needs a military cyber command. And we need to pursue that with as much alacrity as possible.

There are things that are difficult. Cyber individuals, the really good ones, tend to be pretty young. They are spread around the country. They are used to a different salary structure, among a whole host of issues. We are working our way through that. That may be something that we need to have further dialogue with this subcommittee on.

Second, even with direct-hire authority, we do not have the ability just to snap our fingers and on-board a person. In the cyber world, we almost need to be able to work that fast, and we are not there yet. So that is another issue that we are going to have to continue to work with the subcommittee on.

So we are not where I would like to see us from an overall capacity, but we have moved a great deal forward in the past months. It is really front and center as part of our priorities.

#### DISASTER RELIEF FUND

Senator VOINOVICH. Thank you.

And the last question I have—a real quick one—is about the money that you have requested for FEMA disaster relief—fiscal year 2010 supplemental appropriations of \$5.1 billion, and then you've got \$1.9 billion in the 2011 budget request. Can you guarantee me and the chairman—I will not be around, he will—whether or not next year you are going to be in here with a supplemental because you underfunded this budget for fiscal year 2011 in terms of dealing with all natural disasters?

Secretary NAPOLITANO. Senator, the DRF by nature, because you are dealing with Mother Nature, is difficult to predict. The \$1.9 billion in the request is the 5-year rolling average for non-catastrophic disasters, which we define as disasters that are \$500 million or less. You have got to have a number somewhere I suppose.

The supplemental is designed to cover all known existing disaster liabilities, including the Katrina/Rita liabilities that we know of.

Senator VOINOVICH. Thank you.

Thank you, Mr. Chairman. You have been very patient.

#### BALANCED WORKFORCE INITIATIVE

Senator BYRD. In addition to the 220,000 men and women who work at the Department, the Department pays for over 210,000 contractors. This is a hidden workforce. This hidden workforce grew exponentially during the last administration with very little oversight. Many of these contractors were asked to provide services that are inherently governmental, including intelligence activities. For years, the Department did not have enough procurement personnel to provide responsible oversight for these contractors.

Since I became chairman in 2007, I have pushed the Department to end its reliance on contractors, and I have worked to provide the resources to provide appropriate oversight. I commend you for joining the effort.

Please describe the actions that you have taken and that you are proposing to address this problem.

Secretary NAPOLITANO. Well, thank you, Mr. Chairman, and thank you for your efforts in this regard.

We have an initiative. It is known as the Balanced Workforce Initiative. It is designed to identify positions currently occupied by contractors that should be brought into and handled by full-time employees. There are a number of advantages to doing so, fiscal as well as management and supervision and all the rest. That is across the Department and it is part of not only our budget process but our evaluation process, how well different supervisors are doing that. Some areas are more susceptible to it than others.

It is not easy in part because of something I alluded to with Senator Voinovich, which is the length of time it takes to on-board a Federal employee. It is just way too long even if they do not work in the cyber arena. It has become too complicated, too long, and people just cannot stand to wait that long. So we are working as well across the Federal Government through the Office of Personnel Management to see what can be done to shorten that process.

Senator BYRD. The detailed congressional justification materials that you submitted to the subcommittee on February 1 clearly identify proposed reductions of 181 Border Patrol agents. Now, I am pleased that you are modifying your proposal, but in order to understand the modifications, would you please resubmit the justification materials specifying where the savings will come from? Will you do that?

Secretary NAPOLITANO. Yes, sir.

[The information follows:]

These materials were provided to the subcommittee on March 9, 2010.

Senator BYRD. Finally, Madam Secretary, are you prepared to predict that the West Virginia Mountaineers will win both the men's and the women's NCAA basketball tournaments?

Secretary NAPOLITANO. Absolutely.



ADDITIONAL COMMITTEE QUESTIONS

Senator BYRD. Secretary Napolitano, I thank you for your testimony and for your responses to the questions. We all share the goal of securing this wonderful homeland of ours. We look forward to your rapid response to our written questions for the record, and we ask that all responses be received by March 30 to ensure that we have the proper information to prepare the fiscal year 2011 Homeland Security appropriations bill.

Secretary NAPOLITANO. Yes, we will be happy to do so, and I appreciate the subcommittee's time this afternoon.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

DEPARTMENTAL MANAGEMENT

OVERDUE REPORTS AND EXPENDITURE PLANS

*Question.* It has been over 4 months since the President signed into law the Department of Homeland Security Appropriations Act for fiscal year 2010. Within that Act, Congress required 35 expenditure plans, of which 30 are now past due. Congress requires these reports in an effort to ensure that the Department is providing the appropriate amount of oversight and discipline to these complex programs. Expenditure plans that have not yet been received include: TSA's Explosive Detection Systems, the Border Security Fencing, and Technology program, the Removal of Deportable Criminal Aliens program, Coast Guard Deepwater Quarterly Acquisition Report, and the Cyber Security program. It is difficult for this Committee to make important resource allocation decisions to address critical homeland security issues for fiscal year 2011 if the DHS has not informed us of how the dollars in the current year are being spent. Do I have your commitment that these reports, many of which are 2 months or more overdue, will be submitted no later than March 31, 2010?

*Answer.* The Department and its Components are making every effort to prepare and transmit reports required for the Appropriations Committees as quickly as possible. I regret the delay we've experienced in transmitting a number of our required reports and assure you that we are doing our best to provide the Committees with the information needed to make resource allocation decisions for our homeland security needs as soon as possible.

ACQUISITIONS

*Question.* For each of fiscal year's 2008–2011, how much funding is dedicated to major acquisitions? For each of those years, provide details on the classification level of each acquisition, i.e. how many are designated as Level 1, Level 2, or Level 3 as defined by the Department's Acquisition Management Directive? Provide a DHS Major Acquisition Status tracking chart listing each program and milestones necessary to achieve approval for full-scale procurement.

*Answer.* Total funding dedicated to major acquisition programs is displayed in the following table:

[Dollars in thousands]

	Amount
Fiscal year:	
2008 .....	7,896,915
2009 .....	8,291,734
2010 .....	9,174,758
2011 .....	7,739,646

Source: Future Years Homeland Security Program (FYHSP) System Capital Investment Plans. Issued on April 24, 2009.

Following is a list of DHS major acquisitions (Level 1 and 2) that are overseen at the Department level. In accordance with Acquisition Management Directive 102, non-major programs (Level 3) are overseen by the respective Component Head.

DHS programs have multiple projects in different stages of the acquisition life cycle. Consequently, most programs are listed as mixed life cycle (or phase) in the OMB Exhibit-300s.

DHS manages projects as they progress through the acquisition life cycle and is currently in the process of compiling a complete list of projects and their status in the acquisition life cycle.

Component	Program acronym	Program name	Threshold level	Type
USCG	OPC	Offshore Patrol Cutter	1	Non-IT
TSA	EBSP	Electronic Baggage Screening Program	1	Non-IT
DHS	ITP	Infrastructure Transformation Project	1	IT
USCG	NSC	National Security Cutter	1	Non-IT
USCG	HC-130H	HC-130H Conversion/Sustainment Projects	1	Non-IT
CBP	StrAP/A&M	Strategic Air Plan/Air & Marine	1	Non-IT
USCG	HH-65	HH-65 Conversion/Sustainment Projects	1	Non-IT
USCG	MPA	HC-144A Maritime Patrol Aircraft	1	Non-IT
CBP	SBlnet	Secure Border Initiative net	1	IT
CBP	BPF	Border Patrol Facilities	1	Non-IT
CBP	ACE/ITDS	Automated Commercial Environment International Trade Data Systems.	1	IT
USCG	MEC MEP	Medium Endurance Cutter Sustainment	1	Non-IT
FEMA	Risk MAP	Risk Mapping, Analysis and Planning	1	Non-IT
CBP	NII	Non-Intrusive Inspection Systems Program	1	IT
USCG	FRC-B	Fast Response Cutter (FRC) B Class	1	Non-IT
USCG	IDS-COP	C4ISR-COP	1	IT
TSA	PSP	Passenger Screening Program	1	Non-IT
USCG	R21	Rescue 21	1	IT
NPPD	US-VISIT	United States Visitor and Immigrant Status Indicator Technology.	1	IT
TSA	TOP	TSA Operating Platform	1	IT
NPPD	NCPS	National Cybersecurity & Protection System (formerly US CERT).	1	IT
TSA	IHOOP	Integrated Hiring Operations & Personnel Program.	1	Non-IT
DNDO	ASP	Advance Spectroscopy Portals	1	Non-IT
USCG	RB-M	Response Boat—Medium	1	Non-IT
USCG	CPB	Coastal Patrol Boat	1	Non-IT
USCG	NAIS	Nationwide Automatic Identification System for MDA.	1	IT
CBP	WHTI	Western Hemisphere Travel Initiative	1	IT
CBP	TECS MOD	Traveler Enforcement Compliance System—Modernization.	1	IT
ICE	ATLAS	ATLAS	1	IT
OHA	BioWatch	BioWatch Gen-3	1	Non-IT
USCG	HH-60	HH-60 Conversion/Sustainment Projects	1	Non-IT
TSA	SF	Secure Flight	1	IT
USCG	IOC/C21	Interagency Operations Centers (Command-21).	1	IT
USCIS		Transformation	1	IT
NPPD	NCCC	National Command & Coordination Capability.	1	IT
TSA	TWIC	Transportation Worker Identification Credentialing.	1	IT
DHS	TASC	Resource Management Transformation/Financial Transformation & Systems Consolidation.	1	IT
CBP	FMP	Fleet Management Program	1	Non-IT
CBP	SBI TI	Secure Border Initiative Tactical Infrastructure.	1	Non-IT
CBP	SBI Trans	Secure Border Initiative Transportation	1	Non-IT
FEMA	eNEMIS	eNEMIS	1	IT
USCG	UAS	Unmanned Aircraft Systems (UAS)	1	Non-IT
USCG	PB MEP	Patrol Boat Sustainment	2	Non-IT
FEMA		Housing Inspection Services	2	Non-IT
USCIS	IDP	Integrated Document Production	2	IT
NPPD		Information Systems Security Line of Business (LoB).	2	

Component	Program acronym	Program name	Threshold level	Type
CBP	ATS	Automated Targeting System Maintenance	2	IT
S&T	NBAF	National Bio- and Agro-Defense Facility	2	Non-IT
DHS	HSDN	Homeland Secure Data Network	2	IT
USCG	HSC-130J	HC-130J Fleet Introduction	2	Non-IT
DNDO	CAARS	Cargo Advanced Automated Radiography System.	2	Non-IT
A&O	HSIN	Homeland Security Information Network	2	IT
ICE	DROM	Detention and Removal Modernization	2	IT
S&T	NBACC	National Biodefense Analysis and Countermeasures Center Facility.	2	Non-IT
FEMA	TAV	Total Asset Visibility (Phase I & II)	2	IT
FEMA	Risk MAP IT	Risk Mapping, Analysis and Planning IT	2	IT
USCIS	VIS/EEV	Benefits Provision—Verification Information System/Employment Eligibility Verification.	2	IT
CBP	TAC-COM	EWP Tactical Communications (TAC-COM)	2	IT
USCG		Small Boats	2	Non-IT
CBP	LPR	License Plate Reader	2	IT
DHS	HR-IT	HR-IT	2	IT
CBP	APIS	Advance Passenger Information System	2	IT
NPPD	IICP	Infrastructure Information Collection & Visualization—IICP.	2	IT
A&O	COP	Common Operational Picture	2	IT
ICE	SEVIS	Student and Exchange Visitor Information System.	2	IT
CBP	SFI	Secure Freight Initiative	2	IT
CBP	ESTA	Electronic System for Travel Authorization	2	IT
A&O	MS	Mission Systems	3	IT
CBP	APIS	Advance Passenger Information	3	IT
CBP	AFI	Analytical Framework for Intelligence	3	IT
CBP	AES	Automated Export System	3	IT
CBP	ESTA	Electronic System for Travel Authorization	3	IT
CBP	SAP	SAP	3	IT
DNDO	JACCIS	Joint Analysis Center Collective Information System.	3	IT
FEMA		Consolidated Alerts & Warning System	3	IT
FEMA	DAIP	Disaster Assistance Improvement Plan	3	
FEMA		Disaster Management (e-Gov)	3	IT
FEMA	IFMIS	Integrated Financial Management Information System.	3	IT
FEMA	NFIP	Information Technology Systems & Services	3	IT
FLETC	SASS	Student Administration & Scheduling System.	3	IT
ICE	FFMS	Federal Financial Management System	3	IT
NPPD	CWIN	CIKR Information Sharing	3	IT
NPPD	IICV	Infrastructure Information Collection Program & Visualization-iCAV.	3	IT
NPPD	IICV	Infrastructure Information Collection Program & Visualization PCII.	3	IT
NPPD	ISCP	Infrastructure Security Compliance CSAT	3	IT
OHA	BCON	BioSurveillance Common Operating Network	3	IT
TSA	AFSP	Alien Flight Student Program	3	IT
TSA		Crew Vetting	3	IT
TSA	MSNS	FAMS Mission Scheduling & Notification System.	3	
TSA		FAMSNet	3	IT
TSA	FAS	Freight Assessment System	3	IT
TSA	HAZMAT	HAZMAT Threat Assessment Program	3	IT
TSA	PMS	Performance Management Information System.	3	IT
TSA	STIP	Security Technology Integrated Program	3	IT
USCG	ALMIS	Asset Logistics Management Information Systems.	3	IT
USCG	CG-LIMS	Logistics Information Management System	3	IT
USCG	CGBI	Coast Guard Business Intelligence	3	IT
USCG	CAS	Core Accounting System	3	IT

Component	Program acronym	Program name	Threshold level	Type
USCG .....	.....	Direct Access .....	3	IT
USCG .....	MISLE .....	Marine Information for Safety and Law Enforcement.	3	IT
USCG .....	PAWSS .....	Ports and Waterways Safety System .....	3	IT
USCG .....	VLS .....	Vessel Logistics System .....	3	IT
USCIS .....	BASICS .....	Baseline Automation Support Infrastructure for Citizenship Services.	3	IT
USCIS .....	CSP .....	Customer Service Portal .....	3	IT
USCIS .....	FIPS .....	.....	3	IT
USCIS .....	.....	Immigration—CLAIMS .....	3	IT
USCIS .....	NFTS .....	National File Tracking System .....	3	IT
USCIS .....	.....	Naturalization CLAIMS 4.0 .....	3	IT
USSS .....	TOPS .....	Enterprise Financial Management System .....	3	IT

*Question.* The Department's acquisition policy requires programs to have an approved Test and Evaluation (T&E) Master Plan prior to commencing associated T&E unless a specific waiver is granted by the Science and Technology's T&E Director. How many waivers have been granted since acquisition management guidelines were revised in November 2008? What were the reasons for the waivers?

*Answer.* Since November 2008, no specific program waivers have been granted.

*Question.* The Department's acquisition policy suggests that operational test and evaluation (OT&E) of a system or component be conducted by an independent evaluator, and not controlled by the program manager. The purpose is to provide objective and unbiased conclusions regarding the system's or equipments' effectiveness and suitability. Is OT&E for all major DHS acquisitions (levels I, II, and III) conducted by an independent evaluator? If not, which acquisitions are not and describe why an independent evaluation is not being conducted?

*Answer.* Since the interim Acquisition Management Directive 102-01 was approved, all Level I and non-delegated Level II programs use an operational test agent independent of the program office to conduct operational test and evaluation (OT&E).

#### ACQUISITION WORKFORCE

*Question.* The request includes \$24.2 million and 150 positions to strengthen the Department's acquisition workforce. The purpose is to increase the capacity of the acquisition workforce by approximately 8 percent (100 positions) in the contracting functional area and add an additional 50 positions in other acquisition series to include systems engineers, program managers, logisticians, and business cost estimators. Has the Department completed an assessment of its acquisition workforce to better understand the need for positions described above? Does the request completely fill the gap in acquisition workforce needs?

*Answer.* In February 2009, the Department completed its first acquisition workforce human capital succession plan in accordance with guidelines in the fiscal year 2008 National Defense Authorization Act. DHS is currently refining the plan, and we anticipate completion in summer 2010.

#### TERRORIST THREAT

*Question.* Provide a summary of the number of terrorist attacks worldwide since 2003 on trains, subways, buses, and airplanes, including an estimate of injuries or loss of life.

*Answer.* The Department of Homeland Security does not compile data on worldwide terrorist attacks. The National Counterterrorism Center (NCTC) compiles this data in the Worldwide Incident Tracking System (WITS) which serves as the U.S. Government's official data base for terrorist incidents. There are two versions of WITS, a restricted access site that requires a password and training to access, and a public one found on the NCTC.gov Web site. There are two significant differences between the publicly available and restricted versions: timeliness and vetting. The restricted site is updated daily; the public site is about 60-90 days behind on posted incidents. All incidents are listed in the restricted site with analysts' comments. The public site contains only vetted terrorist incidents and has no comments.

The database was established in 2004 and does not contain many incidents before that date. The primary reason for this is that one single definition was not accepted by the various government agencies prior to 2004 when NCTC established the criteria for inclusion. Terrorism incidents captured in the database are only those that

meet this criteria which NCTC defines as “when groups or individuals acting on political motivation deliberately or recklessly attack civilians/non-combatants or their property and the attack does not fall into another special category of political violence, such as crime, rioting, or tribal violence.”

I&A enlisted the assistance of researchers at NCTC as well as senior management at TSA to compile the response below. NCTC researchers have compiled more finite detail at the classified level to provide context to the raw numbers shown here should there be any follow-on questions regarding attacks on any specific mode to include graphics. They stand ready to assist.

The dates for this data pull are from 1/1/2004 to 1/1/2010. During this period there were 1,706 attacks across the sectors represented in the query with 4,758 people killed, 15,093 injured, and another 2,555 taken hostage during the event.

The specific numbers by mode break out as follows:

Mode of transportation	Number of attacks	Killed	Injured	Hostage	Total
Train/Subway .....	280	744	5,052	314	6,110
Buses .....	1,068	3,368	8,994	1,294	13,656
Airport .....	188	155	763	10	928
Aircraft .....	170	491	284	937	1,566

#### TEST-BEDS

*Question.* There are several test-beds funded by the Department’s budget. Provide a comprehensive list (by component), the purpose of each test-bed, and associated funding level for each. Has the Department assessed the need for all of these test-beds and whether duplicative services exist?

*Answer.* Following is a list of S&T’s test-beds, which includes both funding and purpose. None of the test-beds are duplicative.

#### *Borders and Maritime Division*

Test-bed Name: Port Security Test-bed.

Fiscal Year 2010 Funding: \$1,100,000.

Fiscal Year 2011 Requested Funding: \$1,000,000.

Test-bed Description: The Port Security Test-bed provides an environment to demonstrate maturing technologies in an operationally relevant environment for customers including U.S. Coast Guard, Customs and Border Protection (CBP), and other Federal, State, and local first responders in and around a port area.

Test-bed Name: Maritime Security Technology Pilot.

Fiscal Year 2010 Funding: \$4,000,000.

Fiscal Year 2011 Requested Funding: \$0.

Test-bed Description: As mandated by Congress, this platform allows for the testing and demonstration of new sensors and surveillance technologies for improved situational awareness of open waters and integration of wide area sensors with data. These funds were appropriated in fiscal year 2010 and will be expended over a 12-month period in fiscal year 2010–fiscal year 2011.

Test-bed Name: North East Test-bed (NET–B).

Fiscal Year 2010 Funding: \$1,000,000.

Fiscal Year 2011 Requested Funding: \$1,000,000.

Test-bed Description: The NET–B provides an environment to evaluate new technologies that might enhance CBP capabilities along the Northern border.

#### *Chemical and Biological Division*

Test-bed Name: Chemical, Biological, Radiological, Nuclear Explosives Test-bed.

Fiscal Year 2010 Funding: \$500,000.

Fiscal Year 2011 Requested Funding: \$0.

Test-bed Description: This test-bed is currently sponsoring an integration test-bed located at the Navy Monterey Post Graduate School (MPS), and jointly operated by MPS and the Navy SPAWAR System Center. The test-bed serves as a collaboration site for those in the first responder and emergency management community seeking to achieve interoperability between various detection hardware and information systems. The test-bed hosts a number of examples of open interface standards developed by the government and industry that enable seamless sharing of data and information using non-proprietary methods.

Test-bed Name: Bioaerosol Test-bed.

Fiscal Year 2010 Funding: \$260,426.

Fiscal Year 2011 Requested Funding: \$282,007.

Test-bed Description: This test-bed is responsible for determining collection efficiency and viability over time for the biological collector systems developed in the Viable BioParticle Capture Project.

Test-bed Name: Detect-to-Protect Test-bed.

Fiscal Year 2010 Funding: \$0.

Fiscal Year 2011 Requested Funding: \$0.

Test-bed Description: Edgewood Chemical and Biological Center is a provider of testing support to Detect-to-Protect project including in-lab and field evaluation of trigger and confirmer biological detection systems.

*Command, Control, and Interoperability Division*

Test-bed Name: Experimental Test-bed for Cyber Security Research Tools and Techniques.

Fiscal Year 2010 Funding: \$2,800,000.

Fiscal Year 2011 Requested Funding: \$3,900,000.

Test-bed Description: This test-bed is part of the Cyber Security Research Tools and Techniques Thrust Area that evaluates defense mechanisms against attacks on infrastructure and supports mitigation of attacks.

*Transition Division*

Test-bed Name: Homeland Security Science and Technology Test-bed (HSSTT).

Fiscal Year 2010 Funding: \$ (User Funded).

Fiscal Year 2011 Requested Funding: \$0 (User Funded).

Test-bed Description: This test-bed supports S&T research, development, test and evaluation efforts of DHS components and customers by objectively identifying, exploring, assessing, and raising awareness of homeland security challenges and solutions. The HSSTT allows technology developers and users to address the real-world concerns of new capabilities by conducting field experiments in conjunction with regional homeland security operations.

*Explosives Division*

Test-bed Name: Bomb Squad Test-bed (MI State).

Fiscal Year 2010 Funding: \$350,000.

Fiscal Year 2011 Requested Funding: \$750,000.

Test-bed Description: This test-bed tests and evaluates bomb squad technologies that access, diagnose, and defeat vehicle bombs.

Test-bed Name: Standoff Technology Integration and Demonstration Program.

Fiscal Year 2010 Funding: \$3,200,000.

Fiscal Year 2011 Requested Funding: \$3,000,000.

Test-bed Description: This test-bed tests and evaluates sensors in order to integrate them into a system that detects suicide bombers and vehicle bombs.

WORKING CAPITAL FUND

*Question.* Is the \$790.5 million request for the Working Capital Fund (WCF) fully accounted for within DHS component budgets? Are any components being required to absorb WCF increases in the fiscal year 2011 request?

*Answer.* Major increases in the WCF activities, such as Data Center Migration, were requested in the fiscal year 2011 budget and were not absorbed. The Working Capital Fund is required by law to recover full costs for its services. Whether the components decide to absorb the costs or seek funding depends on the individual component, activity, and the actual charge.

*Question.* The request for subscription services paid from the WCF doubles from \$11 million to \$22 million. Why is there such a large increase for subscriptions? What capabilities will be gained from this increase?

*Answer.* The Department's Efficiency Review has consolidated subscriptions that were previously purchased across the Department. Components now request them centrally rather than individually, leverage the purchasing power of the larger Department. Through the consolidation of subscriptions to Dun & Bradstreet, Congressional Quarterly, West Government Services and LexisNexis, DHS has avoided approximately \$2 million in fiscal year 2010 costs. The increase from \$11 million to \$22 million represents the centralization of the subscriptions within the Department-wide Working Capital Fund, where previously it was decentralized within many components.

As a result of the Efficiency Review consolidation, DHS will have the ability to manage subscriptions through a single financial process in the Working Capital

Fund thereby reducing the administrative burden on the Components, subscriptions program office, the financial system, and contracting officers.

DHS HEADQUARTERS AT ST. ELIZABETHS

*Question.* It is our understanding that the budget does not include \$69 million necessary tenant build-out of IT equipment. Is this funding necessary for the Department to stay on schedule to complete Phase 1A and Phase 1B by 2013 (Coast Guard Headquarters and shared use facilities)? Why would this shortfall delay the construction project? What is the amount necessary in fiscal year 2011 to prevent a delay in the project? If funding is not provided, what is the estimated delay in the project? Are sufficient funds available within component base IT budgets to pay for the tenant build-out of IT equipment?

*Answer.* DHS is on track to execute the plans as described for the new headquarters consolidation at the St. Elizabeths campus with the fiscal year 2011 budget we submitted to Congress in February.

To ensure the most efficient and effective use of resources, DHS is looking at IT funding in components' base budgets for equipment replacements and other items that will be synchronized with their relocation to the St. Elizabeths campus. This will ensure that the Department is utilizing its resources in the most efficient manner as construction activities at St. Elizabeths continue.

*Question.* In accordance with the current plan for St. Elizabeths, the majority of space for FEMA will be located on the opposite side of Martin Luther King Jr. Blvd. from the DHS National Operations Center (NOC). Will FEMA have an operations center separate from the NOC? If so, how will FEMA's operations center be effectively integrated into the NOC?

*Answer.* The FEMA Operations Center (National Response Coordination Center—NRCC) will be co-located with the National Operations Center (NOC) and other component operations centers on the St. Elizabeths West Campus. While the NRCC will remain a separate and distinct operations center under FEMA control, co-location of the NRCC with the NOC and the component operations centers will facilitate improved Departmental communications, coordination, and cooperation in the preparation for and response to natural disasters and terrorist activities.

WORKFORCE BALANCING

*Question.* Across departmental components, the request proposes to move resources from contract service providers to in-house staff. Provide a department-wide chart for this effort by component, including the shift in personnel from contractor to Federal FTE and associated cost savings. What is the total cost reduction to contractual services in the fiscal year 2011 budget as compared to fiscal year 2010? What is the total increase in Federal personnel funding as a result of this initiative?

*Answer.* DHS is strongly committed to decreasing its reliance on contractors. In 2009, all DHS directorates, components and offices were directed to develop contractor conversion plans, and over the past year, the Department has been actively converting contractor positions to government positions. A DHS-wide assessment is currently underway to build on the Component efforts at an even more aggressive pace while sustaining the workforce required to carry out its mission responsibilities. Upon conclusion of this assessment, DHS will provide a comprehensive plan detailing anticipated conversions in fiscal year 2010 and fiscal year 2011 to Congress.

SECURITY CLEARANCES

*Question.* The Committee continues to hear from DHS components about delays in hiring due to the security clearance process. What is the current backlog of individuals awaiting a security clearance? In fiscal year 2010, Congress appropriated the request to create a Personnel Security Adjudication Team of 12 positions. What is the status of this effort and are funds included in fiscal year 2011 to enhance the Department's capabilities to reduce the existing backlog?

*Answer.* Please see the table below.

Component	Individuals awaiting a security clearance by component
Headquarters .....	12 security clearances
FLETC .....	13 security clearances
FEMA .....	0 security clearances
CIS .....	78 security clearances
ICE .....	607 security clearances
TSA .....	76 security clearances

Component	Individuals awaiting a security clearance by component
CBP .....	205 security clearances; there are no EOD delays associated with the pending clearance actions
USSS .....	709 security clearances; there are no EOD delays associated with the pending clearance actions
USCG .....	2,014 are being adjudicated. NOTE: Coast Guard normally averages 400, but due to an end-of-year push to catch up on HSPD-12 requirements, they experienced a workload spike to approximately 3,000 individuals per USCG, these are predominately NACLIC investigations which meet HSPD-12 standards.

Additionally, in fiscal year 2010, the Office of the Chief Security Officer (OCSO) received \$1 million to fund 10 positions for a Personnel Security Adjudication Team. Selections for these positions have been completed, and those selected are in the background investigations process.

OCSO also received \$2 million to conduct background investigations in the fiscal year 2010 budget. In fiscal year 2011, funds in the amount of \$582,000 were included to annualize these positions.

EFFICIENCY REVIEW

*Question.* According to a White House report released on December 21, 2009, DHS expects to save \$87.5 million over 6 years by standardizing its office computer system and reducing software contracts. What is the projected savings in fiscal year 2011? What other specific efficiencies are being achieved at DHS as a result of the administration's efforts to streamline Federal contracting spending? Include dollar amounts for each initiative.

*Answer.* DHS expects to achieve a cost avoidance of approximately \$14.6 million in fiscal year 2011 in software licensing and maintenance costs for its Microsoft Enterprise Licenses contract.

The Department is aggressively working to achieve additional efficiencies, such as securing enterprise licenses for other widely used software products and leveraging strategic sourcing. While these efforts are still under development, DHS has streamlined and improved Federal contract spending in other areas, achieving the following:

- A DHS program which sets aside contracts for 100 percent Service Disabled Veteran Owned Small Business will replace multiple individual procurements, avoiding approximately \$5 million in administrative fees over the 5-year life of the contracts beginning in fiscal year 2010.
- USCG consolidated ten support contracts (accounting, administrative, data entry, material handling, packing and warehousing) into three new contracts for an anticipated savings of \$1.7 million.

The USCG Academy awarded an Energy Savings Performance Contract to increase lighting, water, heating, and ventilation efficiency in existing facilities at the Coast Guard Academy, generating an estimated energy savings of \$450,000 a year, which will fully pay for the project over 11 years.

TREASURY FORFEITURE FUND

*Question.* What percent of Treasury Forfeiture Fund receipts for fiscal year 2011 are estimated to be derived from DHS activity?

*Answer.* Because of the uncertain nature of the legal process around forfeiture, there is no way to accurately project the timing of revenue.

For the past 3 years, the revenue breakdown (in millions) is as follows:

	Fiscal year 2007		Fiscal year 2008		Fiscal year 2009	
	Dollars	Percent of total	Dollars	Percent of total	Dollars	Percent of total
IRS .....	165.9	40.4	233.3	41.7	291.6	52.3
ICE .....	161.4	39.3	241.1	43.1	171.8	30.8
CBP .....	55.1	13.4	62.9	11.3	65.1	11.7
USSS .....	16.1	3.9	16.2	2.9	29.1	5.2
ATF .....	12.5	3.0	5.7	1.0	.....	.....

Based on large-scale investigations that TEOAF is following, future large forfeitures will be primarily attributed to IRS and secondarily to USSS. However, the Secret Service forfeitures are likely to involve Ponzi schemes and the revenue will be paid out as remission to the victims.



## SMALL BOAT THREAT

*Question.* Your budget either cuts or zeroes out many of the capabilities the Department has highlighted as critical to countering a small boat attack. Five Coast Guard Maritime Safety and Security teams are decommissioned, reducing port and waterway security patrols by 12,000 hours annually. Acquisition funding for port operation centers and the National Automatic Identification System is zeroed out. The budget reduces assets and funding for the Coast Guard's Maritime Security Response Team, which was developed for maritime terrorism response. Has the threat environment changed to justify these cuts? What impact will this have on the Coast Guard's maritime domain awareness? Please be specific on any decrease in capabilities.

The Department released its small vessel security strategy on April 28, 2008. Nearly 2 years later, an implementation plan to carry out the strategy has not been released. You committed to completing that plan in the beginning of 2010. When will that plan be completed? What are the budget requirements to execute the plan?

*Answer.* The Coast Guard remains committed to performing its statutory missions in the most effective, efficient, and professional manner possible.

As shown in the 2011–2015 Capital Investment Plan, the Nationwide Automatic Identification System (NAIS) and Interagency Operations Centers (IOCs) programs are funded through their completion in 2014. No funding is requested for fiscal year 2011 because the Coast Guard plans to use \$17.8 million of prior year funding to continue the acquisition of new capability for IOCs and NAIS, which will enhance maritime domain awareness.

To make the most of current operating capabilities, the fiscal year 2011 budget request transitions the Maritime Safety and Security Teams (MSST) to a regional model, enabling the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. The teams were selected based on existing Coast Guard presence in their region. Transitioning the MSSTs to a regional model will enable the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. The Coast Guard will also continue to leverage all available intelligence resources and partnerships across DHS, the Federal Government and State and local law enforcement to collectively mitigate risks and ensure the security of the Nation's ports.

Furthermore, nearly three quarters of the difference in the fiscal year 2010 and fiscal year 2011 budget requests for the Coast Guard's Ports, Waterways and Coastal Security Mission is attributable to the funding profile for specific asset acquisitions (RB–M, MPA, HH–65), primarily reflecting year-to-year variation in the planned acquisition expenditures. Those changes do not translate into decreased capability as the corresponding legacy assets continue to do the job.

The Department of Homeland Security Small Vessel Security Implementation Plan is expected to be released in 2010.

## CHEMICAL PLANT SAFETY

*Question.* On January 23, 2010, there was a chemical leak at a DuPont facility in Belle, West Virginia that resulted in a tragic loss of life. During the initial investigation, it was determined that first responders to the incident had difficulty receiving the critical information they needed in responding to the accident, such as the nature of the leak and the chemical involved. This incident is similar to the August 2008 chemical explosion in Institute, West Virginia, where first responders were left guessing as to the nature of the explosion and the chemicals involved, and were even refused information by the company. The chemical industry has a duty to maintain the utmost in safety standards to protect their communities, and these two incidents indicate that the industry as a whole has a great deal of work to do to maintain safe operations and provide the necessary information to first responders.

Last October, I asked you to determine what more could be done to improve safety at chemical plants and I look forward to receiving your recommendations soon. What is the Department doing to ensure that first responders have access to the critical information needed in responding to these types of incidents?

*Answer.* The Department of Homeland Security (DHS) is engaged in a number of efforts to facilitate information sharing with State and local responders.

High-risk chemical facilities covered under the Chemical Facility Anti-Terrorism Standards (CFATS) must submit to DHS Site Security Plans (SSPs) that meet the CFATS risk-based performance standards. These SSPs, which include exercise, training, and response programs, encourage facilities to build meaningful relationships with State and local law enforcement and emergency response personnel prior to a security incident.

DHS's Office of Infrastructure Protection (IP) has also developed the Chemical Hazardous Material Information Reference Portal (CHIRP), which is a collaborative effort between IP and states to provide a secure data portal for chemical information. CHIRP links critical site information with chemical inventories, chemical hazards information based on the inventory, and emergency contact information for each site. The secure portal has been a valuable tool during incidents to help identify infrastructures in an affected area that may not be considered a high security risk but are locally significant.

DHS also conducts voluntary security seminars and exercises with State chemical industry councils to fosters communication between facilities and local emergency response teams.

NATIONAL SPECIAL SECURITY EVENT STATE AND LOCAL REIMBURSEMENT FUND

*Question.* Who will determine what an "unplanned" event is? How many such events were there in fiscal year 2008, fiscal year 2009, and fiscal year 2010? What were the estimated costs for State and local law enforcement for such events?

*Answer.* The Secretary of Homeland Security will determine what events are unplanned NSSEs.

There was one unplanned NSSE each year between fiscal year 2008–fiscal year 2010. The details are as follows:

- Fiscal year 2008—Summit on the World's Economy (G–20—Washington, DC). The State and local reimbursements for this event from the Department of Justice fund was approximately \$1 million.
- Fiscal year 2009—Pittsburgh Economic Summit (G–20—Pittsburgh, PA). The State and local reimbursements for this event from the Department of Justice fund was approximately \$10 million.
- Fiscal year 2010—Anticipated NSSE: Nuclear Non-Proliferation Summit (Washington, DC). The State and local reimbursements for this event are unknown at this time.

HAITI

*Question.* A number of your agencies have served admirably in response to the devastating earthquake in Haiti. The Coast Guard was first on scene in Haiti and its operating costs to support the United States' humanitarian assistance and disaster response efforts have been costly. The Coast Guard estimates that \$76 million is necessary to cover costs for 90 days. CBP, ICE, and FEMA have also contributed to the recovery effort.

Are you preparing to submit a supplemental budget request to pay for the Department's response?

*Answer.* On March 24, 2010, OMB submitted a supplemental appropriation for \$60 million to recoup the costs associated with the Department's activities in Haiti.

OFFICE OF INSPECTOR GENERAL

DISASTER RELIEF

*Question.* In fiscal year 2010, \$16 million was provided for the Inspector General to use on disaster related activities. How much does the Office of Inspector General plan to spend on disaster related activities in fiscal year 2010, and fiscal year 2011? Also, provide a detailed breakdown of the \$16 million provided from the DRF in fiscal year 2010 (including FTEs).

*Answer.* The Office of the Inspector General (OIG) plans on spending \$27 million on disaster related activities in fiscal year 2010. This includes \$4.6 million carried over from fiscal year 2009, and \$6.4 million from our fiscal year 2010 S&E appropriation. For fiscal year 2011, the OIG plans to spend \$16 million to continue to provide adequate oversight of FEMA and its disaster related activities.

The Emergency Management Office (EMO) has 75 full time equivalents (FTEs) and 52 Cadre of On-Call Response/Recovery (CORE) temporary employees.

Below is the breakdown for the \$16 million.

[In millions of dollars]

Item description	Fiscal year 2010 planned expenditures
Personnel Costs:	
Personnel Compensation .....	8.751

[In millions of dollars]

Item description	Fiscal year 2010 planned expenditures
Personnel Benefits .....	1.679
Total Personnel Costs .....	10.430
Non-Personnel Costs:	
Travel .....	1.000
Rental Payments to GSA .....	2.838
Contracts .....	1.500
Other .....	0.232
Total Non-Personnel Costs .....	5.570
TOTAL .....	16.000

## THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)

*Question.* Five million dollars was provided to the Inspector General in ARRA funds. Provide a detailed breakdown of these funds, how much has been spent, and on what are the funds being spent? How many FTEs are working on ARRA oversight?

*Answer.* The Office of the Inspector General plans on using the \$5 million to fund seven full-time temporary positions that are used exclusively to review the Department's use of \$2.75 billion of American Reinvestment and Recovery Act (ARRA) funds. This funding will also be used to coordinate with the Recovery Accountability and Transparency Board, and other OIG staff who are assigned to ARRA projects. As of February 28, 2010 \$1.575 million of the \$5 million has been obligated. Below is the breakdown of how these funds have been used.

[In millions of dollars]

Item description	Fiscal year 2010 planned expenditures
Salary and Benefits .....	1.316
Travel .....	0.163
Other Services .....	0.096
TOTAL .....	1.575

## MEASURABLE OUTCOMES AND INVESTIGATIVE STATISTICS

*Question.* Provide fiscal year 2009 and fiscal year 2010 measurable outcomes and investigative statistics.

*Answer.* The OIG audits and inspects programs for fraud, waste, and abuse. The OIG also reviews programs to promote economy, efficiency, and effectiveness. Where appropriate, OIG audit and inspection reports include recommendations to improve the respective program. The measurable outcomes reflect the percent of recommendations made by the OIG that are accepted and implemented by the Department of Homeland Security.

In fiscal year 2009, the OIG issued 111 management reports (audits and inspections) and 55 financial assistance grant reports. Currently, due to these efforts, \$156.7 million of questioned costs was identified, of which \$46.6 million was determined to be unsupported. In addition, \$63.6 million was recovered as a result of identifying disallowed costs from current and prior year reports.

In fiscal year 2010, the OIG plans on issuing 115 management reports and 55 financial assistance grant reports. The Department of Homeland Security management concurred with 93 percent of the OIG's recommendations in fiscal year 2009. OIG's target percentage for fiscal year 2010's acceptable rate by DHS is 85 percent.

OIG's Investigative Statistics:

INVESTIGATIVE STATISTICS—FISCAL YEAR 2009

	CBP	CIS	FEMA	ICE/FPS	TSA	USCG	USSS	Other	Total
Number of Complaints Received .....	3,981	667	3,997	2,480	680	69	57	527	12,458
Number of Investigations Initiated .....	576	64	207	164	35	1	.....	38	1,085
Reports Issued .....	315	46	343	136	47	3	2	9	901
Arrests .....	61	30	173	24	7	.....	.....	18	313
Indictments .....	54	28	177	21	11	1	.....	1	293
Convictions .....	42	14	192	22	10	1	.....	.....	281
Personnel Actions .....	27	4	4	14	9	1	.....	.....	59

Fines, Restitution, Administrative Cost Savings and Recoveries \$85,776,187.

INVESTIGATIVE STATISTICS—FISCAL YEAR 2010 YEAR-TO-DATE

	CBP	CIS	FEMA	ICE/FPS	TSA	USCG	USSS	Other	Total
Number of Complaints Received .....	515	653	520	906	132	16	8	1,902	4,652
Number of Investigations Initiated .....	279	28	102	77	27	16	1	16	546
Reports Issued .....	209	32	135	58	14	2	.....	7	457
Arrests .....	24	8	86	4	5	.....	.....	6	133
Indictments .....	23	3	68	3	7	.....	.....	.....	104
Convictions .....	23	5	80	3	9	.....	.....	1	121
Personnel Actions .....	10	1	3	8	5	.....	.....	.....	27

Fines, Restitution, Administrative Cost Savings and Recoveries \$117,595,905.

## UNITED STATES-MEXICO BORDER SECURITY COOPERATION

*Question.* Last week, your office announced an agreement you had reached with your Mexican government counterparts on securing our mutual border and combating transnational threats. The agreement calls for intelligence-driven operations to target criminal activity, short- and long-term deployment of personnel, infrastructure and technology at our ports of entry, and sufficient personnel, infrastructure and technology to sustain bilateral efforts to combat threats posed by criminal organizations along the border.

This looks like a good agreement and is something I support. How do you intend to pay for it with a budget that is at best a status quo budget?

*Answer.* U.S. Customs and Border Protection will utilize existing resources in an efficient and targeted manner. Because these efforts are intelligence-driven, they are target- and location-focused, which inherently maximizes operational efficiencies. By engaging in joint operations with our law enforcement partners in Mexico, our collective efforts will be doubled and our expenditure of resources will be shared. DHS expects these programs to largely be cost neutral, but if and where there is a requirement to increase funding levels, DHS plans to re-allocate from within our current budget.

## LAYERED BORDER SECURITY

*Question.* Your budget purports to maintain and enhance the concept of “layered security” and “pushing the border out”, yet your budget drastically cuts two key programs which are the first layer of defense to prevent cargo containers which may contain radiological and biological weapons from reaching the seaports which are so vital to our country’s economic well-being. The budget cuts over \$50 million—nearly one-third of this year’s level—from the Container Security Initiative. It also cuts the Secure Freight Initiative by 83 percent. These programs station U.S. Government officials at overseas ports to work with foreign port officials to target and screen containers before they are loaded on a container ship bound for our ports. We cannot base our Nation’s security solely on technology controlled remotely from Washington.

Based on what threat information can you justify these deep cuts?

*Answer.* CBP has made tremendous progress towards securing the supply chains bringing goods into the United States from around the world, and preventing their potential use by terrorist groups, by using cutting-edge technology to increase the ability of front-line CBP Officers to successfully detect and interdict illicit importations of nuclear and radiological materials; moving resources where they are most needed; integrating all CBP offices; sharing information, including actionable intelligence, across all aspects of CBP; and utilizing a multi-layered approach to ensure the integrity of the supply chain from the point of stuffing, through arrival at a U.S. port of entry.

CBP also requires advanced electronic cargo information for all inbound shipments for all modes of transportation. This advanced cargo information is evaluated using the Automated Targeting System (ATS) before arrival in the United States. ATS provides decision support functionality for CBP officers working at our ports of entry in the United States and Container Security Initiative ports abroad. The system provides uniform review of cargo shipments for identification of the highest threat shipments. Additionally, the Importer Security Filing interim final rule, also more commonly known as “10+2”, went into effect earlier this year and will provide CBP timely information about cargo shipments that will enhance our ability to detect and interdict high risk shipments. Shipments determined by CBP to be high-risk are examined either overseas as part of our Container Security Initiative, or upon arrival at a U.S. port.

## RAIL INSPECTIONS

*Question.* What percentage of cargo entering the United States via rail at our land borders is screened for possible radiation and/or nuclear materials through Radiation Portal Monitors?

*Answer.* One hundred percent of the rail cars entering from Mexico, and 96 percent of the rail cars entering from Canada undergo a non-intrusive inspection through large scale, fixed gamma ray systems. CBP does not currently screen rail using radiation portal detectors.

BORDER PATROL AGENTS

*Question.* While the budget submitted on February 1, 2010, specifically calls for cutting 181 Border Patrol agents, you committed during our hearing that this cut will not occur. What other projects/activities/personnel totaling \$15.5 million do you propose to cut to pay for the restoration of these agents?

*Answer.* CBP will realign travel funding from across CBP to restore the \$15.5 million need to fund the 181 Border Patrol Agents. The below table identifies funding reductions, by PPA.

[In thousands of dollars]

PPA	Amount
Headquarters Management and Administration at the Ports of Entry .....	(959)
Headquarters Management and Administration between the Ports of Entry .....	(959)
Inspections, Trade, and Travel Facilitation at the Ports of Entry .....	(2,306)
International Cargo Screening .....	(1,007)
Other International Programs .....	(61)
C-TPAT .....	(1,102)
Trusted Traveler Program .....	(22)
Inspections and Detection Technology .....	(60)
Systems for Targeting .....	(83)
National Targeting Center .....	(138)
Training at the Ports of Entry .....	(820)
Border Security and Control between the Ports of Entry .....	(6,898)
Training Between the Ports of Entry .....	(930)
Air and Marine Operations Salaries .....	(178)
<b>Total .....</b>	<b>(15,523)</b>

AIR AND MARINE STAFFING

*Question.* Congress fully funded the President’s fiscal year 2010 request to hire 144 new Air and Marine personnel. We understand, however, that you propose to forgo hiring 120 of these positions because of “financial challenges in the CBP Budget”. Notwithstanding budget “challenges”, what would be your priority in hiring at least a portion of these personnel fiscal year 2011?

*Answer.* In the fiscal year 2011 budget request, OAM will maintain 24 positions in the following areas:

- 5 UAS pilots/sensor operators;
- 9 AMOC, ASOC & TSS positions;
- 5 field administration/maintenance/support positions; and
- 5 headquarters positions.

PROPOSED BORDER PATROL CONSTRUCTION CANCELLATIONS

*Question.* Please provide a list of the Border Patrol construction projects proposed for cancellation.

*Answer.* Because the likelihood of completion for several Border Patrol projects was uncertain, CBP chose to redirect the funds originally allocated for them to more immediate fiscal year 2011 needs. Since the request has been proposed as a cancellation request, funds are not being withheld from any specific project and the proposed list will be updated at the time of enactment.

The table that follows provides the proposed list of projects that could be impacted by the cancellation request of prior year unobligated balances, once approved by Congress.

PROPOSED LIST OF PROJECTS

[In thousands of dollars]

Location	Project description	Proposed amount to be cancelled
Amistad, TX .....	50 Agent BP Station/Co-location w/National Parks Service .....	3,000
El Paso, TX .....	Vehicle Maintenance Facility .....	16,900
Oroville, WA .....	75 Agent BP Station .....	19,100
Houlton, ME .....	Houlton Sector HQ—100 Agents/50 Agent BP Station .....	11,500
Colville, WA .....	50 Agent BP Station .....	15,500

## PROPOSED LIST OF PROJECTS—Continued

[In thousands of dollars]

Location	Project description	Proposed amount to be cancelled
Champlain, NY .....	50 Agent BP Station .....	10,500
Comstock, TX .....	250 Agent BP Station/Checkpoint .....	3,200
Freer, TX .....	150 Agent BP Station/Checkpoint .....	1,500
Various .....	Alterations projects .....	18,572
Total Amount Proposed for Cancellations .....	.....	99,772

*Question.* Please provide a chart showing how many Border Patrol agents worked in Border Patrol facilities in fiscal year 2003 and what the total square footage of these facilities was in fiscal year 2003 and compare that to how many agents are now on board in fiscal year 2010 and to what is the current total square footage of these facilities. Also, what is the total planned square footage for the Border Patrol construction projects proposed for cancellation?

*Answer.* The table that follows provides the requested information. Please note that this table only provides a comparison of stations, checkpoints, and sector HQs, so the El Paso Vehicle Maintenance Facility and the alterations projects are not listed.

PROPOSED LIST OF PROJECTS

Location	Project description	2003 facility		Current facility today		Proposed facility	
		Number of agents	Total square feet	Number of agents	Total square feet	Capacity	Office space square feet
Amistad, TX	50 Agent BP Station /Co-location w/National Parks Service	12	896	22	896	40	5,400
Oroville, WA	75 Agent BP Station	20	3,100	49	3,100	75	7,900
Houlton, ME	Houlton Sector, HQ 100 Agent/50 Agent BP Station	26	14,400	113	16,440	150	37,000
Colville, WA	50 Agent BP Station	17	1,700	33	1,700	50	7,000
Champlain, NY	50 Agent BP Station	17	7,845	42	7,845	50	7,000
Comstock, TX	250 Agent BP Station/Checkpoint	38	5,470	175	11,870	250	47,000
Freer, TX	250 Agent BP Station/Checkpoint	75	6,956	131	9,556	250	45,000
<b>Total Amount Proposed for Cancellations</b>		<b>205</b>	<b>40,367</b>	<b>565</b>	<b>51,367</b>	<b>865</b>	<b>156,300</b>

<sup>1</sup> The BP Station in Amistad, TX is a co-location with the National Parks Service, who will provide space for only 40 Border Patrol agents. Also, the current facility was occupied in 2007.



*Question.* What are the unobligated balances in the “Construction and Facilities Management” account for Border Patrol facilities?

*Answer.* As of March 5, 2010, the total unobligated balance in the “Construction and Facilities Management” account for Border Patrol facilities for fiscal year 2010 and prior years is \$217 million.

*Question.* Please provide a list of prior year unobligated balances.

*Answer.* The table that follows provides a list of prior year unobligated balances for the Border Patrol facilities, as of March 5, 2010. This includes unobligated balances from the Border Patrol construction account, Border Patrol Rapid Response funds, and fiscal year 2010 resources provided for maintenance, repairs, operations, and alterations activities.

[In millions]

Activity	Office	Unobligated balance
OBP Construction .....	OBP .....	106
OBP Rapid Response .....	OBP .....	10
OBP Fiscal Year 2010 MRO/Alterations .....	OBP .....	101
Total .....	.....	217

SOUTHWEST BORDER FENCING

*Question.* How many miles of pedestrian fencing and tactical infrastructure along the Southwest border has the Border Patrol identified as being required to gain and maintain effective control of that border? As of February 1, 2010, how many of those miles have been completed and how many more miles need to be constructed? Are any funds in the fiscal year 2011 budget request intended for construction of additional miles of fencing and infrastructure?

*Answer.* Over 650 miles along the Southwest border were identified for fencing. As of February 26, 2010, CBP has constructed 347 miles of pedestrian fence and 299 miles of vehicle fence, with approximately 8 miles of pedestrian fence left to construct. There are funds in the fiscal year 2011 budget request for this construction.

INTERNAL AFFAIRS

*Question.* How many people are in CBP’s internal affairs/officer integrity office? How many new positions were added this fiscal year? Are any new positions requested in the President’s budget for the next fiscal year?

*Answer.* As of February 13, there are 259 employees in the Investigative Operations Division. The fiscal year 2010 DHS Appropriations Act (Public Law 111–83) provided \$500,000 to expand integrity investigations and Internal Affairs staffing. No new positions are requested in the fiscal year 2011 budget request.

FULL-TIME EQUIVALENT (FTE) INCREASES/DECREASES

*Question.* Please provide a chart listing all FTE increases and decreases by position type and activity.

*Answer.* Please see the following chart.

**U.S. CUSTOMS AND BORDER PROTECTION**  
[Fiscal year 2011 staffing changes (positions)]

President's Budget by Initiative	Border Patrol Agent	CBP Officer	CBP Officer-OTD	Air Interdiction Agent (Pilot)	Marine Interdiction Agent	Import Specialist	Intel Analyst	Auditor	General Investigator	Other	Total
<b>Position Increases:</b>											
OIOC .....						27	103	16			103
Intellectual Property Rights .....		25								132	200
Contractors to Fed FTE .....										950	950
OFO Staff .....		318	18							53	389
<b>Position Reductions:</b>											
Office of Training and Development .....										-50	-50
Office of Administration .....										-30	-30
Human Resource Management .....										-6	-6
Fiscal Year 2010 Air and Marine Staffing .....				-52	-18					-50	-120
<b>Total .....</b>		<b>343</b>	<b>18</b>	<b>-52</b>	<b>-18</b>	<b>27</b>	<b>103</b>	<b>16</b>		<b>999</b>	<b>1,436</b>

## ANNUALIZATIONS

*Question.* You claim that you will be hiring the additional Border Patrol agents and CBP officers funded in the fiscal year 2010 Appropriations Act. However, your budget request does not annualize the funding to maintain these agents and officers in your fiscal year 2011 budget request. Are you intending to hire these individuals this year and let them go next year? Assuming that is not the case, how much additional funding is required to annualize these positions?

*Answer.* CBP's fiscal year 2011 request sustains the increase in Border Patrol requested in the fiscal year 2010 budget request. The fiscal year 2011 budget request does not include funding to sustain all 125 CBPOs and support personnel that were funded in the fiscal year 2009 War Supplemental. The request supports sustainment of 63 CBPOs and 11 support personnel.

## SOUTHWEST BORDER ENFORCEMENT

*Question.* Please provide specific examples of what CBP is currently doing and plans to do in fiscal year 2011 for outbound enforcement on the Southwest border (based on the Secretary's March, 2009 surge announcement and the Supplemental funds provided by Congress).

*Answer.* The security of our Southwest border remains a key priority for the Department, and the fiscal year 2011 budget request strengthens investments in smart and effective border security initiatives. In the past year, DHS increased resources through additional law enforcement and technology along the border, and took a more collaborative and intelligence-based approach to combat smuggling.

As part of the administration's Southwest Border Initiative, launched in 2009, DHS doubled assignments to Border Enforcement Security Task Forces, tripled the number of intelligence analysts, and quadrupled the number of Border Liaison Officers working at the border. Additionally, DHS started screening 100 percent of southbound rail shipments for illegal weapons and cash—for the first time ever. We have also increased resources at ports of entry, deploying additional Border Patrol agents to augment outbound inspections, technology to help identify anomalies in passenger vehicles, and cross-trained canine teams to detect both weapons and currency. The Border Patrol is better staffed today than at any time in its 85-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,000 in 2009. DHS has completed 643 miles of fencing of a planned 652 miles—including 344 miles of pedestrian fencing and 299 miles of vehicle fencing. As a result of these efforts, seizures of contraband—guns, drugs and cash—have increased across the board and illegal crossings continue to decline. Additionally, for the first time, DHS began screening 100 percent of southbound rail shipments for illegal weapons, drugs, and cash.

DHS also continues to leverage partnerships with local, State, Federal and tribal law enforcement agencies, as well as counterparts in Mexico to mutually address threats and combat cartel violence. CBP is expanding cooperative law enforcement efforts along the border with Mexico to include sharing basic seizure and license plate reader information relevant to law enforcement, expanding joint bi-national operations and supporting Mexico's law enforcement capacity via the Merida initiative.

In 2008, ICE initiated Operation Armas Cruzadas—a comprehensive, collaborative, intelligence-driven and systematic partnership with the Government of Mexico to identify, disrupt and dismantle the criminal networks that illicitly transport arms across the border into Mexico. As part of this operation, DHS initiated a surge operation along the Southwest border in an effort to identify, interdict and investigate weapons trafficking organizations. Additionally, in 2009 DHS began screening 100 percent of southbound rail shipments for illegal weapons, drugs, and cash—for the first time. Increased resources will also directly support CBP's outbound efforts by ensuring that trained CBP Officers and Border Patrol Agents are available to conduct outbound operations; that CBP possesses adequate outbound facilities, equipment, and technology to conduct these operations; and that CBP Officers and Border Patrol Agents have the automated targeting assistance they need to identify violators.

In order to address the escalating violence in Mexico and to increase outbound operations throughout the United States, CBP created the Outbound Programs Division within the Office of Field Operations in March 2009. The Outbound Program works to stem the illegal flow of firearms and currency out of the United States; increase the interdictions of stolen vehicles and fugitives who are attempting to flee the country; and augment compliance with the Nation's export laws.

The deployment of outbound teams is both random and based on intelligence, which maximizes the impact of our resources. In fiscal year 2011, CBP will continue

to build on the current cooperative efforts with Federal, State, local and tribal law enforcement agencies. This strategy, further supported by the development of port infrastructure, equipment and technology, will greatly enhance CBP's ability to target and interdict illicit currency and smuggled firearms.

Additionally, ICE is utilizing \$100 million in fiscal year 2010 appropriations to augment existing capabilities and take on additional tasks in order to confront a surge in illegal activities on the Southwest border. This funding allows ICE to deploy additional staff to provide a greater level of investigative activity.

#### WESTERN HEMISPHERE TRAVEL INITIATIVE (WHTI)

*Question.* It has been suggested that border security could be enhanced if WHTI were extended for use by the Border Patrol at Border Patrol checkpoints. Does Border Patrol have the authority to use WHTI at its checkpoints? If so, what would be the additional cost of extending use of it to the checkpoints?

*Answer.* CBP's authority to conduct Border Patrol checkpoints is rooted in 8 U.S.C. 1357 and implementing regulations of 8 CFR section 287. CBP counsel has conducted a legal review of the privacy issues surrounding the use of WHTI technology at checkpoints and has given its approval. The authority to utilize LPRs at checkpoints, and issues related to privacy, are covered by the TECS System of Records Notice (SORN) (<http://edocket.access.gpo.gov/2008/E8-29807.htm>). The August 2009 GAO report entitled Checkpoints Contribute to Border Patrol's Mission, references CBP's use of LPRs at checkpoints. The TECS SORN, which is the Privacy Act notice that explains CBP's, including Border Patrol's, use of the TECS system, specifically covers: "Owners, operators and/or passengers of vehicles, vessels or aircraft traveling across U.S. borders or through other locations where CBP maintains an enforcement or operational presence," and CBP believes applies to LPRs and their interface with TECS and TECS queries. LPRs are a tool that facilitates the initiation of TECS queries.

WHTI Technology: The implementation of technology as part of the Western Hemisphere Travel Initiative (WHTI) has greatly improved U.S. Customs and Border Protection's (CBP) ability to both gather intelligence and target suspected smugglers and other violators. WHTI has enhanced CBP's ability to capture data on vehicles and occupants entering the United States through the land border, allowing for real-time analysis of available information and intelligence.

Newly deployed license plate reader (LPR) technology deployed at ports of entry under WHTI improves the accuracy of vehicle license plate reads by more than 10 percent compared to the previous technology. The Vehicle Primary Client (VPC) application provides the capability, for the first time, to link drivers, passengers, vehicles, and their registered owners, together into "packages." The VPC also provides officers with valuable information by interfacing with DHS, Department of State, and State and provincial Enhanced Driver's License (EDL) databases, allowing for documents to be verified back to their source in real-time.

Border security can be significantly enhanced through improved targeting and intelligence gathering by further extending WHTI technology to Border Patrol checkpoints. The VPC was successfully piloted to two lanes at checkpoints in June 2009, which resulted in over 1,100 law enforcement hits ranging from alien smuggling, narcotics smuggling to armed and dangerous subjects. The pilot had minimal impact to traffic flow and significantly enhanced agent safety and awareness.

*Estimated Cost.*—The following is an estimate of the cost of deploying WHTI LPR technology to Border Patrol checkpoints in a phased approach:

- Phase I: 22 lanes @ \$175,000: \$3,850,000;
- Phase II: 25 lanes @ \$175,000: \$4,375,000;
- Phase III: 55 lanes @ \$175,000: \$9,625,000;
- Maintenance (O&M): \$10,000 a year per lane;
- Total cost: For all three phases—\$17,850,000/Yearly O&M cost—\$ 1,020,000.

#### PASSENGER NAME RECORD DATA

*Question.* Mandating that a traveler's passport number be added to the passenger name record data collected by the airlines would likely provide CBP with more information earlier to better determine whether a traveler should be allowed to board a plane. What is preventing this from being mandatory? Are there costs for the U.S. Government in requiring this be added to the field of information submitted to the airlines?

*Answer.* Mandating passport information as part of a PNR submission would present several challenges. It is common for travelers to book their reservations well in advance of obtaining a passport for travel or book travel and not have their passport information available at the time of reservation. Likewise, since PNR informa-

tion is provided by the passenger or their designee and in most cases cannot be validated at the time of reservation, there is the possibility of receiving invalid information or incorrect information.

#### ADVANCED TRAINING CENTER

*Question.* How much is requested in the President's budget for training activities and training operations at the Advanced Training Center (ATC) in fiscal year 2011? Also, what is the staffing target for the ATC?

*Answer.* The budget requested for training activities and training operations at the Advanced Training Center (ATC) in fiscal year 2011 includes the following:

- Fiscal year 2011 staffing target—102 positions;
- Fiscal year 2011 projected programmatic expenses = \$20,648,000 (includes Salaries & Benefits and other programmatic expenses);
- Fiscal year 2011 projected national training plan budget—\$14,862,827; and
- Fiscal year 2011 projected Office of Training Development total = \$35,510,827.

#### CONTINUED DUMPING AND SUBSIDY OFFSET ACT

*Question.* During my tenure in Congress I have worked closely with CBP officials on implementation of the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA). Besides providing a portion of the duties to qualifying injured businesses, the program provided reports on the amounts of duties collected, disbursed, and uncollected.

In general, the program worked well over the years before CDSOA was repealed in October 2007. Most importantly, it provided CBP with the ability to manage the collection and distribution of duties into the U.S. General Treasury. However, collections continue to be a challenge for the agency.

One of the leading manufacturing sectors that attach a high priority to customs enforcement issues is the domestic steel pipe and tube industry. The steel industry has played an important role in the development of our country, and today it continues to be a leader in our economy. Steel also has a long history in West Virginia, and has employed generations of West Virginians.

Historically the industry has had to pursue trade remedies to stem the flow of unfair trade. This is where the role of CBP is paramount—in the enforcement of the collection of these duties.

I have recently heard from U.S. steel pipe and tube producers that they are growing concerned about escalating levels of customs fraud taking place at U.S. seaports. They tell me these activities are primarily taking place at the West Coast seaports of Los Angeles and Long Beach in California. What is most troubling is that imports of steel pipe and tube from China may be entering into the United States with no duty. In fact, one document indicated that the tubing was entered as "used books" from China. More importantly, this is the same pipe and tube from China that is covered by anti-dumping and countervailing duty orders from 2008. I further understand that since September 2009, the industry has collected the data and has shared it with officials at CBP.

What is the Department's commitment to ensuring that enforcement of the collection of duties assessed on unfairly traded imports is given the highest priority as it relates to the economic security of the United States?

*Answer.* The enforcement of AD/CVD laws to protect U.S. industries from unfair trade practices is a priority for Customs and Border Protection (CBP). CBP uses a strategically layered risk management approach to prioritize its focus on trade issues based on the potential impact of noncompliance. CBP has designated seven Priority Trade Issues (PTI) to focus resources on trade enforcement issues presenting the greatest risks; Antidumping and Countervailing Duty is one of these PTIs.

*Question.* What is CBP doing to track imports and document trade anomalies? What is CBP doing to ensure that import specialists at the seaports and borders are prepared and trained to intervene to ensure that they enforce the law?

*Answer.* CBP has designated Priority Trade Issues (PTI) to focus resources on trade enforcement issues presenting the greatest risks. Each PTI has its own designated National Targeting and Analysis Group (NTAG) that is staffed with International Trade Specialist (ITS). ITS perform trade analysis and target shipments for a review based on that analysis.

On a local level, Import Specialists monitor their PTI areas and/or commodity, and initiate trade enforcement actions. Those actions are recorded in CBP systems and available at a national level to other Import Specialists and NTAGs for review. NTAGs review these results and determine if national and/or further action is necessary.

Import Specialists receive training through a variety of different courses. For example, CBP's National Import Specialists conduct regular classification training throughout the country. In addition, specifically for the U.S. steel industry, CBP coordinates with the American Iron and Steel Institute (AISI) to hold seminars to address classification of steel products and fraud issues. For CBP, U.S. Immigration and Customs Enforcement (ICE) and private industry. Formal training on fraud is provided through the ICE advanced fraud course at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia.

*Question.* How will the Department ensure that appropriate resources are dedicated to prosecuting those committing customs fraud and that the necessary law enforcement authority is provided to CBP or other agencies to conduct prompt review and investigations of the types of complaints submitted by the steel pipe and tube industry, and others in the business community, that may be experiencing similar problems?

*Answer.* CBP and U.S. Immigration and Customs Enforcement (ICE) work jointly to initiate and implement enforcement activities through the Commercial Enforcement Allegation Response (CEAR) Process. The objective of the CEAR process is to support the CBP commercial enforcement program by:

- effectively prioritizing commercial enforcement issues and allocating resources;
- properly determining and evaluating suitable commercial enforcement responses; and
- responsively following through on commercial enforcement referrals made through the CEAR process.

Each of the CBP Service Ports has a CEAR process which is led by a Trade Enforcement Coordinator (TEC) who is a manager experienced in fraud matters.

As to handling complaints submitted by industry, CBP has established an online trade violation reporting system called e-Allegations. e-Allegations provides a means for the public to confidentially report any suspected violations of trade laws. e-Allegations also provides a means to report a possible violator who is importing substandard steel, claiming that it is of a higher grade, therefore creating a potential health and safety issue.

All allegations are recorded in Commercial Allegation Recording System (CARS)—which provides CBP with a standardized methodology for recording the review, processing, referral, analysis, and results of commercial allegations.

#### JOURNEYMAN PAY

*Question.* Last fall, the Acting Commissioner of Customs and Border Protection made a commitment to the hardworking men and women of CBP, who daily defend our borders, that the legally mandated journeyman pay adjustment would take effect in March of this year. No funds were requested in the current year's budget to accommodate this increase. This Committee has yet to be informed how this requirement is intended to be funded this fiscal year. The full amount for fiscal year 2011 is requested in next year's budget, but we understand that approximately \$150 million is required this year.

How do you intend to pay for this increase? Did you request of the Office of Management and Budget that this unfunded requirement be addressed through a Supplemental appropriation? When do you intend to honor this commitment and begin implementation of journeyman increase for the hardworking men and women of CBP?

*Answer.* The CBP fiscal year 2011 budget request includes funding required for full implementation of the Journeyman Pay Adjustment. The Department intends to fund these costs by the fourth quarter of fiscal year 2010.

Approximately 30 percent of CBP officers—including most agriculture specialists at our ports—are funded through fees collected on processing passengers and cargo at our borders. Given the downturn in the global economy, fee revenue collections across the board are far lower than planned for in the current year's budget. You request that appropriated dollars be transferred from the Border Patrol, which is not fee-funded, and other appropriated activities to meet the fee shortfalls and maintain current staffing for CBP officers. Yet I understand you intend to pay for the journeyman pay adjustment by making additional cuts to CBP operations. This has a direct impact on border security.

*Question.* Absent additional resources, will you need to make a reduction in overall CBP officer staffing this fiscal year?

*Answer.* CBP will be proposing a reprogramming from internal sources to cover fiscal year 2010 shortfalls from fees to maintain staffing levels. In fiscal year 2011, CBP has requested additional appropriated dollars to offset the impact of lower fees.

## IMPACT OF THE LACK OF A CONFIRMED CBP COMMISSIONER

*Question.* Given the deep cuts to U.S. Customs and Border Protection in the proposed budget, did the fact that it does not have a Senate confirmed Commissioner hinder CBP when advocating for its fiscal year 2011 budget? How important is it to have a Senate confirmed Commissioner to lead the frontline agency defending our borders; an agency which also happens to be responsible for collecting the 2nd largest amount of revenue for the Nation?

*Answer.* President Obama recess appointed Alan Bersin as Commissioner of CBP on March 27, 2010.

## PROPOSED ELIMINATION OF THE FOREIGN LANGUAGE AWARDS PROGRAM FOR CBP EMPLOYEES

*Question.* Since its implementation in 1997, the Foreign Language Awards Program (FLAP) has been instrumental in identifying and utilizing Customs and Border Protection (CBP) employees who are proficient in a foreign language, a skill especially important in their role of dealing directly with foreign travelers and trade. Under the program, which incorporates more than two dozen languages, CBP Officers and Agriculture Specialists who qualify after language proficiency testing can earn awards of between 1 and 5 percent of their pay if they use a language other than English for more than 10 percent of the time during their daily duties. Thousands of frontline CBP employees use their language skills in this way every day.

CBP employees' foreign language skills enhance the agency's important homeland security and trade-related missions. Rewarding employees for using their language skills to protect our country, facilitate the lawful movement of people and cargo across our borders, and collect revenue that our government needs makes sense. Congress agreed that employees should be encouraged to develop their language skills by authoring FLAP. Not only does it improve efficiency of operations, it makes the United States a more welcoming place when foreign travelers find CBP Officers can communicate in their language.

At CBP, this program has been an unqualified success, and not just for employees but for the travelers who are aided by having someone at a port of entry who speaks their language, for the smooth functioning of the agency's security mission. For these reasons I am quite concerned that the fiscal year 2011 DHS budget proposes to eliminate this congressionally authorized program, and was further surprised to learn that, on February 4, 2010, CBP notified its employees that it was immediately suspending this program citing lack of fiscal year 2010 funding.

Why was this program immediately suspended? What budget planning went into this decision to immediately suspend and eliminate FLAP at CBP? FLAP has a dedicated funding source—customs user fees collected from the traveling public and the trade community. How will customs user fees that formerly funded FLAP now be distributed? For what programs will these user fees be used? And is this customs user fee diversion supported by statute?

*Answer.* CBP Officers and Agriculture Specialists hired since June 2004 and initially assigned to the southern border, Puerto Rico and Miami have a mandatory Spanish proficiency requirement as a condition of employment and are expected to utilize that skill, as needed, in the performance of their duties. Officers and Agriculture Specialist lacking sufficient proficiency in Spanish are provided five additional weeks of language training. Managers will continue to encourage all employees to utilize their language skills to accomplish the CBP's mission, and will use other traditional awards to appropriately recognize and reward employees.

FLAP awards are funded through customs, immigration, and agriculture user fees. Due to a substantial reduction of airline travel and commercial conveyances entering the United States in recent years, there has been a substantial decline in fee revenues. The Customs user fee currently supports approximately \$10.2 million of the FLAP program. By suspending the FLAP program, this funding would be redirected towards other requirements that are eligible under the fee legislation. The savings in Customs user fees from the FLAP reduction will allow CBP to more fully fund overtime and premium pay.

## BORDER PATROL COMMUNICATIONS

*Question.* Along our borders with both Canada and Mexico, there are many miles where no communication is possible, neither via cell nor land mobile radio. A few Border Patrol agents have the older bulky portable satellite phones or some that are mounted in vehicles that have no email or text capability. Almost one-third of our 1,900-mile border with Mexico has no communication coverage of any kind. Our Border Patrol agents face very dangerous situations with smugglers and drug and

arms cartels which puts them in grave danger. Also, we have heard of instances where smugglers have utilized homemade devices that disable border agent vehicles, leaving agents with no way to communicate. With new smartphones coming on line soon that are capable of providing a combination of cellular and satellite communications for voice and data, do you plan to provide this type of tool to our Border Patrol agents? If not, why?

Answer. CBP TACCOM is pursuing a digital standards based (i.e., Project 25) Land Mobile Radio (LMR) modernization program to meet user requirements and operational needs. The Project 25 solution leverages existing LMR infrastructure and subscribers owned and operated by CBP. Use of a standards based Project 25 solution promotes interoperability with other law enforcement agencies such as other Federal agencies and State, local and tribal partners.

#### SECURE BORDER INITIATIVE (SBI)

*Question.* Given continued delays in deployment of SBI-related technologies on the Southwest border, please describe what is in the fiscal year 2011 budget to deploy existing technologies to fill known gaps in our border security. If there are no such requests/plans, describe why.

Answer. Not only do we have an obligation to secure our borders, we have a responsibility to do so in the most cost effective way possible. The system of sensors and cameras along the Southwest border known as SBInet has been plagued with cost overruns and missed deadlines. As a result, the Department of Homeland Security is redeploying \$50 million of Recovery Act funding originally allocated for the SBInet Block 1 to other tested, commercially available security technology along the Southwest border, including mobile surveillance, thermal imaging devices, ultraviolet detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements. Additionally, DHS is freezing all SBInet funding beyond SBInet Block 1's initial deployment to the Tucson and Ajo regions until the assessment Secretary Napolitano ordered in January is completed

#### ICE

##### VISA SECURITY

*Question.* Section 428 of the Homeland Security Act of 2002 created the Visa Security Program. As you know, this program calls for the placement of Homeland Security agents at overseas U.S. consular posts to assist in reviewing visa applications for people wishing to travel to this country. The program has been effective in pushing out our borders and preventing the issuance of visas to individuals who wish to do us harm. I am troubled, however, to learn that the assignment of agents to posts in such critical countries as Israel, Jordan, and Yemen have been pending for months. In the case of Yemen, it has been more than a year.

Given the recent increase in threats to the United States from Yemen, what is the reason for the delay? And given the major security benefits received from this program at a relatively low cost, why is the budget for the program flat?

Answer. For fiscal year 2011, the President has requested the same level of funding and resources as fiscal year 2010: \$30.6 million and 67 FTEs. This funding will cover existing Visa Security Units, the planned fiscal year 2010 expansion, as well as a new office in Saudi Arabia. The expansion process requires close coordination with the host country and the Department of State, and ICE is coordinating with the Department of State to collectively further advance visa security.

##### WORKSITE ENFORCEMENT

*Question.* One of the many tools in the immigration enforcement toolkit is real worksite enforcement. To ensure that we end the lure to foreigners of jobs in this country, we must prevent unscrupulous employers from seeking cheap, illegal alien labor. But we must also demonstrate to people who may try to cross our borders seeking work that we will take action to remove them from this country because they are here illegally.

I have been a strong supporter of this program and have ensured that it has the resources it needs to enforce the law by adding funds above the request for the past 3 years. I am troubled by the impact I am seeing of your April, 2009, announcement of a change in how worksite enforcement is conducted. You have moved from aggressive enforcement actions at worksite to a paper-based system of auditing employee records. The numbers underscore my concerns.



Administrative arrests dropped from 5,184 in fiscal year 2008 to 1,654 in fiscal year 2009. That is more than a two-thirds drop. And criminal arrests of employees dropped from 968 in 2008 to 296 in 2009.

Why have you cut back on enforcement actions and retreated to a relatively toothless paper-based process?

Answer. Over the past year, U.S. Immigration and Customs Enforcement's (ICE) has implemented smart and effective worksite enforcement strategies, prioritizing the identification, arrest and removal of criminal aliens that threaten public safety, which has led to real results. Overall, criminal and non-criminal removals and returns increased by 5 percent between fiscal year 2008 and fiscal year 2009 with criminal removals and returns increasing by 19 percent. This year, ICE has already removed 40 percent more aliens convicted of crimes in fiscal year 2010 to date as compared to the same time last year.

Additionally, ICE's new, comprehensive worksite enforcement strategy targets employers who cultivate illegal workplaces by breaking the country's laws and knowingly hiring illegal workers. This strategy protects employment opportunities for the Nation's lawful workforce by targeting the magnets that attract illegal workers to the United States.

A successful immigration enforcement strategy also includes the use of all available civil and administrative tools at our disposal, including civil fines and debarment, to deter employers who knowingly hire illegal labor. Employers need to understand that the integrity of their employment records is just as important to the Federal Government as the integrity of their tax files or banking records. Accordingly, ICE has increased inspections to ensure that businesses are complying with employment laws, and is aggressively pursuing prosecution, fines and debarment where justified. In fact, ICE audited more employers suspected of hiring illegal labor in a single day in 2009 than had been audited in all of 2008.

These strategies are working. Since January 2009, DHS has audited more than 2,300 employers suspected of hiring illegal labor (compared to 500 audits in 2008), debarred 70 companies and 63 individuals, and issued more than \$15 million in fines.

By targeting the demand side of illegal employment and focusing on criminal aliens who pose a threat to public safety, DHS is making great strides in moving from enforcement actions that look tough to immigration enforcement that is truly effective.

*Question.* How many I-9 audits for worksite enforcement investigations were initiated in each of fiscal years 2007–2009 and how many indictments were handed down in each of those years?

Answer. Please see the following chart.

#### WORKSITE ENFORCEMENT AUDITS INITIATED

Fiscal year	Form I-9 inspections	Indictments
2007 .....	254	750
2008 .....	503	900
2009 .....	1,444	376

*Question.* How many criminal arrests and how many administrative arrests were made in each of fiscal years 2007–2009? Of those arrests, how many employers were arrested in each of those fiscal years and how many individuals were deported or removed from the United States?

Answer. Please see the following charts.

#### CRIMINAL AND ADMINISTRATIVE ARRESTS

Fiscal year	Criminal arrests	Administrative arrest	Employer arrests
2007 .....	863	4,077	92
2008 .....	1,103	5,184	135
2009 .....	410	1,644	114

INDIVIDUALS REMOVED <sup>1</sup>

Fiscal year	Removed
2007 .....	291,060
2008 .....	369,221
2009 .....	387,790

<sup>1</sup> Includes returns.

*Question.* How much funding is requested in the fiscal year 2011 budget for Worksite Enforcement?

*Answer.* In fiscal year 2010, ICE received \$134.5 million in appropriations to support worksite enforcement investigations. For fiscal year 2011, as is the case for all other investigative case categories, ICE is not requesting a specific funding level for worksite enforcement. ICE anticipates it will sustain the same level of activity from fiscal year 2010 to fiscal year 2011 for its worksite enforcement operations.

*Question.* Currently, is there a limit on how large a fine can be levied against an employer who employs illegal aliens? If so, do you have the authority to increase the fine administratively or does it need to occur legislatively?

*Answer.* ICE can only increase fines to adjust for inflation. The Federal civil monetary penalties have a Congressionally mandated cap. The civil fine range, per violation, for Form I-9 violations is \$110 to \$1,100. The civil fine range for each count of knowingly hiring or continuing to employ an unauthorized worker ranges from \$375 to \$16,000.

*Question.* How many on-site worksite enforcement actions occurred between January 20, 2009 and June 30, 2009? And how many occurred between July 1, 2009 and February 1, 2010?

*Answer.* The ICE case management system, Treasury Enforcement Communication Systems (TECS), does not specifically track on-site worksite enforcement actions; therefore, the exact number of operations is unavailable.

## DETENTION BEDS

*Question.* The fiscal year 2010 Department of Homeland Security Appropriations Act mandates maintaining “a level of not less than 33,400 detention beds through September 30, 2010”. However, for the week ending February 15, 2010, only 28,027 detention beds were filled. That means that 5,373 illegal aliens were not being detained when they could have been. In fact, the number of illegal aliens being detained has steadily dropped since the beginning of this administration (over the past year). Why are you not adhering to the law? Does ICE lack the funds to maintain these additional beds?

*Answer.* ICE is currently exploring options to increase detention efficiencies. Through the Institutional Removal Program at State and local detention facilities, ICE is focused on increasing the number of criminal aliens who have removal orders by the time they complete their criminal sentence, removing the burden to detain these aliens beyond their criminal sentences while awaiting removal orders.

## SECURE COMMUNITIES

*Question.* The focus of the Secure Communities is on Level 1 (criminal) illegal aliens who are located in Federal, State, and local jails and prisons through the use of biometrics (i.e. fingerprints). However, if you encounter Level 2 or 3 illegal aliens in these facilities—even though you are not targeting them—what do you do with them? Are they identified as being here illegally in any event and is a detainer put on them for immigration proceedings or for ultimate removal from the country upon completion of their sentence?

*Answer.* While ICE places the highest priority on the most dangerous criminal aliens convicted of level 1 offenses, aliens charged or convicted of level 2 or level 3 offenses are also placed in immigration proceeding for removal at the completion of their sentence.

*Question.* With the funds requested in the budget for Secure Communities, how much of the Level 1 population is covered and how of the Level 2 population is covered?

*Answer.* ICE anticipates that Secure Communities will be deployed in locations that cover 96 percent of the criminal alien population by the end of fiscal year 2011.

## BULK CASH SMUGGLING

*Question.* Last year, Congress provided \$30 million above the President’s request for a number of Southwest border violence-related activities—including bulk cash

smuggling. How are those funds being put to use for bulk cash smuggling efforts? Which agency has the primary authority for addressing bulk cash smuggling as it relates to our borders?

Answer. ICE has primary authority for addressing bulk cash smuggling as it relates to our borders, but works with the Department of Justice to ensure bulk cash smuggling investigations that have a border nexus are coordinated government-wide.

In March 2009, ICE deployed an additional 110 Special Agents to the Southwest border as part of the administration's Southwest Border Initiative. These agents have been initiating and supporting investigations into transnational crime, including bulk cash smuggling investigations.

Additionally, ICE's National Bulk Cash Smuggling Center (BCSC) is designed to identify, disrupt, and dismantle criminal organizations profiting from financial crime. The BCSC, located in Burlington, Vermont, is a 24-hour tactical intelligence and operations facility providing real-time intelligence to Federal, State and local law enforcement agencies (LEAs) involved in enforcement and interdiction of bulk cash smuggling. The BCSC coordinates intelligence information with LEAs to refer viable investigative leads to the field and help identify smuggling routes and trends to address system vulnerabilities.

As the lead DHS agency responsible for border enforcement activities (to include bulk cash smuggling) at our ports of entry, CBP will use CBP officers hired through its fiscal year 2009 appropriations to conduct outbound "pulse and surge" along the Southwest border. The focus of these officers will be to interdict and seize bulk cash, firearms, ammunition, stolen vehicles, and arrest fugitives destined to Mexico. "Pulse and surge" operations are short in duration and involve periodic outbound inspections followed by periods without inspections. This allows CBP to manage staffing, maintain the element of surprise, prevent operations from being predictable, counter the use of "spotters," and to control the flow of outbound traffic.

#### TRANSPORTATION SECURITY ADMINISTRATION

##### PASSENGER SCREENING TECHNOLOGIES

*Question.* What is the Department's long-term goal for passenger screening by means other than a magnetometer? Is it TSA's intention to screen every passenger for explosives either through Advanced Imaging Technology (AIT), explosives trace swabbing, canines, or pat-downs?

Answer. TSA's fiscal year 2011 request supports the deployment of more than 500 AITs, which, when added to machines purchased with prior year funds, will screen approximately 64 percent of the traveling public using approximately 1,000 AITs.

The fiscal year 2011 request also includes funding for Transportation Security Officers (TSOs) to staff AIT machines being deployed. TSA estimates that 500 machines will be deployed by the end of calendar year 2010.

*Question.* The fiscal year 2011 request includes funding for Transportation Security Officers (TSOs) to staff AIT machines being deployed. TSA estimates that 500 machines will be deployed by the end of calendar year 2010. How is TSA accommodating staffing needs for AIT machines in fiscal year 2010?

Answer. TSA has reallocated available resources to meet the additional AIT staffing requirements in fiscal year 2010.

*Question.* Does the request for 5,355 additional TSO's to staff the new AIT machines assume that the auto resolution feature will be ready for deployment at the beginning of fiscal year 2011? In the event it is not available, what adjustments in TSA's staffing requirement are necessary?

Answer. TSA's fiscal year 2011 request assumes Automated Target Recognition (ATR) capability will be deployed to the AIT fleet in both fiscal year 2010 and fiscal year 2011. TSA's fiscal year 2011 staffing request is sufficient to meet the staffing needs of the accelerated deployment of AIT units across the country.

*Question.* Will there be a need for facility modifications at airports to accommodate AIT equipment?

Answer. The optimal configuration and installation of AIT units at the airport will be determined on a case-by-case basis. Depending on the airport checkpoint layout, there is the possibility that facility modifications may be needed for AIT use.

*Question.* Have airport-by-airport estimates on additional space/facility requirements been developed?

Answer. TSA has made preliminary estimates of the required space needed for multiple configurations of AIT units. In addition, TSA will closely coordinate with local airport authorities to ensure that all space/facility requirements and constraints have been taken into consideration.

*Question.* How do you intend to pay for any additional space or facility upgrades that may be required to accommodate AIT equipment?

*Answer.* The fiscal year 2011 budget request includes funding for minor facility upgrades necessary to accommodate AIT equipment.

*Question.* Are sufficient resources contained in the fiscal year 2011 request for facility modifications?

*Answer.* The fiscal year 2011 budget request includes funding to pay for minor facility modifications that may be required to accommodate the AIT equipment.

*Question.* What efforts will be undertaken to consult and coordinate with airport operators regarding deployment plans at individual airport facilities?

*Answer.* AIT design drawings are prepared in collaboration with airport operators and local TSA officials prior to finalization. Airport authorities have numerous opportunities to comment on and approve designs before any work is started.

*Question.* What sort of impact will the greater utilization of AIT equipment have on passenger wait times?

*Answer.* TSA's fiscal year 2011 request provides the appropriate staffing level and equipment to manage passenger loads efficiently and expects no negative impact on passenger wait times.

*Question.* What are the different requirement "tier" levels for AIT? Has AIT been certified beyond Tier 1? What is the schedule to attain certification for the remaining tiers?

*Answer.* The AIT procurement specification outlines different "tiered" requirements based on security and detection capabilities. The specification is classified. The AIT units that have been awarded have either met or exceeded stated security requirements in the security specification.

From fiscal years 2002 through 2010, over \$1.5 billion has been invested in the development and deployment of checkpoint screening technologies. Your budget requests an additional \$360 million in fiscal year 2011. In October 2009, the Government Accountability Office criticized the Transportation Security Administration for not having a risk assessment, cost-benefit analysis, or performance measures to guide procurement decisions. Given the significant investment made in this area, what are you doing to address the concerns raised by GAO? What is the status of the congressionally mandated report on risk analysis and resource allocations across all transportation modes? This requirement was mandated in the explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2009 (signed into law on September 30, 2008).

*Question.* The Office of Inspector General concluded in its review of TSA's expenditure plan for the American Recovery and Reinvestment Act (ARRA) that the "unavailability of qualified technology may delay projected contract award dates and the expenditure of Recovery Act funds." Of the passenger screening program acquisitions, how many are still undergoing qualification and operational testing? What is TSA's schedule for completing this testing and deploying them to the field? What is TSA's remaining ARRA balance? Does TSA anticipate lapsing ARRA funds given the IG's concerns?

*Answer.* TSA is building modeling and simulation tools that balance levels of risk (based on current threats) with cost effective procurement decisions (based on available technologies). In addition, TSA is continuing work on the Aviation Modal Risk Assessment (AMRA), formerly known as the Aviation Domain Risk Assessment, as part of a larger cross-modal Transportation Systems Sector Risk Assessment (TSSRA). The TSSRA is currently undergoing Executive Level review within DHS. Once finalized, the TSSRA will be delivered to the Appropriations Committees and the Office of Management and Budget. The report should be delivered to the committees by the end of third quarter fiscal year 2010.

Of the technologies planned for purchase with American Reinvestment and Recovery Act (ARRA) funding, only the Next Generation Advanced Technology (AT-2) X-Ray is currently undergoing operational (field) testing. The AT-2 is scheduled to complete all testing by June 2010, and contract award is anticipated in June/July (resulting in initial deployments commencing in July/August 2010). As of March 6, 2010, TSA has obligated \$581 million, leaving a balance of \$419 million in ARRA funding. All TSA ARRA funds will be obligated by the September 30, 2010 deadline.

*Question.* For passenger screening technologies, what is TSA's process to achieve certification of technologies prior to wide-scale deployment? Is each technology reviewed by the acquisition review board before a contract is awarded? Is operational testing conducted by a non-TSA independent entity for all passenger screening systems or equipment?

*Answer.* In evaluating and procuring new Passenger Screening Program (PSP) technologies, TSA uses a structured methodology and process that complies with requirements specified by DHS Acquisitions Directive 102. Technology requirements

are followed by both laboratory and field testing, resulting in the published requirements for each vendor submission. The collected testing results are presented at yearly (or on an as needed basis) TSA Investment Review Boards and DHS Acquisition Review Boards to review the PSP program before contracts are awarded.

*Question.* The request includes funding for 350 additional behavior detection officers as part of the Screening Passengers by Observation Techniques (SPOT) program. What is the justification to increase this program given that an independent assessment of the program's effectiveness has not been completed?

*Answer.* The increase in Behavior Detection Officers (BDOs) will allow for additional coverage at high risk Category X and I airports, as well as expanded coverage at smaller Category III and IV airports. The BDOs provide mitigation deterrence against multiple threat areas, and risk modeling and deterrence data strongly suggest BDOs are effective at detecting person-based threats.

*Question.* Is SPOT training being provided to Federal Air Marshals or Customs and Border Protection Officers staffing international airports?

*Answer.* The Federal Air Marshals receive similar training that includes behavior detection recognition and other law enforcement techniques. Several of their behavior cues overlap those of the SPOT program.

TSA is actively working with CBP on joint training opportunities. The SPOT program, for example, recently trained a small number of CBP agents who staff overseas airports in behavioral detection.

*Question.* TSA has base funding to purchase 497 advanced imaging technology systems (body scanners) for airports. Once deployed, what percentage of the flying public will be screened by AIT? If funding requested in the fiscal year 2011 request is approved, what percentage of passengers will be screened once all 1,000 systems are deployed?

*Answer.* By the end of calendar year 2010, the initial 497 units will be deployed and approximately 37 percent of passengers will be screened with AIT. If the funding requested for fiscal year 2011 is approved and an additional 500 units are procured, 64 percent of passengers will be screened by AIT. With 1,000 AITs deployed, there will be an AIT machine in most Category X, I and II airports, which represent approximately 97 percent of all passenger volume. Given this system coverage, we estimate that over 90 percent of the traveling public will have the potential to be screened by an AIT.

#### EXPLOSIVES DETECTION SYSTEMS (EDS)

*Question.* Will TSA comply with congressional direction to move to a fully competitive EDS procurement process no later than September 30, 2010?

*Answer.* TSA has already initiated a competitive procurement process for the purchase of Explosives Detection Systems (EDS). An announcement on the Federal Business Opportunities Web site was posted on December 11, 2009, initiating a competitive Qualified Products List process for the three classes of EDS: high speed, medium speed and reduced sized. The current strategy anticipates contract awards in January 2011. The current competitive procurement initiative addresses Reduced-Size, Medium Speed and High Speed EDS. Currently, TSA only has one competitive award for EDS which is for Reduced-Size. ARRA EDS purchases were for Reduced-Size EDS.

*Question.* When will existing sole source bridge contracts expire?

*Answer.* The existing Medium Speed sole-source bridge contracts are set to expire July 2011.

*Question.* What is TSA's schedule for a competitive EDS equipment award?

*Answer.* The competitive Explosives Detection Systems equipment awards are currently scheduled to be made in January 2011. The current competitive procurement initiative addresses Reduced-Size, Medium Speed and High Speed EDS. Currently, TSA only has one competitive award for EDS which is for Reduced-Size. ARRA EDS purchases were for Reduced-Size EDS.

*Question.* Was the final RFP released in January 2010?

*Answer.* A shift in the acquisition strategy resulted in a revised RFP release date of September 2010. The most recent acquisition strategy calls for a Qualified Products List (QPL) for Explosives Detection Systems (EDS), permitting a greater number of vendor opportunities for contract awards. Vendors will be placed on a QPL after successfully completing Certification (CERT) testing, Baggage Handling System (BHS) Interface testing, and Operational Testing. CERT and BHS testing is scheduled to run from May 2010 through September 2010. Operational Testing is scheduled to run from October 2010 through November 2010. The EDS contract award is anticipated in January 2011.

*Question.* What security standards will manufacturers have to meet to be eligible under the competitive award and how do those standards differ from current requirements?

*Answer.* EDS proposed under the competitive procurement must be certified to the Detection Requirements Version 5.8 and meet other specification requirements contained in EDS Specifications Version 3.1. The Detection Requirements include additional explosive threats above and beyond those of current requirements, including "home-made explosives" (HME). The specific HME categories included in the Detection Requirements were first identified in collaboration with the intelligence community.

*Question.* Are TSA's new detection capability requirements tiered? Please describe the security enhancements each tier requires. What is TSA's schedule to require EDS manufacturers to meet the standards developed for each tier?

*Answer.* The Detection Requirements Version 5.8 are grouped into three distinct levels for compliance and include requirements for detection probabilities, false alarm rates, and screening. Level C is the current threshold requirement in the competitive procurement for an EDS to be certified for the planned contract awards in January 2011. Level B includes more threats than Level C, and Level A includes yet more threats than Level B. Threshold requirements for detection will likely be elevated from Level C to Level B within 12 to 18 months of the first competitive contract awards. It is anticipated that the technology capabilities necessary for Level A detection could take approximately 3 to 4 years to develop.

*Question.* What is the schedule to receive vendor proposals, test and evaluate systems, and make competitive awards?

*Answer.* The current schedule calls for vendor proposals to be submitted in October 2010. Each system will be required to successfully pass certification testing at the Transportation Security Laboratory (TSL), baggage handling integration testing at the TSA Systems Integration Facility (TSIF), as well as Operational Test and Evaluation (OT&E) at selected U.S. airports. The testing cycle is scheduled to begin with certification readiness testing in May 2010 and run through November 2010, at which time OT&E will end. Contract award is anticipated in January 2011.

*Question.* Has TSA's Test & Evaluation Master Plan (TEMP) been approved by the Science & Technology Directorate?

*Answer.* The Electronic Baggage Screening Program Test and Evaluation Master Plan (TEMP) and Checked Baggage Inspection Systems TEMP Addendum are currently in review with the DHS Science and Technology Directorate (S&T). Final versions are on track for approval in April 2010.

*Question.* Will test and evaluation of the systems be conducted by a non-TSA independent entity?

*Answer.* Yes, Electronic Baggage Screening Program systems are required to be tested by DHS S&T's Transportation Security Laboratory (TSL) and certified by TSA prior to operational testing. TSL will also perform technical testing in addition to testing conducted by the TSA Systems Integration Facility test team.

*Question.* Will delays in the schedule to procure new EDS systems impact current EDS balances and funds requested in fiscal year 2011?

*Answer.* TSA may carryover some fiscal year 2010 EDS funds as the new competitive EDS contracts will not be awarded until January 2011. With the new acquisition vehicles in place, TSA anticipates obligating the remaining fiscal year 2010 funds and those appropriated in fiscal year 2011.

*Question.* What is the average life span of an explosives detection machine? What is this assessment based on? What is TSA's strategy to recapitalize legacy EDS equipment?

*Answer.* Based on historical maintenance data collected from TSA and other agencies deploying this equipment, the average life spans of an Explosives Detection System (EDS) and of an Explosives Trace Detection system (ETD) are 10 and 7 years respectively. TSA has strategized to create a level annual recapitalization procurement and installation process for all existing equipment to minimize funding fluctuations. TSA has prioritized recapitalization of legacy EDS and ETD equipment based on life-cycle maintenance rankings. Equipment with operational performance issues will be replaced first, followed by equipment that has reached the end of its useful life.

*Question.* Is TSA in compliance with the legislative requirement to allocate 28 percent of EDS funding to small and medium sized airports?

*Answer.* Yes.

## AIR CARGO

*Question.* Provide an update on compliance with the requirement for 100 percent screening of air cargo. If the requirement has not been met, provide an estimate of when it will be met and if sufficient resources are included in the fiscal year 2011 to ensure industry is complying with the mandate.

*Answer.* The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) stipulated that industry must attain 50 percent screening by February 2009 and 100 percent by August 3, 2010. Airlines met—and continue to meet—the 50 percent level as of February 1, 2009. Compliance with 100 percent screening of cargo uplifted in the United States by August 3, 2010 is on track. TSA is continuing to work towards establishing a system to enable 100 percent screening of all international inbound air cargo.

The fiscal year 2011 budget request includes sufficient funding to support air cargo staffing levels, including the annualization of the 50 additional Transportation Security Inspectors-Cargo (TSI-Cs) provided by Congress in the fiscal year 2010 appropriations. TSA is committed to placing these TSI-Cs at airports with the greatest cargo oversight needs.

## AIRPORT PERIMETER SECURITY

*Question.* Congress appropriated \$4 million in each of fiscal year's 2008 and 2009 for perimeter security projects. Several projects have been funded to pilot technologies to secure identified gaps in airport perimeters. What is the next step for TSA? Will TSA be funding additional projects? Will TSA provide guidance and a qualified technology list to airports to use as they develop airport security plans?

*Answer.* TSA provided funding for nine perimeter security projects with fiscal years 2008 and 2009 funding. Four projects have been completed, and the final report of these tests will be made available to the airport community.

*Question.* What is the status of TSA's efforts to place new security requirements on general aviation aircraft? Describe differences between the proposed rule and final requirements planned.

*Answer.* TSA is currently developing a Supplemental Notice of Proposed Rulemaking (SNPRM) for the Large Aircraft Security Program and is taking into consideration more than 7,000 public comments received from the original Notice of Proposed Rulemaking and input from stakeholder meetings. This draft proposal will significantly strengthen general aviation security.

The SNPRM will include measures that protect against acts of criminal violence and air piracy; prevent or deter the introduction of explosives, incendiaries, or other dangerous articles into the secure area of commercial-use airports; and protect the public from the use of the aircraft/operation as a weapon or conveyance mechanism.

## SURFACE TRANSPORTATION SECURITY

*Question.* The request highlights rulemakings and security standards that will be published in either fiscal year 2010 or fiscal year 2011 with implementation to follow. Provide a summary of these rulemakings and security standards. Considering that the budget for surface transportation staffing and operations decreases in fiscal year 2011, would TSA have sufficient funds to carry out these plans and to oversee new regulations? Of the Surface Transportation budget, how much is available in fiscal year 2010 for regulation and security standards development and oversight? How much is requested in fiscal year 2011?

*Answer.* In response to the 9/11 Act, TSA is conducting a rulemaking that will require surface mode employers to develop and implement programs to provide security training for their employees. TSA is conducting this rulemaking to implement sections 1408, 1517, and 1534 of the 9/11 Act, which require security training programs for frontline employees of freight rail, transit agencies, passenger rail, and over-the-road-bus (OTRB) operators. The rulemaking will include similar requirements for motor carriers transporting Highway Security-Sensitive Materials (HSSM).

In addition, TSA is preparing a second rulemaking to implement sections 1405, 1512, and 1531 of the 9/11 Act, which direct TSA to issue a rule requiring freight rail employers, public transportation agencies, passenger rail carriers, and OTRB operators to develop comprehensive security plans and conduct vulnerability assessments. TSA's rulemaking would impose similar requirements on motor carriers transporting HSSM.

The fiscal year 2011 request includes sufficient funds to carry out these plans and to oversee new regulations.

The fiscal year 2010 appropriation provides \$2.4 million in support of regulations development and oversight. The fiscal year 2011 budget request includes the same level of funding for this effort.

*Question.* In fiscal year 2010, TSA plans to complete 16–20 Intermodal Security Training Exercise Programs. How many are planned for fiscal year 2011?

Answer. TSA plans to complete 16–20 Intermodal Security Training and Exercise Program exercises in fiscal year 2011 as well.

*Question.* How much is requested for the Layered Security Operational Test-Bed? Provide historical funding for the effort and its success in developing technological and operational solutions to prevent terrorism in mass transit and passenger rail systems. What efforts are planned in fiscal year 2010 and fiscal year 2011?

Answer. DHS S&T provides funding for the Layered Security Operational Test-Bed and the development of the technology and operational solutions. TSA provides subject matter support and works with S&T, as well as transit agency security partners, to plan and facilitate layered operational tests to evaluate the effectiveness of new technology and operational practices.

One of the recent successful operational solutions that have gone through this process is bus disabling technology. This technology allows for the remote command from an operations center to immobilize a bus. This immobilization does not disable vehicle functions such as steering and braking, but rather affects the fuel control system allowing the bus to slow or stop. This precludes the bus being used as a weapon by terrorists. TSA is working with the Federal Emergency Management Agency to establish a new category for this technology on the Authorized Equipment List (AEL).

Currently, there are on-going tests with the Blast-Resistant Autonomous Video Equipment, which can be used at bus and rail stations. The operational tests are being conducted at four locations (San Diego, New Orleans, Spokane, and Buffalo) to evaluate the system's performance under a wide range of diverse environmental conditions.

#### PROGRAM INTEGRITY

*Question.* How much (dollars and FTE) is included in the fiscal year 2011 request for program integrity efforts compared to fiscal year 2009 and fiscal year 2010. Please describe these activities.

Answer. For fiscal year 2009, the Office of Inspection (OOI) had 197 full-time employees, with a budget of \$38.45 million. For fiscal year 2010, OOI has 197 full-time employees, with a budget of \$40.4 million. The fiscal year 2011 budget request includes \$45.15 million and 209 FTE for OOI to fund current operations and increase covert testing in support of Advanced Imaging Technology (AIT) deployment.

The Office of Inspection is an independent investigative/internal affairs component for TSA and reports directly to the TSA Administrator and Deputy Administrator. The OOI staff is located within TSA headquarters, 5 regional offices, and 18 satellite offices. These employees conduct criminal and employee misconduct investigations, compliance inspections, internal reviews, vulnerability assessments for insider threats, and covert testing.

#### FEDERAL AIR MARSHALS

*Question.* Under current procedures, the Federal Air Marshals decide which planes to put Air Marshals on based on factors related to the arrival and departure locations of the flight. According to recent agency briefings, Federal Air Marshals are not put on flights based on whether or not specific individuals, who might be a threat, are on a flight. CBP gets information 72 hours in advance of flights of individuals who have tickets for a flight. While this manifest may not include all ticketed passengers, can this information be shared in real time with the Federal Air Marshals so that when a selectee is expected to be on a flight, the Marshals have time to get on that flight?

Answer. FAMs do not have jurisdiction on foreign flagged carriers and cannot provide in-flight security. Any selectee on a foreign air carrier's flight to the United States will undergo enhanced screening prior to boarding the flight, pursuant to TSA-mandated measures under the foreign air carrier's TSA-accepted security program. CBP will also conduct additional screening upon their entrance into the United States.



## COAST GUARD

## WORKFORCE

*Question.* The Coast Guard's budget request reduces military strength by 1,112 billets and cuts recapitalization efforts by 10 percent. The Coast Guard is the only branch of the military to see its workforce decreased in the President's budget. It is a reduction of capacity and capability for an agency that rescued 33,000 people following Hurricane Katrina and was first on scene to evacuate over 1,000 U.S. citizens from Haiti.

The Commandant said the cuts to military personnel were necessary to pay for capital priorities, particularly the 5th National Security Cutter. No other military service chief was faced with this tradeoff—people versus assets. Why was the Commandant of the Coast Guard faced with this false choice? If the Coast Guard were provided resources to maintain these billets, how would you re-allocate them to other Coast Guard priorities?

*Answer.* The majority of these billets are associated with legacy assets that are being decommissioned as part of overall surface fleet recapitalization. Regardless of funding availability, these billets are removed once the assets are removed from inventory. Consistent with the Deepwater plan, these billet decreases are offset by billet increases associated with the new assets coming online. In fiscal year 2009 and 2010, Coast Guard added 559 full-time positions (FTPs) to staff Deepwater assets. The fiscal year 2011 request funds another 336 FTP, for a total of nearly 900 new personnel to support Deepwater assets alone.

The remaining billets are associated with several administrative and operational consolidation and realignment initiatives that more efficiently allocate resources to our highest priorities.

## UNINTENDED LOSS OF CRITICAL SKILLSETS

*Question.* The Coast Guard's budget request reduces military strength by 1,112 billets. This reduction will likely result in slower promotion/advancement rates for all levels within the Coast Guard. This is of particular concern for the CG members that are retirement eligible (20 or more years of service) who typically have more qualifications and critical skill sets that are needed to maintain integrity of the Coast Guard workforce. These members may decide to retire earlier than expected if promotion/advancement are significantly delayed, resulting in an unintended consequence that severely degrades the Coast Guard's capability even further. With these reductions, will the Coast Guard be able to maintain parity with DOD advancement rates? What are the projected delays/impacts to promotion rates (by rate/rank)? Which CG specialties/ratings will be most significantly impacted?

*Answer.* Most of the military strength reduction in fiscal year 2011 will be associated with decommissioning of legacy assets.

The following outlines the anticipated impacts of the fiscal year 2011 budget request for both the officer and enlisted workforce:

—*Officer Workforce*—Coast Guard officer promotion points have historically maintained parity with DOD promotion timing, which are mandated by the Defense Officer Personnel Management Act. The Coast Guard will continue to make annual internal adjustments as needed to maintain promotion point targets.

—*Enlisted Workforce*—For the past few years, the Coast Guard has been growing and advancing to meet the needs of the service. The fiscal year 2011 budget will support efforts to increase the experience and technical expertise of our workforce.

The workforce changes reflected in the fiscal year 2011 budget request are associated with legacy assets that are being decommissioned as part of overall surface fleet recapitalization. The impacted positions include Maritime Enforcement Specialist, Electronics Technicians and Gunners Mate.

## COAST GUARD CUTTER REDUCTIONS

*Question.* How many high endurance cutter hours will be reduced by decommissioning four high endurance cutters and one medium endurance cutter in fiscal year 2011? How many of those hours be offset in fiscal year 2011 by new assets (National Security Cutters)? Is there already a gap in operational hours necessary for major cutters? What is the current gap? By how many hours will the gap increase in fiscal year 2011 if the request is enacted? What is the gap (in years) between the planned decommissioning of the four HEC's and having four NSCs to replace them? Did the cutters proposed for decommissioning contribute to the removal of cocaine in fiscal year 2009? By how much and what is the estimated street value of this drug?

The justification states that a disproportionate share of the depot level maintenance budget is being used to sustain these aging assets. Provide a chart (fiscal year 2004–fiscal year 2009) displaying the annual maintenance costs for each HEC cutter and the days out of service.

Answer. The number of operational hours is not a measure of performance—while the fully operational fleet of NSC will have fewer operational hours, it is expected to perform more effectively than the HEC fleet.

The four WHECs programmed to be decommissioned are CHASE, HAMILTON, JARVIS, and RUSH. In fiscal year 2009, these cutters contributed to the removal of 35,100 lbs of cocaine (10 percent of total cocaine removed by Coast Guard forces) and 400 lbs of marijuana. In 2009, in its first operational patrol, the first NSC successfully disrupted a multi-vessel drug transfer in the Easter Pacific.

The justification states that a disproportionate share of the depot level maintenance budget is being used to sustain these aging assets.

#### FISCAL YEAR 2004–2009 LOST CUTTER DAYS

	Fiscal year 2004	Fiscal year 2005	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008	Fiscal year 2009
CGC BOUTWELL (719) .....					34	5
CGC CHASE (718) .....			10			40
CGC DALLAS (716) .....			27	3	6	185
CGC GALLATIN (721) .....			30		28	185
CGC HAMILTON (715) .....			40			39
CGC JARVIS (725) .....			221	51	61	6
CGC MELLON (717) .....			73			72
CGC MIDGETT (726) .....			61		6	2
CGC MORGENTHAU (722) .....			5			
CGC MUNRO (724) .....						
CGC RUSH (723) .....			1	114	59	14
CGC SHERMAN (720) .....			40	60	110	21
WHEC 378 Class (Total) .....			508	228	304	569

Per the Cutter Employment Standards COMDTINST 3100.5B: Lost cutter days are defined as any day a cutter cannot meet its mission due to unforeseen circumstance; i.e., an engineering casualty, repairs, weather delays, storm avoidance thus affecting the readiness of the cutter. Collection for this data did not begin until 2006.

#### HM&E DEPOT OF MAINTENANCE EXPENDITURES RECORDED BY FISCAL YEAR (BY HULL)

	Total maintenance expense by hull (in fiscal year 2009 \$)					
	Fiscal year 2004	Fiscal year 2005	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008	Fiscal year 2009
CGC BOUTWELL .....	4,297,727	1,788,692	1,908,875	2,264,376	4,028,012	3,892,417
CGC CHASE .....	4,260,285	1,828,091	1,827,989	1,754,233	6,531,060	1,954,962
CGC DALLAS .....	2,187,403	1,897,620	3,218,009	2,554,173	2,158,867	8,598,201
CGC GALLATIN .....	1,839,775	4,364,643	2,563,900	1,962,321	4,223,875	15,900,127
CGC HAMILTON .....	2,113,341	2,812,460	1,426,031	4,828,757	2,481,080	3,283,410
CGC JARVIS .....	4,975,230	2,411,220	4,629,516	3,938,828	1,646,301	5,730,796
CGC MELLON .....	2,048,151	1,824,159	3,905,402	1,994,059	1,736,505	1,959,120
CGC MIDGETT .....	2,374,630	2,442,144	4,147,895	2,747,483	1,117,877	958,602
CGC MORGENTHAU .....	2,277,219	5,730,534	1,395,674	2,291,549	1,842,569	2,365,969
CGC MUNRO .....	5,395,923	2,706,633	1,944,422	5,817,612	1,065,122	3,686,054
CGC RUSH .....	3,213,709	4,038,253	2,902,747	3,803,210	2,133,902	7,238,903
CGC SHERMAN .....	2,247,616	5,565,939	2,491,801	3,972,786	1,343,174	1,592,630
WHEC-378 Total .....	37,231,009	37,410,389	32,362,261	37,929,385	30,308,344	57,161,192

Hull, Mechanical & Electrical (HM&E) Depot Maintenance Expenditures include Depot Spare Funding (LSL), Equipment Obsolescence Funding & Engineering Services (CGMAP, SSMEB, TCTO Development, etc.). Does not include unit level maintenance, depot level maintenance or C4ISR equipment, or major repair and renovation funded by AC&I.

#### DECOMMISSIONED ASSETS AND SURGE CAPACITY

*Question.* How will the budget request to decommission various assets impact the Coast Guard's ability to surge in response to a crisis? For instance, what role (if

any) did the assets proposed for decommissioning play in response to the earthquake in Haiti?

Answer. None of the planned decommissionings in fiscal year 2011 eliminate an entire asset type, and these types of assets will be available as future surge needs dictate.

NATIONAL SECURITY CUTTER (NSC)

*Question.* The budget request includes no funding for long lead time materials for National Security Cutter No. 6. What is the estimated cost of long lead time materials for NSC No. 6? For some acquisitions, longlead materials are funded in advance to maintain a planned production schedule. Does the fact that long lead time materials for NSC No. 6 are not funded in the request impact the Coast Guard's delivery schedule for the cutter? If so, what is the schedule delay? If long lead time materials for NSC No. 6 are funded in fiscal year 2011, would the full cost of the cutter be less than if the entire cost for NSC No. 6 was funded in fiscal year 2012. If so, what are the estimated savings?

Answer. The fiscal year 2011 Capital Investment Plan includes funding for a sixth National Security Cutter. No separate request will be made for any long lead materials, as this type of incremental funding is not consistent with OMB Circular A-11.

NATIONAL AUTOMATIC IDENTIFICATION SYSTEM

*Question.* The budget provides no acquisition funding for the Nationwide Automatic Identification System (NAIS). The Maritime Transportation Security Act of 2002 required certain vessels operating in the navigable waters of the United States to be equipped with and operate an automatic identification system (AIS). The Coast Guard has been developing NAIS, which is critical to identify, track, and communicate with marine vessels that use AIS. The Coast Guard estimates that the system won't be completed until 2015; 13 years after Congress mandated that vessels be equipped with AIS.

Why isn't this program a higher priority given the need to enhance the Coast Guard's Maritime Domain Awareness?

Answer. As shown in the 2011-2015 Capital Investment Plan, the NAIS program is funded through its completion in 2014. No funding is requested for fiscal year 2011 because the Coast Guard plans to use \$7.8 million of prior year funding to continue the NAIS acquisition.

*Question.* According to the Coast Guard, NAIS' Acquisition Program Baseline (APB) is under DHS review. What is the status of the APB review (by individual NAIS increment)?

Answer. The Nationwide Automatic Identification System (NAIS) Acquisition Program Baseline, including all increments, is currently under revision.

*Question.* What is the cost to deploy current NAIS capability to the remaining 32 sectors (covering the remainder of the existing 58 major ports and coastal areas), in addition to the 3 sectors (Mobile, Hampton Roads, and Delaware Bay (Philadelphia)) that are funded via prior appropriations?

Answer. The project is currently using prior year funds of \$7.8 million to design and test the new NAIS infrastructure. The projected out-year funding of \$24 million will enable the Coast Guard to deploy this system to the existing 58 major ports and coastal areas.

*Question.* Could the Coast Guard make use of these funds in fiscal year 2011 if available?

Answer. The fiscal year 2011 request accurately reflects USCG acquisition priorities and we strongly supports the current funding profile.

*Question.* Are there impediments to obligating funds in fiscal year 2011?

Answer. No.

*Question.* Provide a chart showing the costs associated with each increment, how much has been funded to date for each increment, remaining requirements for each increment (by segment), and the acquisition review status for each increment and segment.

Answer. Please see the following chart.

[In millions of dollars]

Increments	Project Mgmt	58 ports	Permanent	50-2,000nm	Total
Cost .....	24.5	38.8	49.7	6.5	119.5
Funded .....	24.5	38.8	25.7	6.5	95.5
Remaining .....			24		24

[In millions of dollars]

	Increments	Project Mgmt	58 ports	Permanent	50–2,000nm	Total
Review .....		(1)	(2)	(3)	(3)	(1)

<sup>1</sup> Not available.<sup>2</sup> Complete.<sup>3</sup> Under revision.

## INTERAGENCY OPERATION CENTERS

*Question.* The Safe Ports Act of 2006 requires the Secretary to establish inter-agency operational centers for port security at all high-priority ports not later than 3 years after the date of enactment of the SAFE Port Act. According to the budget request, IOCs will not be completed until 2015. Why hasn't the Department complied with this mandate?

*Answer.* The Department is meeting this mandate. The Coast Guard received its initial appropriation to establish Interagency Operations Centers (IOCs) in fiscal year 2008, and the first IOC (Charleston, SC) was established in September 2009. The WatchKeeper information management system, one of the foundational capabilities of IOCs, will be deployed to all 34 remaining high priority ports in fiscal year 2010–2011.

*Question.* Are the Coast Guard's plans for IOCs consistent with the legislative intent of section 108 of Public Law 109–347?

*Answer.* Yes.

*Question.* The Coast Guard plans for IOCs include different segments. Please describe them and the capabilities they will provide to the Coast Guard and its port partners.

*Answer.* The IOC acquisition project contains the following segments:

—*Information Management.*—The “WatchKeeper” Web-based software will integrate data from existing interagency databases and provide a single common display, allowing for joint targeting and operations planning, monitoring, and execution between all port partners.

—*Sensor Integration.*—Existing sensors belonging to multiple Federal, State, and local agencies, as well as private industry, will be identified and integrated into WatchKeeper to provide robust, in depth, real-time monitoring of ports and waterways. Integration with port partner databases will also be improved.

—Other critical elements of an IOC include established protocols to achieve inter-agency planning, coordination and operations, as well as adherence to the best practices described in the Maritime Port Operations Handbook and IOC Concept of Operations.

*Question.* A final test report for Watchkeeper is to be completed by March 2010. Provide a summary of the report's findings.

*Answer.* The WatchKeeper schedule was updated to allow more time to finish operational testing, mature the WatchKeeper integrated logistics support approach, and minimize the impact of the deployment on the operations of the receiving IOC units. As such, the operational testing and evaluation report for the current version of WatchKeeper is being finalized with expected completion in the spring of 2010.

*Question.* An acquisition decision to produce, deploy, and support the initial segment of Watchkeeper is scheduled for April. Is that decision on schedule and what does it entail?

*Answer.* This acquisition decision will happen in June 2010, and it requires completion of project documentation in accordance with the Coast Guard Major Systems Acquisition Manual. The project will also meet the DHS Acquisition Decision Memorandum exit criteria for the next acquisition phase.

*Question.* Originally, Watchkeeper was to be deployed to all Coast Guard sectors in fiscal year 2010. The Coast Guard has since delayed deployment, which will not be completed until the 3rd quarter of 2011. What is the cause of the delay?

*Answer.* In accordance with the Coast Guard Commandant's March 2008 Inter-agency Operations Center (IOC) Expenditure Plan to Congress, WatchKeeper deployment (via training and access) to the first sites will begin in the third quarter of fiscal year 2010 with the remaining high priority ports receiving the WatchKeeper capability in fiscal year 2011.

*Question.* Provide a chart showing the costs associated with each IOC Segment, how much has been funded to date for each segment, remaining funding requirements for each segment, and the acquisition review status for each increment. Facility cost requirements should be included.

*Answer.* Please see the following chart.

[In millions of dollars]

IOC segments	WatchKeeper	Sensors	Facilities	Total
Cost .....	28.69	34.6	19.71	83
Funded .....	28.69	22.6	19.71	71
Remaining .....	.....	12	.....	12
Review .....	( <sup>1</sup> )	( <sup>2</sup> )	( <sup>3</sup> )	( <sup>4</sup> )

<sup>1</sup> Pending ADE-3.<sup>2</sup> Pending ADE-2.<sup>3</sup> Completing.<sup>4</sup> Not available.

## OFFSHORE PATROL CUTTER

*Question.* The Coast Guard awarded a contract for an alternatives analysis in July 2009. Results of the analysis are expected in Spring 2010. What is the status of the work and initial findings? Provide the acquisition schedule for the OPC. Have requirements for the vessel been completed?

*Answer.* The Alternative Analysis (AA) study is in progress and is expected to be completed in the fourth quarter of fiscal year 2010. The Offshore Patrol Cutter (OPC) project is in the Analyze/Select phase of the acquisition process; its schedule is being finalized and will be dependent upon the approval of the acquisition strategy.

## PATROL BOAT SUSTAINMENT

*Question.* No funding is included in the budget request (or outyears) to send the final three hulls (18–20) that were planned to go through the Mission Effectiveness Project (MEP). According to the Coast Guard, the MEP dramatically improves the overall mission effectiveness of the 110' WPB cutter class until it is replaced with appropriately capable assets. What is the justification for discontinuing this program? What is the current patrol boat operational gap? Will the gap increase because of this decision? If so, by how much?

*Answer.* Recapitalization is critical to preserving future surface, air, and shore asset capability. The fiscal year 2011 budget focuses resources toward recapitalization of aging cutters, aircraft and supporting infrastructure, including the replacement of the 110-foot Island Class Patrol Boat to address the patrol cutter operational gap. Recapitalization is necessary to mitigate the long-term patrol gap, and, though the Mission Effectiveness Project will not be pursued, hulls 18–20 will continue to operate, and thus not exacerbate the near-term operational gap.

## C-130S

*Question.* Has an alternatives analysis been conducted of the Coast Guard's future capital investment in HC-130H and HC-130J? If so, what alternatives were studied? What were the conclusions of the study? Please include the alternatives considered and the life cycle cost estimate and mission effectiveness analysis. Are the findings of the AA consistent with the Coast Guard's investment strategy contained in the Capital Investment Plan? Is the Coast Guard considering revising its investment strategy based on the findings of the Alternatives Analysis? What is the mix of HC-130s (Hs & Js) to best meet Coast Guard mission requirements?

*Answer.* A Business Case Analysis (BCA) was commissioned to determine the best investment option for the Coast Guard C-130 fleet. An internal study was completed in 2007, and a Naval Air Systems Command study was completed in 2008. The BCA showed the following life-cycle costs for the below listed three alternatives:

(a) Current Program of Record (16 HC-130Hs/six HC-130J)—Life cycle cost of \$8.6 billion;

(b) Full recapitalization (22 HC-130Js/retire all HC-130Hs)—Life cycle cost of \$7.1 billion; and

(c) Hybrid fleet (11 HC-130J/11 HC-130Hs)—Life cycle cost of \$8 billion.

The life cycle costs of alternatives (a) and (b) are driven primarily by the need to replace all C-130s within the next 7 years. Sixteen will require recapitalization.

While alternative (b) presents the lowest life cycle cost, it results in an increase in acquisition cost above the current Acquisition Program Baselines.

The Coast Guard is considering revising its investment strategy based on these findings. The Capital Investment Plan supports the Acquisition Program Baselines for the current programs of record.

## COAST GUARD UNMANNED AERIAL SYSTEM (UAS) STRATEGY

*Question.* No funding is included in the Coast Guard's Capital Investment Plan (fiscal year 2011–2015) for cutter based or land based UAS. What is the acquisition strategy for both the cutter based and land based UAS? Provide a schedule (by fiscal year) with incremental acquisition events and corresponding funding needs (to the extent known). Is the Coast Guard scheduled to complete the "Need Phase" (ADE-1) in fiscal year 2011, which authorizes the project to enter the "Analyze/Select Phase" to explore alternatives? If so, how much is necessary in fiscal year 2011 for the "Analyze/Select Phase"?

*Answer.* DHS Headquarters approved the Coast Guard's unmanned aircraft system (UAS) strategy to acquire mid-altitude long-range and low-altitude cutter-based tactical UAS to meet mission requirements, while emphasizing (1) commonality with existing DHS and Department of Defense (DOD) programs; (2) project maturity in terms of technology and production; (3) using studies and analyses to mitigate risk using Advanced Concept Technology Demonstration (ACTD) and Low-Rate Initial Production (LRIP); and (4) leveraging UAS development in other organizations. Accordingly, the Coast Guard established formal partnerships with Customs and Border Protection (CPB) to collaborate with their maritime UAS program and the Navy's Vertical Takeoff and Landing Tactical Unmanned Air Vehicle (Fire Scout) program office.

The Coast Guard expects to complete the UAS "Need Phase" (ADE-1) in fiscal year 2011. Using a disciplined systems engineering approach to ensure UAS technology and production maturity, the Coast Guard plans to conduct the Analyze/Select phase while the Coast Guard Research & Development Center conducts land-based and cutter-based UAS ACTDs in support of acquisitions analysis, planning, and decisions.

The Coast Guard intends to continue its partnership with the Navy on the Fire Scout program and with CBP on the Guardian (Maritime Variant Predator (land-based UAS)). These activities will provide the Coast Guard opportunities to further study and analyze evolving UAS capabilities and refine operational and logistical requirements for Coast Guard specific applications. These efforts will also significantly mitigate the overall risk of the Coast Guard UAS acquisition program.

## ARCTIC POLICY

*Question.* In his recent State of the Coast Guard address, when discussing Arctic policy and the Coast Guard's responsibilities, the Commandant said, "some say it is mission creep and not our duty. I disagree and we need to have a serious discussion about it." What is the administration's position on this "mission creep" issue? When will a national arctic policy be completed and will it clearly define the Coast Guard's role, including the establishment of Federal requirements for the polar regions?

*Answer.* National Security Presidential Directive-66/Homeland Security Presidential Directive-25, Arctic Region Policy, remains the administration's policy regarding the Arctic region. Implementation of the Arctic Region Policy, including any changes to current roles and responsibilities, would proceed through normal inter-agency coordination processes.

## MARITIME SECURITY AND SAFETY TEAMS (MSST)

*Question.* If the five MSSTs that are proposed for termination are eliminated, provide data on assets available in each of the five regions to meet mission requirements for those regions.

*Answer.* To make the most of current operating capabilities, the fiscal year 2011 budget request transitions the Maritime Safety and Security Teams (MSST) to a regional model, enabling the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. The teams were selected based on existing Coast Guard presence in their region. Transitioning the MSSTs to a regional model will enable the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed.

The Coast Guard will also continue to leverage all available intelligence resources and partnerships across DHS, the Federal Government and State and local law enforcement to collectively mitigate risks and ensure the security of the Nation's ports.

## MARITIME SECURITY RESPONSE TEAM (MSRT)

*Question.* The Coast Guard originally envisioned three MSRT teams (East, West and Gulf Coast). However only one exists today (East Coast) and the budget request

proposes to eliminate two HH-60's from the Chesapeake, VA based team. What operational impact will this reduction have on the current MSRT? Prior to the submission of the fiscal year 2011 budget, had the Coast Guard considered expanding MSRT capabilities? Given that the MSRT is east coast based, what capabilities does the Coast Guard have to respond to a terrorist event or plot on the West or Gulf Coasts? Is the Coast Guard the best Federal agency to perform this type of mission?

Answer. While the Coast Guard is the lead Federal agency for maritime security, some high-end capabilities originally envisioned for the MRST, such as tactical vertical insertion against hostile vessels, already exist in other Federal agencies (e.g., the Departments of Justice and Defense). All these capabilities have been, and will continue to be, marshaled under the Maritime Operational Threat Response (MOTR) process, a paradigm that has proved extremely effective and capable of managing the coordinated dispatch of interagency resources to respond to maritime security threats and incidents.

#### LORAN-C

*Question.* The Coast Guard estimates that long-term environmental remediation costs are estimated to be between \$58 million for the best case scenario, to \$242 million for the worst case scenario. Given these costs, why does the Coast Guard request to non-recur \$12 million funded in fiscal year 2010 for LORAN? What is the estimate in fiscal year 2011 to conduct environmental due diligence assessments and commence restoration to facilitate divestiture? How will the Coast Guard pay for these costs in fiscal year 2011?

Answer. The \$12 million in the fiscal year 2010 budget was for operations and maintenance (O&M) funding through January 2010. Since the system will not be operating in fiscal year 2011, and O&M funding cannot be used for Environmental Compliance and Restoration purposes, the funding has been terminated.

The Coast Guard estimates that up to \$12 million could be obligated in fiscal year 2010 and into fiscal year 2011 to conduct site assessments and begin environment remediation efforts to prepare the sites for divestiture.

#### NATIONAL STRIKE FORCE TRANSITION FROM COORDINATION CENTER

*Question.* The Coast Guard's budget request eliminates the National Strike Force's (NSF) Coordination Center which provides specific functions for the three Coast Guard's specialized response Strike Teams. The Coordination Center was created as a direct result of lessons learned from the *Exxon Valdez* spill and Oil Pollution Act (OPA) 90, the need for coordination and standardization of the NSF Strike Teams. What analysis has the Coast Guard conducted to determine the benefits/efficiencies achieved by the elimination of the Coordination Center? Provide plan of where the authorities and responsibility of the coordination center will be transferred to, and what impact, if any, will that have on the three strike teams ability to maintain consistency. If a study was conducted to determine this decision, please provide report.

Answer. The Coast Guard will continue to perform all functions required by the Oil Pollution Act of 1990 as amended by the Federal Water Pollution Control Act. The Coast Guard plans to align functional responsibilities within the Deployable Operations Group and the Headquarter's Office of Incident Management and Preparedness. Eliminating redundant fiscal, logistics, and administrative support already provided through the Deployable Operations Group will generate efficiencies in operations, oversight, and program management.

Co-location of elements of the National Strike Force Coordination Center with the Deployable Operations Group and the Coast Guard's Office of Incident Management and Preparedness will enhance Marine Environmental Protection services and foster better administration of Strike Teams established under the National Contingency Plan.

#### USCG OIL/HAZMAT RESPONSE CAPABILITY

*Question.* What does the Coast Guard intend to do with the remaining NSF Strike Teams if the Coordination Center is eliminated? Has the Coast Guard conducted a workforce analysis to see if the Strike Teams are optimally manned and has there been an analysis of the type of response equipment that the Strike teams inventory and maintain comparted to what is regionally offered by industry? What impact has the CG's Sectorization of major shore units had on the HAZMAT/Oil Spill Response and environmental protection mission? Has there been an increase/decrease in Federal On-Scene Coordinator capacity and expertise, since the Coast Guard has gone to the Sector Model? If so, explain why?

Answer. Co-location of elements of the National Strike Force Coordination Center with the Deployable Operations Group and the Headquarter's Office of Incident Management and Preparedness will enhance Marine Environmental Protection services and foster better administration of Strike Teams established under the National Contingency Plan. The fiscal year 2011 request does not impact the competencies or capacity of the three Strike Teams.

The formation of Coast Guard Sectors strengthened Marine Environmental Protection mission performance. The Sector Command combines responsibilities and authorities previously shared by two or more commands into a single operational unit. This construct enables a Sector Commander to quickly assess a maritime emergency, whether terrorist attack, natural disaster or manmade incident, and have the assets and authority necessary for a rapid, well-coordinated response. Moreover, the same Command through its integrated daily operations is responsible for enforcing regulations governing maritime safety, marine environmental protection, and maritime security. Federal On-Scene Coordinator (FOSC) capacity and expertise remains a core function of the Sector organization and the Coast Guard currently has more qualified FOSC Representatives than positions requiring the qualification.

#### CLOSING OF MICHIGAN AIR FACILITIES

*Question.* How many individuals have been rescued, and how many lives saved with assets deployed from the two air facilities proposed for closure?

Answer. Helicopters attached to Air Facility (AIRFAC) Muskegon saved six lives and assisted 21 individuals between 2004 and 2009. Helicopters attached to AIRFAC Waukegan saved seven lives and assisted sixteen individuals between from 2004 and 2009.

#### SECRET SERVICE

*Question.* The intent of Congress in the fiscal year 2009 Homeland Security Appropriations Act was that the Secret Service would establish a field office in Tallinn, Estonia—in part to conduct investigations and respond to cyber attacks against government computer systems in that region. As requested in the President's fiscal year 2010 budget request, Congress provided the funds to open this office. To date, the Department has yet to submit the required NSDD-38 to the Department of State to begin the process of opening the office the President requested Congress fund and open. It has been nearly 2 years since these cyber attacks began and the Department claims that cyber security is a top priority. What is the delay in opening this office? Who in the Department is second-guessing the President on this issue?

Answer. The NSDD-38 for the USSS office in Tallinn, Estonia was approved on March 10, 2010 by Deputy Secretary Lute, and the Department has now submitted the required NSDD-38 to the Department of State to begin the process of opening the office. Approval of the NSDD-38 for the USSS office in Tallinn, Estonia was initially delayed as it became part of a comprehensive review of the Department's overseas presence that the Deputy Secretary ordered in order to rationalize DHS's international footprint.

#### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

##### CYBER SECURITY

*Question.* Both the fiscal year 2011 budget request and the Quadrennial Homeland Security Review Report single out "safeguarding and securing cyberspace" as a top five priority. Yet, the budget request includes a 4.6 percent cut compared to the fiscal year 2010 Act for National Protection and Programs Directorate cyber security efforts. The budget justification even indicates that the reduction will slow the deployment of the intrusion detection system and that we are playing catch up on having effective assessment, testing, and analysis functions. While some of these programs, like Einstein, have had implementation issues, the budget proposal and description does not inspire confidence that the necessary improvements will be made to the programs or that new programs are in the making. How does this budget request meet the necessary cyber security needs of this Nation, which is under daily attack from a very dynamic threat acted on by a wide range of those who wish to steal information or do us harm?

Answer. The 2011 budget continues to fund key administration cyber security programs to address and counter the threat from cyber attack. Programs receiving increases in fiscal year 2011 include Situational Awareness (Assessment, Testing, and Analysis)—\$9.569 million; Cybersecurity Coordination—\$5.000 million; Strategic Initiatives (Cyber Exercises)—\$3.283 million; Strategic Initiatives (Control Systems)—\$0.700 million; and Outreach Programs (International Affairs and Public



Policy)—\$0.003 million, totaling \$18.555 million. These increases ensure that core cyber security efforts will continue allowing DHS to mitigate the growing cyber threat within the funds requested.

However, some cyber security programs within the National Cyber Security Division (NCS) are reduced in the 2011 budget, totaling \$38.882 million. The specific reductions include the discontinuation of earmarks (\$13.600 million); the elimination of non-recurring costs such as the DHS Data Center Migration (\$8 million); the transfer of the National Computer Forensics Institute (NCFI) to the Federal Law Enforcement Training Center (FLETC) (\$4.000 million); and a reduction to the EINSTEIN program (\$13.282 million). EINSTEIN procurements and deployments will continue at a lower level in fiscal year 2011 as EINSTEIN will be deployed to the most critical sites with 2010 funds.

#### CRITICAL INFRASTRUCTURE/KEY RESOURCES VULNERABILITY ASSESSMENTS

*Question.* How many vulnerability assessments have been completed to date (by fiscal year—including projected for fiscal 2010), how many more need to be completed, and how many are projected to be completed in fiscal year 2011?

Answer. The number of vulnerability assessments conducted by the Department of Homeland Security (DHS's) Office of Infrastructure Protection (IP) to date by fiscal year, and projected for current and future years, is as follows:

- Fiscal year 2003: 53;
- Fiscal year 2004: 319;
- Fiscal year 2005: 391;
- Fiscal year 2006: 178;
- Fiscal year 2007: 271;
- Fiscal year 2008: 399;
- Fiscal year 2009: 461; and
- Fiscal year 2010: Annual target is 450.

As of March 9, 2010, 135 vulnerability assessments have been completed and IP is on track to meet or exceed the fiscal year 2010 target.

The fiscal year 2011 target is 275.

#### CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

*Question.* How many Tier One facilities are there? How many will be inspected in fiscal year 2010 and in fiscal year 2011? How many Tier 2 facilities are there? How many will be inspected in fiscal year 2010 and in fiscal year 2011?

Answer. As of March 4, 2010, there are 229 (preliminary and final) Tier 1 facilities and 575 (preliminary and final) Tier 2 facilities. DHS intends to inspect all final Tier 1 facilities by the end of calendar year 2010 and complete inspections on approximately half of all final Tier 2 facilities by the end of calendar year 2011.

*Question.* Under current law, could the current standards be revised to mandate that chemical facilities have dedicated phone lines to the local 9–1–1 emergency call center and mandate that certain information about a chemical release be made available to first responders? If not, please provide appropriate bill language.

Answer. Under section 550(a) of the fiscal year 2007 DHS Appropriations Act, the Department is precluded from disapproving any covered (high-risk) chemical facility's Site Security Plan (SSP) based on the presence or absence of any particular security measure. Thus, DHS cannot require a covered chemical facility to adopt a specific security measure, such as a requirement for a facility to have a direct link to local 9–1–1 systems.

The Department may, however, disapprove any SSP that does not satisfy the applicable risk-based performance standards adopted in the Chemical Facility Anti-Terrorism Standards regulations. One of those standards ("Response") requires a covered facility to "[d]evelop and exercise an emergency plan to respond to security incidents internally and with assistance of local law enforcement and first responders." 6 CFR–27.230(a)(9). Although covered facilities have flexibility in developing specific measures and plans to satisfy these standards, it is likely that the specific communications system between each facility and appropriate first responders will be one issue considered by DHS in reviewing SSPs for compliance with the "Response" standard.

#### FEDERAL PROTECTIVE SERVICE—GROWTH IN RESPONSIBILITY

*Question.* For fiscal years 2006 through 2011: what are the total square footage, the total number of buildings, and the number of employees in each building for which the Federal Protective Service was or is responsible. Additionally, for the same time period, what are the total number of FTE, contract guards, and number of posts?

Answer. Although the Federal Protective Service (FPS) has not captured historical data on the number of employees by building and guard posts, the available metrics for the years requested are provided in the following chart.

	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008	Fiscal year 2009	Fiscal year 2010	Fiscal year 2011 (estimated)
Total Revenue (in dollars) .....	\$984,769,261	\$836,892,692	\$942,458,425	\$1,000,520,603	\$1,115,000,000	\$1,115,000,000
Number of Square Feet .....	327,496,779	331,303,747	334,180,480	341,313,905	347,483,459	348,000,000
Basic Security Revenue Rate .....	\$0.35	\$0.39	\$0.62	\$0.66	\$0.66	\$0.66
Building Specific Overhead Rate (in percent) .....	14.96	115	8	8	6	6
Reimbursable Security Overhead Rate (in percent) .....	2 ≤ 8	3 15	8	8	6	6
Number of People in Protected Buildings (in millions) .....	1 +	1 +	1 +	1 +	1 +	1 +
Number of Facilities .....	8,208	8,410	8,915	8,714	9,088	9,251
Number of FPS Employees (End of Each Year) .....	1,277	1,109	1,094	1,241	1,248	1,248
Number of FPS FTE (Authorized) .....	1,491	1,541	1,200	1,225	1,225	1,225
Number of FPS Contract Guards .....	15,000	15,000	15,000	15,000	15,000	15,000
Number Communities with GSA Buildings .....	(4)	(4)	2,100	2,100	2,200	2,200

FPS continued to use the General Services Administration (GSA) budget and accounting system in fiscal year 2003 and fiscal year 2004 and the specific financial records regarding security-related Reimbursable Work Authorizations (FPS instituted the Security Work Authorization in fiscal year 2005 as a result of the transfer to the Department of Homeland Security/Immigration and Customs Enforcement financial system) are no longer available.

<sup>1</sup> Rates were set individually by FPS Region.

<sup>2</sup> Regional Rates were limited not to exceed 8 percent.

<sup>3</sup> In fiscal year 2007 and subsequent fiscal years, the Overhead Rates for Building Specific and Reimbursable Security were equalized and set nationally in the budget.

<sup>4</sup> Unknown.

FEDERAL PROTECTIVE SERVICE—SURGE CAPABILITY

*Question.* What is the projected costs and needed number of FTE for the Federal Protective Service for a surge related to terrorist trials in the United States for fiscal year 2011? Please describe the estimated timeframe used to determine the costs and provide a range that takes into account all reasonable locations.

*Answer.* The Federal Protective Service (FPS) Regional Office in New York City is coordinating closely with its counterparts from the U.S. Marshals and the New York Police Department in planning for the possible conduct of the terror trials at the Daniel P. Moynihan U.S. District Courthouse.

If the duration and scheduling for the trials requires heightened security measures for 2- to 4-week periods, current FPS Officers can be temporarily deployed from other locations. The cost estimate for a 30-day deployment is provided in the following chart:

30-day detail	Cost estimate
Temporary Duty Travel Costs for 98 Personnel for 30 days .....	\$1,471,421
Overtime needed to maintain minimum operational coverage at duty station (10-hours per week, per detailee) .....	207,366
Additional 10 Contract Guards (three posts 24/7 for 30 days) .....	87,000
<b>TOTAL 30-day Estimated Cost .....</b>	<b>1,765,787</b>

FEDERAL PROTECTIVE SERVICE—ADMINISTRATIVE SUPPORT

*Question.* Please provide to the Committee, as soon as it is completed, a copy of the signed memorandum of understanding between U.S. Immigration and Customs Enforcement and the National Protection and Programs Directorate related to the transfer of the Federal Protective Service (FPS) and the responsibility of each to support FPS.

*Answer.* A copy will be provided following final signature.

FEDERAL PROTECTIVE SERVICE—FEES

*Question.* With attacks against Federal employees in 1993 at the World Trade Center, 1995 at the Oklahoma City Murrah Building, in 2001 at the World Trade Center and the Pentagon, in 2009 at Fort Hood and the Las Vegas Federal Courthouse, and recently against IRS employees, why has the administration made no increase in fees to pay for security of Federal employees, or proposed to increase the number of security personnel?

*Answer.* Security levels increased after the first World Trade Center bombing in 1993 as well as after the 1995 bombing of the Alfred P. Murrah Building in Oklahoma City. Since 2001, the level and quality of security provided by Federal Protective Service (FPS) has increased significantly.

US-VISIT

BIOMETRIC AIR EXIT

*Question.* Fourteen years ago, in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress mandated the development and deployment of an entry and exit border control system. Eight years ago, the Enhanced Border Security and Visa Entry Reform Act of 2002 expanded the requirement for collection of biometrics, such as fingerprints, as part of an entry/exit system. Almost 3 years ago, the 9/11 Act mandated the creation of a biometric air exit system at our airports to record the departure of Visa Waiver Program participants from this country. This Committee has tried to get this administration—as well as the last one—to adhere to the laws and implement a biometric exit system. This Congress added \$22 million in the fiscal year 2010 Appropriations Act to begin such deployment this year. Your budget includes no funds for biometric air exit and a decision on how to deploy such a system has yet to be made.

The can keeps getting kicked down the road.

This administration claims that immigration enforcement is a top priority. How can you make such a claim when we do not have the technological capability to know who has overstayed a visa and is residing illegally in this country?

*Answer.* DHS currently has programs in place that use airline and ship manifest information, border crossing records, document reads enabled by the Western Hemisphere Travel Initiative, and information collected under the US-VISIT program to record who enters and exits the country for most individuals, and based on this in-

formation, assess whether an individual has overstayed the terms of their admission.

The US-VISIT program analyzes entry records to help ICE apprehend individuals who remain illegally in the United States; enables CBP to deny admission to individuals who are ineligible to enter the United States; assists U.S. Citizenship and Immigration Services in denying immigration benefits to individuals who have violated the terms of their admission; and assists the Department of State in denying or revoking visas to individuals who may have overstayed but are no longer in the United States. Since September 2004, US-VISIT has provided immigration and border management officials with records of the entries and exits of individual foreign nationals. US-VISIT currently tracks overstay violator records based on airline and ship manifest information, border crossing records, document reads enabled by the Western Hemisphere Travel Initiative, arrival/departure form I-94 data, and other information collected under the US-VISIT program.

The ICE Compliance Enforcement Unit (CEU) is responsible for identifying and investigating foreign students, exchange visitors, and other nonimmigrant aliens who violate their authorized terms of admission to the United States. The CEU focuses on preventing criminals and terrorists from exploiting the U.S. immigration system by proactively developing cases for investigation from the Student and Exchange Visitor Information System (SEVIS), the National Security Entry/Exit Registration System (NSEERS), and US-VISIT. These systems allow the CEU to access information on the millions of students, tourists, and temporary workers present in the United States at any time, and to proactively identify those who violate their status or overstay their visas.

Additionally, over the past several years DHS has made significant strides in its ability to identify visa overstays as the percentage of air departure records collected has increased from less than 90 percent in the 1990s to more than 99 percent today. Continued improvements in the systems and processes used to capture automated records of nonimmigrant arrivals and departure have also improved DHS's ability to identify visa overstays.

#### OFFICE OF HEALTH AFFAIRS

##### BIOWATCH SCHEDULE

*Question.* The BioWatch program has had a controversial history and I am not convinced that State and local first responders nor the public health community—who are the end users of the system—have become comfortable with the effectiveness of this program. The Generation 3.0 BioWatch technology has been repeatedly delayed. According to the last update, it was projected that the field testing and competitive procurement phases of Generation 3.0 would be completed in December 2010 and February of 2011 respectively. Will this timeframe be met? If not, what is the new timeframe for each? Further, given the historical delays of this program and the lack of agreement by the end users on its effectiveness, I am concerned that the aggressive approach in the budget with an increase of \$84 million to deploy 476 new detectors is not realistic or wise. Will the Generation 3.0 technology be fully vetted and have the necessary community acceptance in fiscal year 2011? Will all of the detectors be deployed in fiscal year 2011? Please provide a detailed schedule of the deployment.

*Answer.* DHS believes investing in automated detection is a wise and important investment, as this technology will reduce the time of detection to as little as 4 hours and potentially offer greater costs savings in the long-run.

OHA is revising the schedule to account for prior program delays and to ensure the technology is capable of meeting end user requirements prior to DHS committing to a procurement decision. The new schedule may delay the purchase of the Gen-3 detectors to the first quarter of fiscal year 2012, however, DHS and OHA are currently looking at options to streamline and award this contract in fiscal year 2011 if possible.

The updated timeline for the Generation 3 (Gen-3) program is reflected by the major milestones below:

- Field Test Program Contract Award (Phase I)—November 12, 2009.
- Field Test Program Task Order 1 Award—February 2, 2010.
- Field Test Program Task Order 2 Award—3rd Quarter Fiscal Year 2010.
- Completion of Field Testing—2nd Quarter Fiscal Year 2011.
- Technology Readiness Review—2nd Quarter Fiscal Year 2011.

Phase II Contract Award for Low Rate Initial Production (LRIP) and Operational Test & Evaluation (OT&E)—4th Quarter Fiscal Year 2011 or 1st Quarter Fiscal Year 2012.

—Conduct OT&E: Start—4th Quarter Fiscal Year 2012, Finish—3rd Quarter Fiscal Year 2013.

—Initial Operational Capability (IOC)—3rd Quarter Fiscal Year 2013.

Prior to detector deployment, DHS is working with State and local public health and emergency response communities to promote community acceptance and technical understanding of the Generation-3 detectors. This includes working directly with these State and local partners in developing guidance and operating procedures, providing all Federal, State and local partners with information on our Generation-3 test and evaluation program so that they will be confident in the signals, and briefing their leadership on how networks are designed and how sites are selected for inclusion in the program.

#### BIO-THREAT RESOURCES

*Question.* The Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism recently gave the grade of F to the Nation's capabilities for rapid response to prevent biological attacks from inflicting mass casualties. The Commission points out that rapid detection is the first step in an effective response. Your budget does include \$174 million—a 94 percent increase—for the BioWatch program.

What worries me is that resources to pay for the other necessary steps to respond to a Bio-attack are proposed for cuts. Excluding BioWatch, the budget proposes a 21 percent reduction to the Office of Health Affairs, a 3.8 percent reduction to State and local homeland security grants and training, a status quo budget for preparedness in FEMA, and a 2.9 percent reduction to chemical and biological research programs.

The Commission states that within a very few years what is likely to occur is “an attack using weapons of mass destruction—probably a bioweapon”. Why does the budget propose to cut the very programs that proactively address this threat?

*Answer.* The Department takes this report seriously and sees great value in the Commission's work. The administration has taken steps to enhance the Nation's capabilities to respond to a biological attack. After this report was published, DHS Assistant Secretary for Health Affairs and Chief Medical Officer Dr. Alexander Garza met with the Executive Director of the WMD Commission to discuss the Office of Health Affairs' related efforts and to build a relationship that will allow DHS to use the report card as a catalyst for continuing to improve national capabilities.

The fiscal year 2011 budget request increases funds to proactively counter the possibility of an attack from bio weapons or bio agents. Specifically, the budget requests \$173.5 million for the BioWatch program to ensure the Nation has an early detection system in place to detect the release of biological agents or use of a bioweapon. Of the \$173.5 million, \$89 million maintains the Generation-1 and Generation-2 current operational program nationally and enhances the current system's capabilities in select jurisdictions. The remainder of the request is for the Generation 3 program, for which the procurement details are listed above.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### FEMA'S BUDGET PRIORITIES

*Question.* In the fiscal year 2011 budget, FEMA lays out four goals: enhancing coordination between headquarters and regional offices; promotion and improvement of personal and citizen preparedness; a greater emphasis on underserved populations, including children, the elderly, and the disabled; and prioritizing recruitment, retainment, and better development of the next generation of emergency management professionals. Yet no specific programs or funding levels are tied to these important goals. Through what programs, and at what funding levels, will these goals be met and how will FEMA determine if it is meeting each of the goals in a timely fashion?

*Answer.* These goals are meant to drive areas of emphasis within existing programs. Administrator Fugate has published his “Administrator's Intent,” which details the manner in which FEMA will achieve its four goals.

##### DISASTER RELIEF FUND—KNOWN COSTS

*Question.* The fiscal year 2011 budget request for the Disaster Relief fund is based on a 5-year average for non-catastrophic disasters and does not include funding for continued costs associated with Hurricanes Katrina, Rita, Wilma, Gustav, and Ike; the Midwest floods of 2009; or the 2007 California wildfires and other major past disasters. Therefore, the Disaster Relief fund will have a short fall in fiscal year 2011 for known costs related to past disasters. What is the total amount of the esti-

mated shortfall for fiscal year 2011? When will the President submit a request to meet this shortfall?

Answer. The fiscal year 2011 President's budget for the Disaster Relief Fund (DRF) is \$1.95 billion, an increase of \$350 million over fiscal year 2010 enacted. As noted above, this amount is based on a funding methodology that uses the 5-year average obligation level for noncatastrophic disaster activity, and does not take into account continued expenditures necessitated by the recent catastrophic disasters. The funding methodology assumes that catastrophic events—those with obligations above \$500 million—will be funded through supplemental appropriations.

The administration's DRF request and funding methodology of seeking direct appropriations for the average of noncatastrophic disasters and relying on supplemental funding for catastrophic events complies with this policy. Costs associated with catastrophic events have great variability, both in the amount and timing of obligations. Given these circumstances, and the fact that it is extremely difficult to predict with any certainty the occurrence of future catastrophic disasters, we believe that budgeting annually for the noncatastrophic 5-year rolling average and addressing catastrophic disasters through the supplemental appropriations process continues to be a reasonable approach. Further, seeking full funding of all estimated DRF obligations would result in a large corpus of unused funds pending obligation (DRF expenditures are slow—evidenced by large obligations still outstanding for Katrina over 4 years later).

Based on current funding availability and an expectation of Congress fully funding the fiscal year 2011 President's budget and the fiscal year 2010 Supplemental for the DRF, an additional \$1–2 billion may be necessary in 2011 to fund the continuing liabilities associated with prior disasters. However, it is premature to assume that this is the true 2011 funding requirement at this time.

#### PRINCIPAL FEDERAL OFFICIAL—POLICY ON THE PFO ROLE

*Question.* The issue of the role of a Principal Federal Official has caused confusion among State and local partners about who is in charge when there is Federal level involvement during a disaster. Therefore, section 522 under the General Provisions of the fiscal year 2010 Homeland Security Appropriations Act prohibits the Secretary from using funds for any position designated as a Principal Federal Official except under certain very limited conditions. What policy has been implemented to ensure compliance with this restriction and to provide clarity for State and local government partners?

Answer. The Department is currently reviewing the Principle Federal Official (PFO) policy and a decision on its implementation is imminent. DHS will provide the results of the review to the Committee prior to a formal announcement.

#### GRANTS FOR EMERGENCY OPERATIONS CENTERS

*Question.* How much Federal funding, by fiscal year, have State and local governments used for Emergency Operations Center renovation or construction in each of the Department of Homeland Security grant programs for which it is an eligible expense?

Answer. State and local governments have used a total of approximately \$12 million between fiscal years 2005 and 2009 to renovate or construct Emergency Operations Centers under a variety DHS grant programs in which this is an eligible expense. A detailed breakout of this funding by fiscal year and State is marked For Official Use Only and has been provided to the Committee separately.

#### BUS SECURITY

*Question.* How much in State Homeland Security Grant Program and Urban Area Security Initiative funding has been provided for bus security activities? Does FEMA policy allow grantees to provide such funds to private companies?

Answer. A chart marked For Official Use Only provides a breakout of the amount of funding used for bus security activities under the State Homeland Security Program and Urban Areas Security Initiative for fiscal years 2004 through 2009, and has been provided to the Committee separately. Grantees are allowed to provide grant award funds to qualified private companies as long as they are in compliance with the financial rules and regulations identified in the Homeland Security Grant Program, namely part 44 of the Code of Federal Regulations.

## TRAINING AT THE NDPC AND CDP

*Question.* How many first responders have been trained by each of the partners in the National Domestic Preparedness Consortium and the Center for Domestic Preparedness, by fiscal year, since 2006?

*Answer.* The following chart shows how many first responders have been trained by each of the partners in the National Domestic Preparedness Consortium and the Center for Domestic Preparedness, by fiscal year, since 2006.

	2006	2007	2008	2009	2010	
Louisiana State University—National Center for Biomedical Research and Training.	29,024	19,820	16,177	14,514	6,132	As of 3/8/2010
Nevada Test Site—Counterterrorism Operations Support.	7,257	10,824	12,665	15,525	4,525	As of 3/8/2010
New Mexico Tech—Energetic Materials Research and Testing Center.	47,148	37,952	33,402	30,481	14,613	As of 3/8/2010
Texas Engineering Extension Service—National Emergency Response and Rescue Training Center.	19,508	20,963	21,937	27,405	9,749	As of 3/8/2010
The Center for Domestic Preparedness ...	61,680	65,832	114,540	98,955	35,981	As of 2/27/2010

Note: The University of Hawaii and the Transportation Technology Center, Inc., are recent inductees to the National Domestic Preparedness Consortium and have not yet begun delivering training.

## INTELLIGENCE TRAINING

*Question.* Given that there are approximately 800,000 State and local law enforcement personnel Nationwide, it is more likely that a non-Federal officer will be the first to encounter terrorist suspects or identify criminal behavior at the local level that might provide leads to terrorists' activity. How much funding was provided in fiscal years 2008, 2009, and 2010, and how much is proposed for fiscal year 2011 for training State and local law enforcement in intelligence matters?

*Answer.* DHS' Office of Intelligence and Analysis (I&A) serves as the two-way interface between the national Intelligence Community and State, local, tribal and private sector partners on homeland security intelligence and information—including warnings, actionable intelligence, and analysis—to ensure that frontline law enforcement have the tools they need to confront and disrupt terrorist threats. DHS has identified fusion centers as a priority in the Homeland Security Grant Program guidance and has recommended that State and local grantees prioritize the allocation of grant funding to support fusion centers. As such, based upon the self-reported information from State and local grantees, it is estimated that State and local jurisdictions have leveraged approximately \$1.3 billion in support of fusion center-related activities, supporting frontline law enforcement between fiscal years 2004 and 2009.

The following chart shows how much funding was provided in fiscal years 2008, 2009, and 2010, and how much is proposed for fiscal year 2011 for training State and local law enforcement in intelligence matters.



TRAINING

Training partner	2008	2009	2010 <sup>1</sup>	Catalog number	Course title	Development status
Federal Law Enforcement Training Center.					Intelligence Awareness for Law Enforcement Executives.	Pilot
				AWR-171	Anti-Terrorism Intelligence Awareness Training Program.	Delivery
		\$800,000	\$500,000	PER-283	Introductory Intelligence Analyst Training Program	Delivery
				AWR-170	Leading from the Front: Weapons of Mass Destruction Awareness for Law Enforcement Executives.	Delivery
				AWR-181	Developing an Intelligence Capacity in State, Local and Tribal Law Enforcement Agencies: A Quick Start Program.	Delivery
Michigan State University—Intel Program.		500,000	400,000	AWR-199	Sustaining the Intelligence Capacity .....	Delivery
Memorial Institute for the Prevention of Terrorism.		1,300,000	2,200,000		Information Collection on Patrol (INCOP) 1 & 2 ...	Development
National White Collar Crime Center—Intel Program.					Intelligence Writing and Briefing .....	Development
				AWR-158	Advanced Criminal Intelligence Analysis to Prevent Terrorism.	Delivery
	\$1,799,755			AWR-204	Foundations of Intelligence Analysis Training (FIAT).	Delivery
Total .....	1,799,755	2,600,000	3,100,000			

<sup>1</sup>The spend plan for fiscal year 2011 has not been determined yet; and courses with no number are under development.

## FEDERAL LAW ENFORCEMENT TRAINING CENTER

## NATIONAL COMPUTER FORENSICS INSTITUTE

*Question.* The fiscal year 2011 budget proposes to transfer \$4 million for the National Computer Forensics Institute (NCFI) from the National Protection & Programs Directorate (NPPD), to the Federal Law Enforcement Training Center (FLETC). Why was the NCFI moved from NPPD to FLETC? How will the NCFI be paid for? Does FLETC need authority to provide training to non law enforcement personnel? Does the current language requiring the Director of FLETC to schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of FLETC to ensure that such training facilities are operated at the highest capacity throughout the fiscal year need to be updated to include the NCFI?

*Answer.* The requested transfer is intended to consolidate law enforcement training.

The intention is to continue operating NCFI in the same manner as it is currently operating today, with the Secret Service continuing to administer training at this facility under an interagency agreement from FLETC to Secret Service.

Not at this time. The Department's initial intent is to continue operating NCFI in the same manner as it is currently operating today.

Providing funds to FLETC will help better align and coordinate law enforcement training.

*Question.* Will the Secret Service continue to manage this facility under an interagency agreement?

*Answer.* Yes.

*Question.* Will the NCFI be moved to a FLETC facility?

*Answer.* The Department intends to continue operating NCFI in the same manner as it is currently operating today, in Hoover, AL.

## USCIS

## E-VERIFY

*Question.* Do you support expanding E-Verify to allow employers the ability to use the system to verify the employment eligibility of their current employees—not just potential new hires—if they chose to do so?

*Answer.* E-Verify currently has the capacity to query for work eligibility as many as 65 million employees per year, which is the estimated number of new employees hired per year. It does not currently have the capacity to query an additional 120 million employees, which is the estimated size of the existing workforce in the United States. To achieve that capacity, DHS would need funding for additional hardware to service the expanded use of E-Verify, and both DHS and the Social Security Administration would need additional staff to address the significantly increased workload that would follow from such a sizeable expansion of E-Verify's use.

In addition, such a sizeable expansion of E-Verify's use would require the enhancement of processes and safeguards to reduce errors and to ensure that the E-Verify system is not used to improperly screen existing workers nor is otherwise abused.

Substantial progress has been made toward improvements, but the existing pattern of growth in E-Verify usage, with 1,300 new employers joining each week, allows DHS to refine these systems in a measured way. Any new expansions in the coverage of E-Verify should be accomplished with a well-considered schedule for additional funding and for phased expansion of electronic verification.

*Question.* Recent press reports claim that E-Verify is unable to identify nearly half of illegal aliens who are applying for a job. Is this true? Please explain.

*Answer.* The press articles were inaccurate and misleading. The Westat report, which was based on a sample from a 3-month period during 2008, concluded that E-Verify was accurate 96 percent of the time. The report found:

- 93.8 percent of workers screened by E-Verify were authorized for employment—and the system instantly and accurately confirmed more than 99 percent of these eligible workers.
- The remaining 6.2 percent were not eligible for employment. Out of this 6.2 percent, approximately half were told they are work authorized when they were not—just 3.3 percent of the overall population screened by E-Verify.
- To be clear, this means that only 3.3 percent of all workers screened by E-Verify were incorrectly told they were work authorized.

The system's accuracy and efficiency continues to improve, reflecting the changes and improvements to E-Verify that USCIS has made over the past year—and continues to make.

Our anti-fraud efforts are improving E-Verify's ability to prevent illegal workers from using stolen identities to obtain employment—including a photograph screening capability that allows a participating employer to check if photos on Employment Authorization Documents (EAD) or Permanent Resident Cards (green cards) are exact matches with the images stored in USCIS databases. USCIS has used this process to screen more than 300,000 photos and detect more than 1,000 cases of fraud.

USCIS is also planning additional enhancements to E-Verify that will further improve employer compliance, reduce fraud and increase efficiency. USCIS is adding U.S. passports to the list of documents available to provide photo confirmation, and working with states to access State driver's license data—the No. 1 document used to validate identity. USCIS is also planning to launch a pilot program to explore the use of biometric or biographic-based verification.

#### REAL ID

*Question.* We have not yet received the plan for the REAL ID “hub”. What are your plans for this program?

*Answer.* The REAL ID Expenditure Plan is currently being reviewed and will be delivered to Congress in the near future. This document will detail the plan for the expenditure of the appropriated \$60 million to collaboratively manage the design, development, testing and deployment of the required electronic information verification capabilities.

#### H&L FRAUD

*Question.* What are the estimated fee collections for H and L fraud in fiscal year 2011?

*Answer.* Total fiscal year 2011 fee collections for H and L fraud are estimated to be \$105 million. The H and L fraud fee collections are deposited into the Fraud Detection and Prevention receipt account and are then divided evenly (33 percent each) between USCIS, the Department of State, and the Department of Labor. As a result, each agency is expected to receive approximately \$35 million in fiscal year 2011.

#### SCIENCE AND TECHNOLOGY

##### PROPOSED REDUCTIONS

*Question.* When compared to the fiscal year 2010 enacted level, the President's request for Science and Technology research and development is cut by 12.3 percent. This is a puzzling cut considering that the administration made a concerted effort to boost other Federal science budgets. Your budget states that the request represents the “minimum resources needed to provide the technologies to address the administration's threat prioritization.” Why were homeland security science and technology efforts singled out for cuts? What research portfolios require additional resources to help the Department understand how to identify, counter, and respond to emerging threats?

*Answer.* The Department remains committed to the mission of the Science and Technology Directorate, and the fiscal year 2011 budget supports the long-term development and use of new technology.

##### ADVANCED IMAGING TECHNOLOGY

*Question.* Provide an assessment of the auto resolution technology to accompany the new Advanced Imaging Technology units? Based on S&T's assessment of auto resolution, will it be ready for deployment at the beginning of fiscal year 2011? What is the schedule for certification?

*Answer.* Currently, human screeners are able to interpret AIT images more effectively than auto resolution technology.

S&T is in the process of issuing a broad area announcement to competitively award development contracts to third party algorithm developers to support auto resolution technology. The pre-solicitation announcement was published on March 3, 2010. Further, through its research program, S&T is engaging the academic community and established parties in the medical, non-destructive evaluation, and defense industries to determine if image processing techniques that are effective in adjacent domains can also be leveraged in detection algorithms for AIT.

TSA will determine the readiness of technology prior to deployment; when the schedule for qualification testing is set, S&T will perform these tests in order to determine if automatic detection algorithms are sufficiently mature for deployment.

*Question.* Based on the current capabilities of Advanced Imaging Technology now being deployed to airports, would the machines have detected the explosives Farouk Abdulmutallab boarded Northwest Flight 253 with on December 25, 2009?

*Answer.* AIT machines provide added capabilities to detect explosives (bulk, liquids, and powders), as well as both metallic and nonmetallic weapons and prohibited items. While AIT units provide enhanced capabilities to detect person-borne threats, their effectiveness is further enhanced through use with other technologies and screening processes that are part of TSA's layered security approach, such as well-trained Transportation Security Officers, Behavior Detection Officers, Bomb Appraisal Officers, Federal Air Marshals, canine teams, and an engaged traveling public. More details can be provided in a classified setting.

#### NATIONAL BIO- AND AGRO-DEFENSE FACILITY

*Question.* The request states that the Science & Technology Directorate will request a reprogramming in fiscal year 2011 of prior year funds to build the National Bio- and Agro-Defense Facility central utility plant. What amount is S&T planning to reprogram? Will the funding source for the reprogramming come from just S&T or will other components contribute? Have the prior year funds been identified? From what projects and fiscal years will the funds be repurposed?

*Answer.* S&T plans to submit a reprogramming for an estimated \$40 million to support the fiscal year 2011 construction of the central utility plant for the National Bio- and Agro-Defense Facility (NBAF). This reprogramming will come from S&T prior year unobligated balances, most likely the fiscal year 2007 through 2009 balances not currently committed to a contracting action. The exact distribution will be determined at the time of the reprogramming.

#### EXPLOSIVES TRACE PORTALS

*Question.* Has DHS given up on the explosives trace portals, also known as the "puffers"? Is S&T allocating resources to improve the equipment's ability to operate in the airport environment?

*Answer.* Several advanced trace sampling and detection technologies are currently under development that are possible candidates for the next generation of trace detection systems.

#### RAD/NUC TRANSFORMATIONAL RESEARCH

*Question.* The request transfers DNDO's Transformational Research and Development funding to the Science & Technology Directorate. What process will be put in place to make decisions on how the \$106 million in Rad/Nuc research will be spent? Please describe the involvement of DNDO and other DHS components in the selection of transformational research priorities.

*Answer.* S&T's established Integrated Product Team (IPT) process will guide investments in radiological and nuclear (rad/nuc) research. Before the transition of rad/nuc research from the Domestic Nuclear Detection Office (DNDO), S&T will conduct a program review to determine the progress and status of the existing rad/nuc research programs; establish a rad/nuc Capstone IPT to bring DHS customers and stakeholders together to determine the highest priority capability gaps and needs; and survey existing government and industry rad/nuc detection and countermeasure technology. After these preparatory steps, S&T will make decisions regarding the rad/nuc research portfolio.

#### TECHNOLOGY READINESS LEVEL

*Question.* What is the status of the Department's plans to develop a formal Technology Readiness Level (TRL) process? The purpose of the process is to require TRL assessments of chemical, biological, radiological, nuclear detection, and other technologies prior to appropriate acquisition decision points. Has a management directive on this initiative been finalized? If so, provide a copy to the Committee.

*Answer.* The framework for the Technology Readiness Level Management Directive is in place, and, before final approval, S&T will test the framework to ensure its effectiveness and alignment with Acquisition Management Directive (AD) 102-01.

## PERFORMANCE METRICS

*Question.* What performance metrics are in place to evaluate the effectiveness and value of S&T research projects? Are there plans to improve the process? If so, describe them.

*Answer.* S&T tracks and measures the effectiveness and value of research projects and programs with a high-level and focused set of milestones. These milestones show the achievement of critical actions, capabilities, and decisions toward program/project goals and objectives. They help identify specific and established criteria for measuring incremental progress associated with long-term activities and program outcomes.

In addition to the Department-wide Bottom-Up Review of how DHS can better align its performance metrics to the strategic vision outlined in the Quadrennial Homeland Security Review, S&T has begun a review process in parallel to this year's budget cycle. S&T has engaged a nationally recognized expert in the field of performance to assist in establishing more effective outcome based metrics throughout the Directorate.

*Question.* Please identify which of the S&T accomplishments listed in pages 132–135 of the DHS budget in brief have resulted in making Americans safer by modifying or improving DHS agency operations or programs.

*Answer.* Budget in Brief Statement: Transitioned a BorderNet capability to CBP to connect law enforcement officers in the field with real-time tactical information such as detection, sensor data, agent location data, and local geographic features, also providing field access to select law enforcement databases using a GPS-enabled P25 land mobile radio.

The BorderNet system is operating in the U.S. Border Patrol Douglas sector.

*Budget in Brief Statement.*—Generated a comprehensive set of Self-Propelled Semi-Submersible (SPSS) vessel data from national and international field experiments with 14 organizations to evaluate potential detection technologies, shape additional field campaigns and to better understand U.S. Government capabilities and shortfalls in detecting, discriminating, and tracking low-observable maritime vessels used to smuggle narcotics into the United States from South America.

The data collected on SPSS vessels is being used to develop detection, identification, and tracking systems for this national security threat.

*Budget in Brief Statement.*—Conducted a 2-week cargo supply-chain security demonstration of the Container Security Device, Advanced Container Security Device, Marine Hybrid Composite Container, Marine Asset Tag Tracking System, and mLOCK technologies in operational, performance, and anti-compromise environments.

CBP and the TSA are both benefiting from these devices. TSA is incorporating the mLOCK in their trusted shipper program to secure cargo from known suppliers while in transit, and CBP is preparing to pilot the container security device in the global supply chain to secure shipping containers.

*Budget in Brief Statement.*—Completed development and testing of Bio-Agent Autonomous Networked Detector (BAND), an automated, fully integrated “lab-in-a-box” biological agent detector that collects aerosols, performs molecular analysis and identification, and reports results for real-time control of the entire sensor network. Demonstrated automatic capture and genetic identification of biological agents at threat concentrations.

The BAND technology was piloted in a major metropolitan area and provided aerosol detection capabilities. It has also been selected for the BioWatch Gen 3 procurement testing, where it will again be fielded in metropolitan areas to provide a reduced notification time in the event of a biological release.

*Budget in Brief Statement.*—Completed a tabletop exercise to refine restoration guidance with participation of key Federal, State, and local stakeholders as well as a demonstration in the Los Angeles International Airport System to promote the range of restoration. This project will enable rapid recovery from a chemical agent release in a major transportation facility, minimize the economic impact of a chemical agent release, and inform defensible public health decisions concerning the re-opening of major transportation facilities following a chemical agent release.

The restoration protocols developed by this project are now available to airports and other high throughput public venues for guidance on decontamination for rapid recovery from a chemical agent release.

*Budget in Brief Statement.*—Developed an integrated laboratory response architecture to promote enhanced use of the Nation's laboratory networks in response to large-scale CBRN events, developed a Standard Operating Procedure for implementing the architecture, and assessed the architecture through table-top exercises.

The integrated lab architecture reduces the time to identify chemical, biological, radiological, or nuclear (CBRN) contamination, which provides more rapid, actionable information to local decision makers trying to identify and respond to a CBRN attack.

*Budget in Brief Statement.*—Determined how quickly next-generation, serotype-specific, foot-and-mouth disease (FMD) vaccines provide immunity, and how long the immunity lasts. Delivered proof-of-concept studies using different vaccine and biotherapeutic countermeasure platforms for other non-FMD Foreign Animal Diseases (FADs).

Unlike current, foreign-manufactured FMD vaccines, the next-generation, serotype-specific FMD can be manufactured in the United States without live FMD virus and can be deployed within 24 hours following an FMD outbreak. Proof-of-concept studies for non-FMD Foreign Animal Disease (FAD) targets using vaccine and biotherapeutic platforms will allow for development of FAD countermeasures for the National Veterinary Stockpile that currently do not exist (Rift Valley Fever, African Swine Fever, and Nipah/Hendra).

*Budget in Brief Statement.*—Delivered Digital Ink Library to the United States Secret Service (USSS) forensic investigators to enhance mission effectiveness by digitizing the complete archive of ink samples, which reduces time to locate inks and protects inks from environmental degradation. As a result, ink-sample matching takes seconds as opposed to hours or days, and irreplaceable inks remain secure.

This ink library has reduced the analysis time of USSS investigative missions as well as secured their ink library for future use.

*Budget in Brief Statement.*—Initiated 18 new experiments on the DETER test-bed, enabling users to study and evaluate a wide range of computer security technologies including encryption, pattern detection, intrusion-tolerant storage protocols, next-generation network simulations; as well as develop and share educational material and tools to train the next-generation of cyber-security experts.

These experiments will result in more robust security technologies including malware detection and mitigation, Internet infrastructure security improvements, and identity theft technologies that are better able to protect users from cyber crime. The benefits from these technologies will be available to the public, all levels of government and private industry to better protect our cyber/critical infrastructures.

*Budget in Brief Statement.*—Piloted a Virtual USA cross-state information (e.g., shelter data, flood data, traffic accident information) exchange between Florida, Georgia, Louisiana, Mississippi, and Texas, which demonstrated that states can exchange information regardless of what statewide information system they use (ESRI, Google).

S&T is coordinating with FEMA Region X on the Pacific Northwest Regional Pilot, a component of Virtual USA, to serve as a single point of Federal information exchange with participating states in support of FEMA's mission.

*Budget in Brief Statement.*—Deployed the Critical Infrastructure Inspection Management System (CIIMS) to the Los Angeles Police Department, which allowed aerial-borne law enforcement officers to receive and respond to critical infrastructure and key resource (CI/KR) inspection metrics in real time. This inspection process adds a force multiplier to the critical infrastructure protection unit and improves flight-crew situational awareness.

The deployment of this system has increased the efficiency of the LAPD in conducting their infrastructure inspection mission, reducing the amount of time they are kept away from their primary law enforcement duties.

*Budget in Brief Statement.*—Conducted T&E on the large-aperture metal detector for air cargo to allow TSA to screen fresh produce, fresh flowers, seafood and meats, and printed material quickly, effectively, and inexpensively for the presence of metallic IED components.

These systems are being used to screen for explosive devices in bulk cargo being shipped on passenger planes.

*Budget in Brief Statement.*—Completed Homemade Explosives (HME) signature characterization of leakage rates of a variety of bottle types with hydrogen peroxide and nitromethane to inform TSA HME detection requirements for checkpoint and checked baggage liquid bottle screening applications.

Results from these studies were used to inform TSA future detection requirements for explosives trace detection technology.

*Budget in Brief Statement.*—Completed T&E of backscatter x-ray system for TSA for the detection of concealed explosive devices worn or carried by a person (i.e. suicide bombers).

Independent Test and Evaluation (IT&E) was conducted for a portion of the specifications for the backscatter x-ray system by the Transportation Security Lab (TSL),

and results were provided to the TSA as a portion of the entire test and evaluation (T&E) program for the system. Test results and analysis from all phases were used to inform TSA's acquisition of Advanced Imaging Technology.

*Budget in Brief Statement.*—Delivered validated Hostile Intent Detection simulation product to TSA, validated the previously transitioned courseware prototype, piloted a deception training course for first responders (Las Vegas Metropolitan Police Department—LVMPD), resulting in a \$900,000 savings in TSA training costs.

The training and simulation products improved DHS operations through front line user education that saved government resources and enabled Transportation Security Officers to identify individuals with hostile intent.

*Budget in Brief Statement.*—Transitioned validated multi-cultural indicators of hostile intent, and demonstrated a mobile device that enables TSA Behavioral Detection Officers to record observations, automatically calculate behavior-based scoring, and share information among peers and with supervisors in near-real time. This potentially saves TSA an estimated 60–120 FTEs.

These deployed training protocols and devices have saved government resources and are enabling Transportation Security Officers to identify individuals trying to deceive security personnel or possibly intending to do harm.

*Budget in Brief Statement.*—Demonstrated three prototypes for rapid, non-contact, three-dimensional fingerprint scanning to achieve much higher success rates at capturing fingerprints the first time, with greater detail, leading to increased speed and accuracy in records matching and identification at screening checkpoints with minimum impact on throughput.

These demonstrations are a significant step towards collecting fingerprints with increased speed, accuracy, and detail than current fingerprint scanning technologies allow.

*Budget in Brief Statement.*—Demonstrated a real-time malintent (desire or intent to cause harm) detection capability at a simulated speaking event using indicators such as heart beat, respiration, and pore count to develop a screening facility and a suite of real-time, non-invasive sensor technologies to rapidly, reliably, and remotely detect indicators of malintent to increase throughput and the accuracy/validity of referral for secondary screening.

These demonstrations validated the indicators of malintent in order to develop a screening system to help screeners at primary screening checkpoints identify potentially harmful individuals based on their behavior and send them to secondary screening using non-invasive sensors in real time.

*Budget in Brief Statement.*—Demonstrated liquid explosive detection using ultra low-field Magnetic Resonance Imaging technology at the Albuquerque Airport. The demonstration showed the system's ability to distinguish between numerous threat and benign liquids in an operational environment, which will eventually lead to enabling TSA to rescind the 3–1–1 rule, allowing airline passengers to carry-on liquids.

This demonstration is a significant step toward the deployment of a bag screening system capable of identifying liquid explosives.

*Budget in Brief Statement.*—Piloted Unified Incident Command and Decision Support (UICDS) at the Virginia Department of Emergency Management, demonstrating data fusion among 24 commercial-off-the-shelf incident management proprietary applications and presenting the resulting data sharing through the State-developed VIPER viewer. UICDS enables multiple responding organizations (using their own equipment, procedures and protocols) to jointly manage personnel, direct equipment, and seamlessly gather, store, redistribute, and share, in a secure environment, mission-critical information needed by incident commanders and emergency responders.

This project enabled data fusion between 24 commercial software applications being used by the State of Virginia that now operate seamlessly for incident response management and training purposes.

*Budget in Brief Statement.*—Demonstrated and tested a Controlled Impact Rescue Tool (CIRT) with Fairfax County Fire training Rescue. CIRT is a stand-alone tool that creates shock waves that can shatter concrete walls in less than half the time as conventional methods.

The Controlled Impact Rescue Tool (CIRT) has demonstrated significant time savings to the Urban Search and Rescue (USAR) team. CIRT does not rely on hoses or power cables, operates as a stand-alone tool, and will be commercialized in fiscal year 2010.

*Budget in Brief Statement.*—Delivered more than 200 emergency escape hoods to USSS. This one-size-fits-all concealable hood weighs under a pound, is easy to carry, and can be donned in ten seconds. In addition to being maintenance-free, the hood filters nerve, blood, and blister agents, removes toxic industrial chemicals, and fits two-deep into a breast pocket—one for the protectee, the other for the protector.

These escape hoods are now carried by Secret Service personnel.

*Budget in Brief Statement.*—Published the final Environmental Impact Statement (EIS) for the National Bio- and Agro-Defense Facility (NBAF) in December 2008 and responded to over 5,000 public comments. S&T issued a Record of Decision selecting a site in Manhattan, Kansas to construct NBAF, which will house the study of foreign animal and zoonotic diseases to protect the Nation's agriculture and public health.

This report is informing the design of NBAF in order to reduce and mitigate risk.

*Budget in Brief Statement.*—Completed facility construction and most of facility commissioning for the National Biodefense Analysis and Countermeasures Center (NBACC), that will support national security by providing the Nation with the capability to understand and counter biological threats and conduct bioforensic analysis to attribute their use against the American public.

The National Biodefense Analysis and Countermeasures Center will house the Bio Threat Characterization Center and National Bio-forensics Analysis Center, which provide DHS, as well as other Federal, State, and local entities, with forensic and threat analysis capabilities. Analysis on the anthrax attack of 2001 was conducted as part of this program.

*Budget in Brief Statement.*—Conducted objective assessments and validations on commercial equipment and systems through the SAVER Program, and provided those results, along with other relevant equipment information, to the emergency response community in an operationally useful form.

SAVER reviews are used by first responders to inform their decisions on the purchase of new equipment.

*Budget in Brief Statement.*—Completed a standard for law enforcement specific CBRN protective ensembles, which support the FEMA grants programs and the needs of Federal, State and local responders.

These standards ensure first responders are acquiring personal protective equipment that provides the protection that the manufacturers claim.

*Budget in Brief Statement.*—Developed a Universal Biosignature Detection Array, which allows rapid detection of biowarfare agents and hosts such as Foot-and-Mouth Disease or Rift Valley Fever, cutting detection time for early responders down to minutes versus hours.

This university project has furthered the scientific knowledge base in the area of bio-detection and increased the level of United States scientific expertise in this area. This work will allow first responders to identify the agents to which individuals have been exposed.

*Budget in Brief Statement.*—Developed two new parametric hurricane meteorological models allowing for more comprehensive data inputs such as variations in storm behavior and forecast information to provide better storm surge prediction.

This university project has furthered the scientific knowledge base in the area of storm surge prediction and increased the level of United States scientific expertise in this area. This effort will allow localities to better prepare for impending storm surges and reduce loss of life and property.

*Budget in Brief Statement.*—Demonstrated the passive acoustic detection system's ability to detect swimmers, underwater vehicles, and small vessels under various test conditions and parameters to strengthen maritime domain awareness and safeguard populations and properties unique to U.S. islands, ports, and remote and extreme environments.

This system will provide increased security in the maritime environment.

#### DOMESTIC NUCLEAR DETECTION OFFICE

#### RADIATION PORTAL MONITOR (RPM) PROGRAM

*Question.* Provide a status update RPM requirements by vector including total RPMs required by vector, systems deployed, and the percentage completed. The request includes \$8 million for RPM acquisitions. How will this money, in addition to unobligated balances, reduce the gap in RPMs necessary at each vector? Provide a plan for RPM unobligated balances and the \$8 million requested for fiscal year 2011. Distinguish between current generation and ASP deployments. How is the Helium-3 shortage impacting this program? Can DNDO deploy current generation RPMs in fiscal year 2010 with available RPMP balances without a solution to the shortage? When does DNDO anticipate a viable solution to Helium-3 to be available? Given the gap between vector requirements for RPMs and available systems, and delays in developing next generation RPMs (Advanced Spectroscopic Portals), why isn't DNDO obligating a larger portion of currently available balances for first-generation polyvinyl toluene (PVT) systems?



Answer. The RPM coverage status by vector is detailed in the table below. Currently, 65 percent of the total sites defined in the scope of the RPM Program are deployed.

	Operational RPMS at completion		
	Total required <sup>1</sup> (at completion)	Status	
		Systems complete	Percent complete <sup>2</sup>
North Land (Containerized Cargo Volume 100 percent) .....	503	491	98
South Land (Containerized Cargo Volume 100 percent) .....	448	391	87
Seaports (Containerized Cargo Volume 99.3 percent) .....	756	436	58
Seaport Cargo .....	541	436	81
Seaport Break Bulk .....	173	.....	.....
Seaport RO/RO .....	42	.....	.....
TOTAL SEA and LAND .....	1,707	1,318	77
Mail/ECCF .....	54	53	98
Rail .....	.....	.....	.....
Airports (Air Cargo) .....	350	4	1
Other .....	43	32	74
PreClearance Airports .....	33	22	67
Testing .....	10	10	100
TOTAL .....	2,154	1,407	65

<sup>1</sup>The number of systems required at completion includes all containerized cargo, break bulk, RO/RO, POV, conveyor type systems, and deployment site revisions.

<sup>2</sup>The percent complete above is based on the number of completed/deployed RPM systems divided by the number of required RPM systems at completion of the RPM Program.

The \$8 million requested for RPM acquisitions in fiscal year 2011 will be combined with the remaining unobligated fiscal year 2009 funds and applied on top of fiscal year 2008/2009 dollars that are already obligated but not yet expended.

Two scenarios are considered for the application of unobligated fiscal year 2008/2009 balances and the \$8 million fiscal year 2011 request. In both scenarios, the \$8 million fiscal year 2011 request will predominantly fund pre-clearance sites at key international airports. The 2011 request is targeted at areas that currently have little or no radiological/nuclear detection coverage.

DNDO plans to obligate fiscal year 2008 funds by the end of the 3rd quarter fiscal year 2010 to support Advanced Spectroscopic Portal (ASP) field validation and operational testing (\$3.4 million), fund systems engineering support for field validation (\$2 million) and further fund the RPMP PVT deployments (\$11.8 million).

There is approximately \$58 million in fiscal year 2009 unobligated acquisition funds in the RPMP PPA. Fiscal year 2009 RPMP funds will be used for engineering efforts by the ASP vendor to support field validation and operational testing and evaluation (\$6 million to be obligated in the 3rd quarter of fiscal year 2010); and to procure and deploy ASPs after the certification decision point (\$52 million which will be carried forward to fiscal year 2011).

As mentioned in the response to question 303, the \$8 million requested for RPM acquisitions in fiscal year 2011 will be combined with the remaining unobligated fiscal year 2009 funds and applied on top of fiscal year 2008/2009 dollars that are already obligated but not yet expended.

Based on current funding and guidance for the RPMP, the Helium-3 shortage has had no appreciable impact on the deployment of systems in fiscal year 2010. The program has a sufficient inventory of PVT systems with Helium-3 available to support deployments through fiscal year 2011.

Early testing has shown that there are multiple viable alternatives to helium-3 based neutron detectors. Solutions are expected to be available to DNDO for testing in summer of 2010. If these solutions are proven successful, a commercial solution could be available by 2012.

The program is continuing to deploy PVT systems and has a sufficient inventory of PVT based systems to meet the current deployment plan through fiscal year 2011. In order to ensure that sufficient funds are available to support ASP procurement and deployment for secondary inspection, DNDO is not obligating the currently available balances until the ASP certification decision is reached. If ASP is not certified, these funds will be used for PVT systems. This strategy ensures, pending suc-

cessful certification, DNDO will be able to take advantage of the added performance of ASP, while maintaining the deployment rate for PVTs.

#### SYSTEMS DEVELOPMENT

*Question.* According to the request, the purpose of systems development is “taking concepts for new detection systems from exploratory (or long-range) research into a level of maturity sufficient for production and deployment.” Given that the exploratory (long-range) research funding has been transferred to the Science & Technology Directorate, please describe the process for determining which concepts from exploratory research will be selected for systems development funding?

*Answer.* DNDO follows DHS Management Directive 102–01 to (1) identify and clarify user needs, (2) analyze and select the best solution to meet those needs, (3) obtain the solution, and (4) produce, deploy, and support the solution. As the exploratory research effort is initiated and matures, there are regular discussions about how technologies developed in exploratory research can address particular stakeholder needs. As an exploratory research effort approaches successful completion (i.e. targeted performance is being achieved), DNDO assesses the technology against stakeholder needs. During an Analysis of Alternatives, solutions that utilize technology developed through the exploratory program are assessed along with other approaches to the degree to which they can meet stakeholder needs in a cost effective manner.

#### HUMAN PORTABLE RADIATION DETECTION SYSTEMS

*Question.* Provide the conclusions from the Human Portable Wide Area Search Program, which identifies the needs for human portable systems. For fiscal year 2010, what is the schedule to achieve full rate production of germanium based handheld detectors that will be used for small area searches and secondary screenings? The schedule should detail progress from low-rate initial production, to operational testing, to full rate production. The budget indicates the DNDO will enter into “full-rate production” in fiscal year 2010. What is the budget for this effort? What is the follow-on amount in fiscal year 2011?

*Answer.* The analysis concluded there are four common roles for human portable radiation detection capabilities: tripwire detection, wide area search, small area search, and secondary screening.

DNDO is developing High Purity Germanium (HPGe)-based handheld detection systems to support advanced operations. DNDO is on track to complete Operational Test and Evaluation during the third quarter of fiscal year 2010. Following the Operational Test and adhering to the guidelines of the DHS 102–01 Acquisition Directive, a decision will be made as to the readiness of this system to be acquired. It is anticipated that the first purchase of the HPGe-based handheld detection systems will be approximately five units in fiscal year 2011.

DNDO fiscal year 2010 funds are set aside for the procurement of the Advanced Handheld Systems (HPGe). For fiscal year 2011, DNDO has identified the need for approximately \$500,000 to buy these systems for Federal users, which is included in the Human Portable Radiation Detection Systems (HPRDS) fiscal year 2011 Systems Acquisition budget request.

#### CARGO ADVANCED AUTOMATED RADIOGRAPHY SYSTEM (CAARS)

*Question.* When does DNDO anticipate completion of its test and evaluation campaign of the CAARS prototypes? When does DNDO anticipate completion of the cost benefit analysis (CBA) and recommendations with regard to future development and testing options? The DNDO budget indicates that an Analysis of Alternatives (AOA) will be conducted following the CBA. If already completed, what are the conclusions of the CBA and AOA? If the CBA and AOA were not completed when the DNDO budget request was formulated, how was the \$13.3 million request for CAARS developed?

*Answer.* The CAARS Advanced Technology Demonstration is a technology assessment program, designed to assess the maturity of technology for a possible application. The CAARS test campaign was completed on March 12, 2010. The final test report is scheduled to be released in July 2010 and the final program report is scheduled to be released in September 2010. This report will contain recommendations for future development and testing options. A cost benefit analysis (CBA) will be completed as part of any formal acquisition program utilizing CAARS technology. At this point, DNDO is in the process of harmonizing lessons learned from the CAARS ATD, user requirements, and the security strategy described by the Global Nuclear Detection Architecture (GNDA).

DNDO has not yet performed a CBA for CAARS. A preliminary CBA will be performed as an integral part of an AOA. The AOA process will be initiated following the approval of a valid Mission Needs Statement (MNS). The \$13.3 million represents the cost of executing the initial analytical phase of an Acquisition Program most likely to follow from this effort. This includes testing of viable alternatives resultant from the RFI, completing the MNS, formalizing suitable concepts of operations, development of an Operational Requirements Document (ORD) and forecasting a Life Cycle Cost Estimate (LCCE). All of the actions will contribute to a formal AOA, followed by a decision regarding development of an actual system.

#### STAND-OFF RADIATION DETECTION SYSTEM (SORDS) FOLLOW-ON PROGRAM

*Question.* What is the schedule to complete the SORDS Advanced Technology Demonstration in fiscal year 2010? What is the timetable for DNDO to assess the results and determine if it will pursue a capability development program? The request indicates that DNDO has budgeted \$11.2 million for this program in fiscal year 2011 to develop a capabilities acquisition plan, complete an Analysis of Alternatives, and develop an initial Life Cycle Cost Estimate. How is the \$11.2 million request allocated to these efforts?

*Answer.* The SORDS Advanced Technology Demonstration has finished the data collection campaign at Savannah River National Laboratory and is currently analyzing the data. DNDO expects to finish the data analysis and the final report by the end of summer 2010. As a result of the demonstration of long range radiation detection, identification, and localization capability by the SORDS ATD, DNDO has initiated the Long Range Radiation Detection (LRRD) program. The LRRD program will conduct an Analysis of Alternatives in fiscal year 2011. In the Analysis of Alternatives, solutions that utilize technology developed through the SORDS program will be assessed, along with other approaches, on the degree to which they can meet stakeholder needs.

#### ON-DOCK RAIL

*Question.* The budget indicates that, in fiscal year 2010, DNDO will construct a prototype straddle carrier portal and evaluate its performance. What is the timetable to complete this effort? What is the timetable to evaluate alternative technologies and determine their potential in the seaport environment?

*Answer.* Assembly of the Straddle Portal Prototype will be complete at the end of May 2010. Lab testing, to qualify the system for use at a port, will occur June–August 2010; port testing will be at the Port of Tacoma, November–December 2010. While the straddle carrier portal remains an attractive, cost-effective, near-term solution, we are conducting parallel efforts, conforming to DHS acquisition policy, to explore alternatives. In this regard, an Analysis of Alternatives is on schedule for completion in February 2011, following completion of the straddle carrier portal tests. Additionally, an industry-wide Request for Information (RFI) was issued in December 2009, resulting in nine responses, which we will complete evaluating by the end of March 2010.

#### BOAT-MOUNTED SENSORS

*Question.* The request includes \$14.3 million for the boat-mounted sensor program. How close are DNDO, Coast Guard, and CBP to developing the operational requirements for the system? Provide DNDO's notional schedule leading up to the procurement of developmental systems and testing.

*Answer.* Based on the outline that follows, operational requirements for the boat-mounted sensor program are being developed by DNDO, CBP, and USCG throughout fiscal year 2010 with finalization in fiscal year 2011.

Per the following outline, developmental systems (Commercial off-the-shelf (COTS) and Government off-the-shelf (GOTS)) have been procured and are currently undergoing testing in the Dolphin Test Campaign. Full characterization is to be completed by June 2010.

*Boat-Mounted Sensor Program.*—Results of the fiscal year 2008 Maritime test campaign (Crawdad) and early deployments of selected systems in the West Coast Maritime Pilot in Puget Sound will lead to the definition of a boat mounted radiation detection system. The Dolphin Test Campaign to characterize several COTS and Government off-the-shelf is ongoing and scheduled for conclusion in June 2010. If it is demonstrated that operational and technical requirements of the maritime mission area can be met by commercially available boat-mounted systems, systems may be incorporated into DHS acquisition programs. DNDO will develop and test a prototype system if commercially available systems cannot meet the requirements.

*Milestones in Systems Development Boat-Mounted Sensors*

Fiscal year 2010 planned milestones include:

- Collect and compile the mission needs of DHS operational components in regards to maritime standoff detection to include boat-mounted, aircraft-mounted, fixed, and mobile;
- Develop operational requirements specific to boat-mounted detection systems from USCG, CBP-Air and Marine, and OBP; and
- Complete an analysis of alternatives to compare cost effectiveness and probability of detection of boat and aircraft-mounted standoff detection systems with currently fielded detection equipment carried by law-enforcement boarding teams.

Fiscal year 2011 planned accomplishments include:

- Finalize the requirements documents for a boat-mounted, stand-off detector;
- Develop an acquisition plan to include system specification;
- Begin the development of boat-mounted systems to support evaluation and deployment on selected DHS small boats;
- Procure early developmental systems against the requirements; and
- Test Engineering Design Models.

## WORKSITE ENFORCEMENT SANCTIONS

*Question.* In your testimony at the hearing, you requested authority to impose stronger sanctions against employers to knowingly hire or employ illegal aliens.

What is your proposal and will you be submitting it shortly?

*Answer.* DHS supports legislation to increase criminal and civil penalties against employers who knowingly violate the law, particularly those who abuse and/or exploit the workers.

## OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING (OFCGCR)

*Question.* According to Presidential Directive, the OFCGCR will be closed at the end of March. However, the Gulf Coast rebuilding effort is on-going and will take years to come.

How will the needed on-going activities of the OFCGCR be absorbed, and who will be responsible for the completion of those activities?

*Answer.* From the first day of this administration, rebuilding the Gulf Coast communities from Hurricanes Katrina and Rita has been a top priority. The President and many members of his Cabinet have visited the Gulf Coast, representing the Obama administration's strong commitment to solving problems by making the Federal process move faster and be more responsive to the needs of the community.

The closure of OFCGCR is in many ways a milestone in the recovery from Hurricanes Katrina and Rita. The recovery is moving into its next phase, and the OFCGCR has worked closely with other Federal agencies, as well as the State and local governments to address long term needs.

*Question.* How much of the fiscal year 2010 funding for the OFCGCR is expected to be unobligated after the termination of the office is complete?

*Answer.* The OFCGCR is expected to have approximately \$843,000 unobligated. The Department has requested that \$100,000 be transferred to FEMA for the Long-Term Disaster Recovery Working Group.

## QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

## IMMIGRATION ENFORCEMENT

*Question.* Secretary Napolitano, many agricultural producers rely on an immigrant workforce and would like to publicly support immigration reform, but they are fearful that if they do so they will draw the attention of DHS.

Should agricultural employers in my State be concerned that they will become a target for enforcement actions, such as an I-9 audit, if they speak out publicly to support comprehensive immigration reform?

*Answer.* Immigration and Customs Enforcement (ICE) does not initiate investigations based on an individual, business or organization's political views. ICE initiates worksite enforcement investigations based on leads or intelligence information that indicate a possible worksite violation.

Secretary Napolitano, as you may know, the I-9 form is a 2-page form with a 65-page manual, making it a complicated form for employers to complete. Our employers strive to complete the form accurately, including recording documents from po-

tential employees, but they are not necessarily experts in verifying inaccurate or falsified documents.

*Question.* Other than the E-Verify program, what other Department initiatives are available for employers around the country as they try to comply with their obligations?

*Answer.* In 2007, to combat unlawful employment and reduce vulnerabilities that help illegal aliens gain such employment, ICE created the Mutual Agreement between Government and Employers (IMAGE) program—a voluntary tool for employers to reduce unauthorized employment and the use of fraudulent identity documents.

As part of IMAGE, ICE and U.S. Citizenship and Immigration Services (USCIS) provide education and training on proper hiring procedures, fraudulent document detection, use of the E-Verify employment eligibility verification program, and anti-discrimination procedures. Among other participation requirements, the IMAGE program requires that its members enroll in E-Verify and the Social Security Number Verification Service (SSNVS) which allows employers to match their record of employee names and Social Security numbers with Social Security records before preparing and submitting Forms W-2.

Secretary Napolitano, I'm aware of efforts by agencies within your Department to conduct I-9 audits around the country. One such audit has been completed in my home State and I understand that a few dozen more are underway. I've heard concerns from agricultural producers as well as community members about the effects of these audits on local communities.

*Question.* Can you tell me how the Department is planning to move forward with I-9 audits in 2010?

*Answer.* Form I-9 inspections are an integral part of Immigration and Customs Enforcement's (ICE) worksite enforcement strategy, which aims to hold employers accountable for their hiring practices and to promote compliance with immigration laws. Congress appropriated an additional \$6 million in fiscal year 2010 for ICE to hire additional auditors, the primary personnel within ICE who conduct Form I-9 inspections. ICE will continue to conduct inspections nationwide based on leads or intelligence information that indicates a possible worksite violation.

#### CYBER SECURITY

*Question.* You may be aware of a number of news stories and demonstrations in which terrorists or foreign governments are able to launch cyber attacks targeted at our Nation's power grid. Many of the key components of the power grid are owned and operated by private companies and their participation will be critical to prevent cyber attacks. But it is still undetermined whether the Department has the sufficient authority, the plans in place or the cooperation of private sector employees in order to protect critical Bulk Power System infrastructure in the case of an imminent, cyber threat.

Without utility experts at the table, high-ranking government officials will be left to make choices with incomplete information and without the ability to implement the decisions they did make. And, of equal importance, during a crisis government officials may not be able to implement mitigation strategies without open lines of communication to private sector operators. As you know, Congress and the Department are looking at these questions now.

Do you agree with experts in the utility industry who say that they need to receive from the Federal Government specific, actionable information in order to respond appropriately to an imminent cyber security threat?

*Answer.* Yes, we agree. The majority of national critical infrastructure (including the Nation's power grid) is owned and operated by private industry. These owners and operators are responsible for the day-to-day operation and security of their infrastructure and, as such, should receive specific, actionable information to respond appropriately to an imminent cybersecurity threat. Furthermore, information sharing and regular communication between government and industry is important to ensure successful mitigation and prevention of incidents that might have national consequences. To this end, the Department of Homeland Security's (DHS) National Cyber Security Division and the Office of Intelligence and Analysis engage in a variety of activities designed to increase timely information sharing between government and private industry.

*Question.* How will the Department provide, or make available, security clearances to potentially thousands of privately owned utility companies and private sector officials in order to allow them to be able to receive precise, actionable information about security threats?

Answer. Actionable information is often unclassified—steps to protect networks from threats can be taken without access to classified knowledge regarding the origin of those threats.

Additionally, the National Cyber Security Division is working to provide security clearances to representatives of each critical infrastructure and key resources sector under the National Infrastructure Protection Plan Partnership Framework. These representatives of each sector will have sufficient threat context to justify the implementation of an unclassified, actionable vulnerability-mitigation strategy without the need to disclose the classified information throughout the sector.

In addition, DHS's National Cybersecurity Division is working with the DHS Office of Intelligence and Analysis as well as other partners within the Intelligence Community to improve "tear-line" processes, which will ensure that classified cybersecurity information can be brought down to "Unclassified/For Official Use Only" levels when appropriate to enable broader sharing with critical infrastructure representatives.

---

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* On December 17, Senator Lamar Alexander and I introduced the Child Safety, Care and Education Continuity Act of 2010. As you know, in the aftermath of Hurricanes Katrina and Rita, almost 370,000 children across the Gulf Coast were displaced from their homes, day care facilities, and schools. Kids are the focal point of the family, and getting them back into school or child care is essential to allowing their parents to get back to work. I appreciate FEMA's willingness to move forward on administrative recommendations from the National Commission on Children and Disasters, but more must be done. Our bill requires Child Care Centers to develop plans for evacuation, reunification plans, temporary operating standards, and special needs. It also requires the FEMA Administrator to encourage States and localities to address childcare services and facilities in their response and recovery plans.

Has the Department been involved in discussions with states and localities to emphasize the need to address childcare services and facilities in their response and recovery plans?

Answer. Yes, FEMA has been working with states and localities to address the need for preparedness, response, and recovery plans for childcare facilities. FEMA has also worked closely with the National Commission on Children and Disasters to clarify ways in which Homeland Security Grant Program (HSGP) dollars may be used to support preparedness and planning activities for children's needs, and several additions specifically addressing children were incorporated into the fiscal year 2010 HSGP guidance. Additionally, FEMA's Children's Working Group and the Department of Health and Human Services are working together to improve the overall availability of safe, healthy childcare for children during and immediately following a disaster. Through these efforts, HHS expects to issue preparedness and response guidance for states and child care grantees by the end of 2010.

*Question.* Is your Department collaborating with the Department of Health and Human Services on joint emergency planning for child care facilities or with the Department of Education on joint emergency planning for schools?

Answer. FEMA's Children's Working Group and the Department of Health and Human Services are working together to improve the overall availability of safe, healthy childcare for children during and immediately following a disaster. Through these efforts, HHS expects to issue preparedness and response guidance for States and child care grantees by the end of 2010.

FEMA is also working with HHS to disseminate recently published guidance clarifying and HHS are also working together to provide guidance clarifying reimbursement eligibility for the cost of child care services. HHS will share this guidance with their child care grantees to help FEMA reach State and local jurisdictions.

FEMA has also been working with the Department of Education to develop emergency planning guidance for schools. Additionally, FEMA recently began collaborating with Education and HHS to develop a more structured and comprehensive approach to increasing preparedness knowledge and behaviors of America's youth from pre-kindergarten through high school.

The Government Accountability Office (GAO) issued a report in March 2007 revealing significant waste, fraud, and abuse associated with payments made by the Department in response to Hurricanes Katrina and Rita. FEMA's Individuals and Households Program application process resulted in an estimated \$1 billion in potentially fraudulent payments through February 2006. FEMA also made nearly \$20 million in duplicate payments to individuals for property damage that submitted claims for both Katrina and Rita. I appreciate that the Department has significantly

improved fraud controls since these problems were first discovered, but flaws still exist that leave the government vulnerable to additional waste, according to a follow-up report from GAO issued in June 2009. That report noted that FEMA had improved measures to verify identities but not the existence of claimed addresses. For example, FEMA failed to properly inspect a fabricated address that GAO used to apply for rental assistance and wound up sending several thousand dollars to the address as a result. It is my hope that further reform will lead to a Department which can perform nimbly and efficiently without squandering limited funding for response and recovery.

*Question.* What additional protocols have been implemented to better protect the Department against waste, fraud and abuse since the issuance of the June 2009 GAO report?

*Answer.* FEMA has taken several steps to better protect the Agency against waste, fraud and abuse since the issuance of the June 2009, GAO report.

In October 2009, FEMA established an internal Audit Section responsible for auditing casework, reviewing how policy or procedural guidance affects decisions, conducting random checks on applicant documentation, and making recommendations for system changes. The Audit Section completed an audit directly associated with applicants who failed the automated identity verification process referenced in the GAO report. This audit identified improvements for caseworker training materials and guidance, as well as casework quality control.

As a result of these findings, we have improved the document validation processes used by our casework staff and new training guidance and quality control procedures have been put in place. In addition, FEMA is working with the OIG to improve our caseworkers' ability to identify potentially fraudulent documents and identify the best tools for automated verification of applicant-provided information.

On January 31, 2010, we deployed a new version of the National Emergency Management Information System (NEMIS). This updated version includes a number of new system controls to help FEMA prevent waste, fraud, and abuse.

The Contract Management and Housing Inspection Services (CMHIS) Section has also instituted new quality assurance processes including the review of digital photographs of damages taken by the inspection contractors. This photo review is used to identify and correct inspections that have potential errors that could result in an incorrect payment to an applicant. In addition, CMHIS has updated inspection guidelines to direct the housing inspectors to flag suspect inspections for further review, and has implemented a process by which potentially fraudulent cases are referred to the OIG for investigation.

On February 5, FEMA and the White House Long-Term Disaster Recovery Working Group released a preliminary draft of the National Disaster Recovery Framework (NDRF). This document is long overdue, and I applaud the administration for recognizing that recovery is fundamentally different than response, and that it requires intensive coordination between Federal agencies and stakeholders to effectively execute. Once complete, the Framework will function as a companion document to the National Response Framework (NRF) and identify the roles, responsibilities, and resources of Federal agencies, State and local governments, nonprofits, businesses, and individuals/families before and after a disaster with regard to recovery.

*Question.* Will FEMA require money to implement the NDRF? If so, how much, and are those funds included in the Department's fiscal year 2011 budget request?

*Answer.* The National Disaster Recovery Framework (NDRF) is an important initiative that will describe how disaster recovery efforts and assistance are coordinated. FEMA included the NDRF implementation activities within its base fiscal year 2011 budget.

While the budget requests level funding for most grant programs, there are several proposed reductions that concern me. Congress appropriated \$35 million for Emergency Operations Centers (EOC) grants last year, but the proposed budget would eliminate the program entirely. EOCs are a critical tool for emergency managers to exert command and control, obtain and share information in real time, and direct resources to address urgent needs.

*Question.* What is the justification for eliminating this program entirely?

*Answer.* Last year, 80 percent of EOC funds were awarded based on earmarks. The fiscal year 2011 Budget Request seeks to consolidate a number of grant programs to give states maximum flexibility to prioritize their greatest needs. States can continue to fund EOC activities under the Emergency Management Performance Grant (EMPG) as determined by their priorities.

The budget also eliminates funding for the Metropolitan Medical Response System (MMRS) program, which helps localities to prepare for a mass casualty public health emergency caused, for example, by a biological attack or flu epidemic. As I

understand it, the justification for eliminating the program is that funding from the Urban Area Security Initiative program can be used for this purpose. But there are some MMRS jurisdictions that are not designated Urban Areas according to the Department.

*Question.* Can you explain the justification behind these proposed cuts?

*Answer.* The fiscal year 2011 Budget Request seeks to consolidate a number of grant programs, so that states, territories, and metropolitan areas have maximum flexibility to fund their priorities and apply DHS grant funding to areas to address the most significant risks. The consolidation reduces the number of separate grant programs, which decreases the number of applications a State will need to submit. The MMRS activities can now be funded under both the State Homeland Security Program (SHSP) and the Urban Areas Security Initiative (UASI).

*Question.* How does the Department plan to ensure that funding remains available for the MMRS jurisdictions that are not in a UASI region?

*Answer.* The consolidation of programs means that those activities that were formerly allowed under the MMRS grant program are now allowable under both the State Homeland Security Program (SHSP), which provides funding to the District of Columbia, the territories, every State, as well as the Urban Areas Security Initiative (UASI). As such, MMRS jurisdictions are not limited if they are not in a UASI jurisdiction. In addition, this gives States that do not currently have an MMRS jurisdiction the freedom to establish one if they so choose.

#### QUESTIONS SUBMITTED BY SENATOR FRANK R. LAUTENBERG

*Question.* During the Newark Airport breach, the security of a busy, heavily traveled exit was left to just one TSA guard. The suspect was able to sneak in when that lone guard was distracted. The President's budget provides funding for an increase in the hiring of TSA airport security personnel. It's clear that Newark Airport does not have the necessary number of TSA personnel to provide the type of security that this airport requires.

How many additional TSA personnel will Newark Airport receive under the President's budget request?

*Answer.* TSA's staffing allocation model takes into account the security of exit lanes. Following the security breach at Newark International Airport on January 3, 2010, the Transportation Security Administration (TSA) deployed a team of security experts to the airport to evaluate, review, and make necessary security changes to the existing checkpoint layout. As a result of the review, TSA installed glass barricades to minimize the chance of recurrence and reconfigured the staffing coverage to address vulnerabilities. Additional personnel requirements for the Newark International Airport will be considered as part of the fiscal year 2011 Screener Allocation Model process.

TSA's staffing allocation model to determine the number of TSA personnel at airports does not take into account the security of exit lanes. The Newark Airport security breach demonstrated the importance of securing airport exit lanes.

*Question.* Will the TSA revise its staffing model to take into account TSA staffing at airport exit lanes?

*Answer.* TSA's staffing allocation takes into account the security of exit lanes. TSA periodically evaluates staffing configurations at all airports as a part of its Screener Allocation Model. During this process, TSA assesses staffing and lane configuration at all checkpoints and the exit lanes that are co-located with checkpoints to optimize staffing and security nationwide.

*Question.* In light of the Newark Airport security breach, what immediate steps has DHS taken to secure terminal exits at airports across the country?

*Answer.* Immediately following the Newark International Airport security breach, TSA ordered all Federal Security Directors nationwide to review the security vulnerabilities at their airport checkpoints and make necessary changes, such as ensuring immediate access to closed circuit television records.

In addition, TSA is evaluating Exit Lane Breach Control (ELBC) technologies as requested by Congress that are capable of detecting unauthorized individuals using exit lanes as a means to bypass security checkpoints and gain access into the sterile area. TSA will guide the selection, configuration, and evaluation of various technologies under a 6- to 18-month laboratory and field assessment to test and evaluate the performance capabilities and technical viability of ELBC technologies. Once the laboratory and field assessment is complete, TSA will determine if the technology provides value to the checkpoint environment.

The President's budget cuts funding for the U.S. Coast Guard and proposes to eliminate five Maritime Safety and Security Teams, including the team assigned to



the New York/New Jersey region. The Port of New York/New Jersey is the largest port on the East Coast and the second largest port in the country. It is directly linked to what the FBI deemed the most dangerous two miles in America for a terrorist attack.

*Question.* Given the risks and vulnerabilities of this area of the country, why would you eliminate critical homeland security resources there?

*Answer.* The New York Coast Guard Sector has one of the largest concentrations of Coast Guard units, boats, and people in the country with more than 700 personnel and 35 vessels, and is well equipped and prepared to protect the State's waterways and maritime borders. In 2009, the New York Maritime Safety and Security Team (MSST) spent considerable time deployed outside of New York to Guantanamo Bay, Cuba, and the States of Washington, Florida, Michigan, and Connecticut. Accordingly, to make the most of current operating capabilities, the fiscal year 2011 Budget Request transitions the MSSTs to a regional model, enabling the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed.

*Question.* Over 2 years ago, Congress required 100 percent scanning of all shipping containers coming to the United States. The last administration was only able to scan less than 5 percent of all U.S.-bound containers and the GAO found that 100 percent screening has not been achieved at even one port.

Has this administration increased at all the number of U.S.-bound containers being scanned?

*Answer.* DHS is continuing to address this issue aggressively and comprehensively from a risk- and technology-based approach. DHS must mitigate threats across all potential pathways, evaluating all points of risk and vulnerability across a complex system.

*Question.* What percentage of U.S.-bound containers are currently scanned?

*Answer.* U.S. Customs and Border Protection (CBP) employs a risk-based, layered approach to ensure the integrity of the supply chain through arrival at a U.S. port of entry. This multi-layered approach includes:

- Advanced information under the 24-Hour Rule and Trade Act of 2002 (supplemented now by CBP's Importer Security Filing (ISF), or "10 + 2" requirements);
  - Screening of all cargo information through the Automated Targeting System (ATS) and National Targeting Center—Cargo (NTC-C);
  - Scanning of about 5 percent of U.S.-bound containers;
  - Scanning 99 percent of all seaborne containerized cargo upon arrival at U.S. seaports;
  - Partnerships with industry and the private sector such as the Customs Trade Partnership Against Terrorism (C-TPAT);
  - Partnerships with foreign governments, such as the Container Security Initiative (CSI) and the Secure Freight Initiative (SFI); and
  - Use of Non-Intrusive Inspection (NII) technology and mandatory exams for all high-risk shipments.
- The goal of this layered approach is to combine each of these systems to allow us to receive, process, and act upon commercial information in a timely manner so that we can target, in a very specific fashion, suspect shipments without hindering the movement of commerce through our ports.

*Question.* The 9/11 Act, which was signed into law over 2 years ago, set a number of deadlines for TSA to secure our surface transportation networks. Unfortunately, TSA has missed many of these deadlines.

When will TSA complete the comprehensive risk assessment and national security strategy for the rail sector that was due to Congress last year?

*Answer.* The Freight Railroad Security Risk Assessment and National Strategy, as required by section 1511 of the Implementing Recommendations of the 9/11 Commission Act of 2007, is currently undergoing executive-level review within TSA. Once TSA, DHS, and the Office of Management and Budget clear the draft it will be delivered to the appropriate committees of Congress, expected by the end of third quarter fiscal year 2010.

*Question.* The Disaster Relief Fund (DRF) is currently expected to be exhausted in early April and FEMA announced the temporary suspension of Public Assistance categories C-G and Hazard Mitigation grants on February 4. The President's fiscal year 2011 budget proposes \$5.1 billion in supplemental emergency spending for the DRF; however, the current fiscal year 2010 shortfall is estimated to be as much as \$6.4 billion.

In light of the impact recent snow storms have had on East Coast communities, does the supplemental budget request provide sufficient funding for the DRF to cover the fiscal year 2010 shortfall and lift the suspension of Public Assistance Category C-G and Hazard Mitigation grant programs?

Answer. The \$5.1 billion supplemental request will provide sufficient funding for the DRF to cover the fiscal year 2010 shortfall and lift the suspension of Public Assistance Category C–G and Hazard Mitigation grant programs.

*Question.* If so, how long will it take to lift the suspension if a supplemental becomes law?

Answer. The suspension can be lifted immediately after the supplemental funding is enacted into law.

*Question.* Three large snow storms have impacted communities in New Jersey since December and FEMA has declared one to be a disaster.

Will the \$5.1 billion supplemental request provide sufficient funds to allow FEMA to fund high priority Public Assistance Category B programs should a Presidential disaster be declared for the two additional storms?

Answer. Yes, the \$5.1 billion supplemental request will provide sufficient funds to allow FEMA to fund high priority Public Assistance Category B programs should a Presidential disaster be declared for the two additional storms.

*Question.* A January 2010 report by the DHS Office of the Inspector General found that the Department reported 289 firearms as lost between fiscal year 2006 and fiscal year 2008. These guns were lost in bowling alleys, public restrooms, unlocked cars, and other unsecure areas, with some ending up in the hands of criminals.

Were any of these lost guns used in connection with any crimes?

Answer. At the time of the audit, none of the weapons had been reported as used in the commission of a crime.

*Question.* During this administration, how has the Department improved systems for securing and tracking its firearms?

Answer. DHS is strongly committed to ensuring that weapons utilized in support of its law enforcement mission are kept secure and the Department took immediate action to correct the deficiencies identified in this audit and to improve the overall management of firearms. DHS is in the process of implementing new policies and procedures to ensure that accurate and timely firearms property records and systems are maintained. These new policies and procedures will require the proper storage of weapons, annual firearms security requirements awareness training for all personnel issued firearms, and accountability and requirements for investigation when individuals fail to follow procedures.

In addition to the department-wide activities, several components have taken specific actions to improve the securing and tracking of firearms.

#### *ICE*

Ensured that officers and agents store their firearms in secure locations, including pistol lockboxes or other approved devices.

Strengthened and updated its policies regarding firearm transfers, reporting lost or stolen firearms and other sensitive property, and annual firearm inventories.

Instituted new procedures and timelines for updating records in the automated firearms inventory system.

Promoting firearms security awareness through bulletins and other communications that reinforce firearms storage requirements and quarterly qualifications training.

Expanding the scope of its field office inspection program to include a review of firearms security storage practices, and requiring supervisory review of firearms inventory.

Assessing firearm security equipment needs and procuring the additional equipment required to ensure each armed officer is issued adequate equipment to secure their firearms.

#### *CBP*

Transitioning to a Web-based firearms accountability system in April 2009.

Created a monthly review process of lost firearms to improve oversight and accountability.

Utilized CBPnet to remind law enforcement personnel of the reporting requirements for lost, stolen, or missing firearms.

Developed a presentation that addresses the proper methods for safeguarding and controlling firearms, which CBP plans to use annually.

#### *United States Secret Service*

Conducting an overall firearms policy review.

Continues to place a strong emphasis on weapons accountability and security with all current employees who carry firearms and new hires participating in training.

## TSA

Accounts for firearms in the Federal Air Marshal Information System (FAMIS)—a data system that tracks the issuance, movement, repair, and destruction of firearms.

*Question.* In 2009, TSA modified FAMIS to track “In-Transit” weapons and generate an electronic notification for all weapons shipments.

At a Senate Judiciary Committee hearing this past November, Attorney General Holder expressed his support for my legislation to close the Terror Gap that allows known and suspected terrorists to buy guns legally.

Does the Department of Homeland Security also support closing this loophole?

*Answer.* The administration does not have an official position on this legislation at this time.

*Question.* It is estimated that Haiti was home to more than 350,000 orphans before the devastating January 12 earthquake and many more children have lost their parents as a result of this catastrophic disaster.

Does the Department of Homeland Security support expanding the humanitarian parole policy to include orphans that have close family members in the United States who are willing to provide a temporary or permanent location for them?

*Answer.* In coordination with the Department of State, on January 18, 2010, DHS announced a policy for providing humanitarian parole to Haitian orphans who were in the process of being adopted by U.S. citizens or who had been matched with prospective U.S. citizen parents prior to January 12, 2010. These eligible children and the adoptive families were previously known to the Haitian and U.S. Governments and sufficiently screened such that both governments could proceed with confidence on an extremely fast track.

DHS is engaged in Operation Protect Children, led by the U.S. Government Special Advisor on Orphans and Vulnerable Children, which focuses on efforts to provide protection and assistance to orphans and vulnerable children in Haiti. UNICEF and other aid organizations, in coordination with the Government of Haiti, are establishing protected areas for children and working to reunite separated children with their families. DHS agrees with interagency partners and international child protection organizations that these efforts are the most critical area in need of U.S. Government support at this juncture.

*Question.* Did the department conduct a risk and vulnerability assessment in determining the number of Marine Safety and Security Teams (MSST) to eliminate?

*Answer.* To make the most of current operating capabilities, the fiscal year 2011 Budget Request transitions the Maritime Safety and Security Teams (MSST) to a regional model, enabling the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. The teams were selected based on existing Coast Guard presence in their region. Transitioning the MSSTs to a regional model will enable the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. The Coast Guard will also continue to leverage all available intelligence resources and partnerships across DHS, the Federal Government and State and local law enforcement to collectively mitigate risks and ensure the security of the Nation’s ports.

*Question.* Can you provide that risk and vulnerability assessment on the decision to eliminate the MSST for the New York/New Jersey region?

*Answer.* The New York Coast Guard Sector has one of the largest concentrations of Coast Guard units, boats, and people in the country with more than 700 personnel and 35 vessels, and is well equipped and prepared to protect the State’s waterways and maritime borders. Further, the security system of the port of New York is supported by significant interagency resources from other State, local, and Federal agencies and port facilities, many of which have been substantially increased through port security grants. Moreover, the New York region is covered by a Maritime Security Response Team in the event of high threat-high consequence event and is proximal to the Atlantic Strike Team for Chemical, Biological, Radiological, and Nuclear response and incident management.

---

QUESTIONS SUBMITTED BY SENATOR GEORGE V. VOINOVICH

GRANTS—EFFECTIVENESS

*Question.* The Department’s fiscal year 2011 request includes \$4 billion for grants to improve the preparedness and response capabilities of State and local governments. This is 9.1 percent of the Department’s total discretionary request of \$43.6 billion. More importantly, this \$4 billion will be in addition to the \$28 billion that

has been appropriated since fiscal year 2004, including emergency supplemental appropriations. This is a significant investment, but we have no reliable data or measures to show that the equipment, training, and planning purchased to date have improved or made the Nation sufficiently capable of responding to disasters. There is a significant difference between knowing how many fire trucks have been bought with grant dollars, and being able to draw conclusions that more fire trucks means we are better prepared to respond to a nuclear event.

In October of 2009, Timothy Manning, Deputy Administrator for the National Preparedness Directorate, Federal Emergency Management Agency, testified to the Homeland Security Committee of the U.S. House of Representatives:

“Given the size of this investment [in grant funding], it is critical for us as stewards of Federal dollars, to be able to identify, measure and assess what these dollars have bought and what the investment has returned. At the end of the day, we need to answer some very fundamental questions. The most fundamental of these is simply, ‘What have we bought?’ Once we are able to answer this basic question, we should then be able to ask the more important one that logically follows, ‘Are we better prepared?’ . . . Intuitively, we could answer the question ‘Are we better prepared?’ with a ‘yes.’ We could validly point to the amount and type of equipment that has been purchase, [etc] . . . However, intuitive conclusions are not good enough. DHS and FEMA are committed to answering questions of preparedness with a greater degree of accuracy.”

Clearly Mr. Manning’s testimony confirms that we are no closer today than we were 5 years ago to being able to measure the effect \$28 billion in grants have had on our Nation’s preparedness. Further evidence of our inability to measure is confirmed by the Government Accountability Office (GAO). In the GAO report entitled “National Preparedness: FEMA has Made Progress but Needs to Complete and Integrate Planning, Exercise, and Assessment Efforts” it states:

“The Post-Katrina Act requires that FEMA establish a comprehensive system to assess the Nation’s prevention capabilities and overall preparedness . . . FEMA has established reporting guidance for State preparedness and has created a program office to develop and implement an assessment approach that considers past efforts and integrates its ongoing efforts related to measuring the results of Federal grants and assessing gaps in disaster response capabilities. However, FEMA faces challenges in developing and completing this approach . . . FEMA faces methodological challenges that include deciding how information and data from different sources will be used to inform the system and developing an approach for coordinating with Federal, State, and local stakeholders in developing and implementing the system and reporting on its results. Moreover, FEMA has faced similar challenges in three previous attempts to assess capabilities since at least 1997. For example, from 2006 through 2008, FEMA spent \$15 million on a Web-based system to identify capability data among States. However, FEMA discontinued the effort, in part because the data produced were not meaningful.”

How can the Department continue to request such large sums of money for grants when it lacks the capacity to measure whether risk is being reduced or mitigated? Secretary Napolitano, you have indicated that the Department is reviewing existing performance measures. Please provide a copy of the existing measures used by the Department to track and measure effectiveness of grants and a timeline for the ongoing review. Further, provide a timeline for implementing the findings of the review.

Answer. The grants in the fiscal year 2011 Budget Request are critical to the preparedness and response capabilities of State and local governments as well as our national efforts to combat terrorism and other threats. FEMA continuously monitors grantees, from both a financial and programmatic perspective, crafts grant guidance and requirements to ensure maximum effectiveness and is in the process of developing assessment tools to measure results.

For reviewing existing measures, FEMA has performance measures that are used as part of the Government Performance and Results Act (GPRA), which include:

- Percent of grantees reporting significant progress toward the goals and objectives identified in their State homeland security strategies;
- Percent of significant progress toward implementation of National Preparedness priorities;
- Percent of States and territories accredited by the Emergency Management Accreditation Program; and
- Percent reduction in firefighter injuries in jurisdictions receiving Assistance to Firefighter Grants compared to the national average.

In addition, FEMA is continuing to work on additional measures for measuring grant effectiveness and has also undertaken the larger effort on revising its data

collection tools and strengthening its assessments through the Quadrennial Homeland Security Review and Bottom Up Review.

With regards to an implementation timeline, FEMA leadership is carefully reviewing the products of the data collection review, grant effectiveness work, existing performance measures, and assessment tools in order to develop a way forward.

#### DISASTER RELIEF (DRF) FUNDING

*Question.* The President's fiscal year 2011 Budget includes a request for \$3.6 billion in supplemental appropriations for fiscal year 2010 for Disaster Relief. Less than 2 weeks later, the President submitted an amendment to increase that request to \$5.1 billion.

Is the current supplemental request for fiscal year 2010 of \$5.1 billion for Disaster Relief adequate to sustain this important function through the end of this fiscal year?

*Answer.* Yes, the \$5.1 billion supplemental request will provide sufficient funds to sustain this function through fiscal year 2010.

*Question.* Will \$5.1 billion in supplemental appropriations for fiscal year 2010 cover all of the estimated liabilities from arbitration proceedings and the Recovery School District?

*Answer.* Yes, the \$5.1 billion supplemental request will provide sufficient funds to cover the estimated liabilities from arbitration proceedings and the Recovery School District.

*Question.* How much funding is included in the fiscal year 2011 request for prior disaster liabilities? How does this match the current estimate for these liabilities?

*Answer.* DHS projects that approximately \$1.6 billion will be required for costs related to prior disaster liabilities. Further, given the difficulties associated with predicting costs associated with future catastrophic disasters, funding was not included in the 2011 Budget Request for these liabilities. DHS believes that budgeting annually for the noncatastrophic 5-year rolling average and addressing catastrophic disasters through the supplemental appropriations process continues to be the best approach.

#### REAL ID

*Question.* As Governor of Arizona, Secretary Napolitano, you signed legislation barring Arizona's compliance with Real ID, calling it an unfunded Federal mandate and saying your support of the Real ID Act was contingent upon adequate Federal funding for States to implement the program. However, many other states are moving ahead with improving the security of their driver's license issuance process. One important element is linking the databases States need access to for identify verification. The Department was appropriated \$50 million in fiscal year 2009 for REAL ID information sharing and verification systems. Additionally, \$17 million was awarded to a consortium of States in fiscal year 2008 to work on the development of the verification hub requirements generation, system development, and deployment project. What is the status of developing the various data links and databases necessary for the States to verify documents issued by other States and the Federal Government?

*Answer.* A core team of five States, led by the State of Mississippi, in addition to the combined efforts of 25 other States have developed the business and technical requirements for the State-to-State component of the verification system. These requirements are currently being verified and validated prior to being formally presented to DHS for approval.

DHS has also partnered with the Department of Transportation Federal Motor Carrier Safety Administration and the American Association of Motor Vehicle Administrators on the verification and validation process of business and technical requirements. Once the requirements have been validated and approved by DHS, this initiative will move forward to the system design phase.

#### VISA WAIVER PROGRAM/BIOMETRIC AIR EXIT IMPLEMENTATION

*Question.* As you know, I am a strong supporter of the Visa Waiver Program and I believe the United States receives untold public diplomacy benefits and improved security from this program. I believe it should be expanded to more countries. However, Congress has passed laws that tie the expansion of the Visa Waiver Program to the implementation of a biometric air exit system. Solely in the context of passengers arriving and departing the United States by air, Secretary Napolitano, do you believe that a biometric air exit system is the most cost effective way to track the departure by air of legitimate travelers leaving the United States?

Answer. DHS currently has programs in place that use airline manifest information, border crossing records, document readers enabled by the Western Hemisphere Travel Initiative (WHTI), and information collected under the US-VISIT program to record who enters and exits the country by air. Based on this information, DHS assesses whether an individual has overstayed the terms of their admission.

Over the past 3 years, DHS has been planning and testing possible solutions for integrating biometric exit requirements into the international air departure process. Congress required DHS, through the fiscal year 2009 DHS Appropriations Act, to test and provide a report assessing specific options with respect to collection of biometrics from most non-U.S. citizens exiting the United States. DHS conducted two pilots from May to July 2009. The results of these pilots are contained in a report submitted to the Committee. Cost effectiveness and efficiencies are amongst the critical factors that will contribute to the decisions made on implementing a biometric exit program, but the Department has not made any decisions at this time.

*Question.* Again, limiting the discussion solely to passengers departing the United States by air, is there a more cost effective and better alternative to biometrics to track the departure of these travelers?

Answer. DHS currently has programs in place that use airline and ship manifest information, border crossing records, document readers enabled by the Western Hemisphere Travel Initiative, and information collected under the US-VISIT program to record who enters and exits the country for most individuals, and based on this information, assess whether an individual has overstayed the terms of their admission. Cost effectiveness and efficiencies are amongst the critical factors that will contribute to the decisions we make on implementing a biometric exit program, but we have not made any decisions at this time.

*Question.* What programs other than a biometric air exit system could be funded at the Department of Homeland Security that would be equally effective in identifying visa overstays? If we do go down the path currently required by law, how much will full implementation solely of a biometric air exit system cost? The fiscal year 2011 budget request includes no additional funds for implementing biometric air exit. When do you anticipate implementation will begin?

Answer. The US-VISIT program analyzes entry records to help U.S. Immigration and Customs Enforcement (ICE) apprehend individuals who remain illegally in the United States; enables U.S. Customs and Border Protection (CBP) to deny admission to individuals who are ineligible to enter the United States; assists U.S. Citizenship and Immigration Services in denying immigration benefits to individuals who have violated the terms of their admission; and assists the Department of State in denying or revoking visas to individuals who may have overstayed but are no longer in the United States. Since September 2004, US-VISIT has provided immigration and border management officials with records of the entries and exits of individual foreign nationals. US-VISIT currently tracks overstay violator records based on airline and ship manifest information, border crossing records, document reads enabled by the Western Hemisphere Travel Initiative, arrival/departure form I-94 data, and other information collected under the US-VISIT program.

The ICE Compliance Enforcement Unit (CEU) is responsible for identifying and investigating foreign students, exchange visitors, and other nonimmigrant aliens who violate their authorized terms of admission to the United States. The CEU focuses on preventing criminals and terrorists from exploiting the U.S. immigration system by proactively developing cases for investigation from the Student and Exchange Visitor Information System (SEVIS), the National Security Entry/Exit Registration System (NSEERS), and US-VISIT. These systems allow the CEU to access information on the millions of students, tourists, and temporary workers present in the United States at any time, and to proactively identify those who violate their status or overstay their visas.

Additionally, over the past several years DHS has made significant strides in its ability to identify visa overstays as the percentage of air departure records collected has increased from less than 90 percent in the 1990s to more than 99 percent today. Continued improvements in the systems and processes used to capture automated records of nonimmigrant arrivals and departure have also improved DHS's ability to identify visa overstays.

*Question.* With regards to full implementation solely of a biometric air exit system cost, based on the pilots conducted over the last several years, DHS estimates that implementation of a biometric air exit system will cost between \$3 billion and \$9 billion over 10 years, depending on the specific solution implemented.

A full schedule will be developed pending a decision on a biometric exit program before the implementation will begin.

During the hearing, Secretary Napolitano, you referenced the \$50 million made available in the fiscal year 2010 Department of Homeland Security Appropriations

Act for implementation of biometric air exit. Do you intend to obligate the funding made available for this purpose in fiscal year 2010? If so, when? If not, please explain.

Answer. The Department has not developed a timeline for implementation of a new air exit program. A full schedule and plans for obligating funds will be developed pending a decision on a biometric exit program.

*Question.* What progress has been made in bringing the original 27 visa waiver countries up to the same information sharing standards as the agreements signed with the countries recently admitted to the Visa Waiver program?

Answer. DHS—in cooperation with the Departments of State and Justice—has made substantial progress in bringing the 27 pre-2008 visa waiver countries into compliance with the information sharing requirements of the Implementing Recommendations of the 9/11 Commission Act (9/11 Act). The 9/11 Act requires Visa Waiver Program (VWP) countries to enter into an agreement with the United States to report lost and stolen passport (LASP) data to the United States. To date all 36 VWP countries report LASPs to Interpol in some fashion. Thirty VWP countries—or 21 of the pre-2008 members—have signed either a memorandum of understanding or a diplomatic note memorializing their commitment to continue to report LASPs via Interpol according to Interpol's best practices, or to report to the United States via an equivalent mechanism (e.g., the Regional Movement Alert System (RMAS)).

The 9/11 Act also requires that VWP countries enter into an agreement with the United States to share information on travelers that may represent a threat to the security or welfare of the United States or its citizens. The U.S. Government (USG) pursues two agreements to satisfy this requirement: (1) a Preventing and Combating Serious Crime (PCSC) Agreement to exchange information on potential criminals and; (2) a Homeland Security Presidential Directive 6 (HSPD-6) Arrangement to share terrorist screening information with the United States. The interagency reviews existing agreements on a case-by-case basis to determine if such agreements meet the necessary information sharing threshold. To date, five pre-2008 VWP countries have signed PCSC Agreements with the United States (Finland, Germany, Italy, Portugal, and Spain).

Additionally, the interagency has determined that the United Kingdom has met the criminal information sharing requirement through a number of pre-existing agreements. PCSC negotiations with several other countries are ongoing and DHS expects to conclude additional agreements in the coming months. Details on pre-2008 VWP countries that have signed HSPD-6 Arrangements are classified, but if requested, DHS can provide this information through appropriate channels.

#### WORKSITE ENFORCEMENT

*Question.* According to statistics from U.S. Immigration and Customs Enforcement, there has been a dramatic decrease in the number of administrative and criminal arrests in worksite enforcement. Administrative arrests—and I want to be clear these are arrests of illegal aliens who do not have the right to work in this country—have gone from 5,184 in fiscal year 2008 to 1,654 in fiscal year 2009. Criminal arrests of aliens, not employers, went from 968 in fiscal year 2008 to 296 in fiscal year 2009. How is the Department measuring the outcomes of the new worksite enforcement guidance announced on April 30, 2009, versus the outcomes of the old policy?

Answer. ICE's new, comprehensive worksite enforcement strategy targets employers who cultivate illegal workplaces by breaking the country's laws and knowingly hiring illegal workers. This strategy protects employment opportunities for the Nation's lawful workforce by targeting the magnets that attract illegal workers to the United States.

A successful immigration enforcement strategy includes the use of all available civil and administrative tools at our disposal, including civil fines and debarment, to deter employers who knowingly hire illegal labor. Employers need to understand that the integrity of their employment records is just as important to the Federal Government as the integrity of their tax files or banking records. Accordingly, ICE has increased inspections to ensure that businesses are complying with employment laws, and is aggressively pursuing prosecution, fines and debarment where justified. In fact, ICE audited more employers suspected of hiring illegal labor in a single day in 2009 than had been audited in all of 2008.

These strategies are working. Since January 2009, DHS has audited more than 2,300 employers suspected of hiring illegal labor (compared to 500 audits in 2008), debarred 70 companies and 63 individuals, and issued more than \$15 million in fines.

*Question.* The new policy appears to have had the effect of greatly increasing simple paper audits and decreasing the number of employers that are being investigated. How many paper audits of I-9's (Employment Eligibility Verification forms, required to be kept by employers for all newly hired employees) were initiated in fiscal year 2009? How many indictments were filed as a result of those audits? How many I-9 audits were initiated in fiscal year 2008? How many indictments were filed as a result of fiscal year 2008 audits?

*Answer.* Form I-9 inspections allow ICE to investigate far more employers than was previously possible. As evidenced by the table below, the number of worksite enforcement cases continues to increase. These I-9 audits have already led to criminal search warrants.

WORKSITE ENFORCEMENT CASES INITIATED

Fiscal year	Cases initiated
2007 .....	1,093
2008 .....	1,191
2009 .....	1,461
2010 (as of 2/28/10) .....	1,530

In fiscal year 2009, ICE conducted 1,444 Form I-9 inspections.

In fiscal year 2008, ICE conducted 503 Form I-9 inspections. I-9 audits have already led to criminal search warrants.

ICE does not track the correlation between Form I-9 inspections and indictments; however, I-9 audits have already led to criminal search warrants.

TACTICAL BORDER INFRASTRUCTURE

*Question.* What is the path forward for SBInet at this time? When do you expect to have the results of the joint Science and Technology Directorate and U.S. Customs and Border Protection review of SBInet technology announced last month?

*Answer.* Not only do we have an obligation to secure our borders, we have a responsibility to do so in the most cost effective way possible. The system of sensors and cameras along the Southwest border known as SBInet has been plagued with cost overruns and missed deadlines. For this reason, DHS is redeploying \$50 million of Recovery Act funding originally allocated for the SBInet Block 1 to other tested, commercially available security technology along the Southwest border, including mobile surveillance, thermal imaging devices, ultra-light detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements. Additionally, DHS is freezing all SBInet funding beyond SBInet Block 1's initial deployment to the Tucson and Ajo regions until the assessment Secretary Napolitano ordered in January is completed.

The Department-wide review is motivated by two major considerations. The first is that the continued and repeated delays in SBInet raise fundamental questions about SBInet's viability and availability to meet the need for technology along the border. The second is that the high cost of SBInet obligates this administration to conduct a full and comprehensive analysis of alternative options to ensure DHS is maximizing the impact and effectiveness of the substantial taxpayer resources we are devoting to border security technology.

Results are expected to be available by August 2010.

*Question.* Secretary Napolitano, do you support constructing the high priority tactical infrastructure projects identified by the Border Patrol, including fencing?

*Answer.* DHS is committed to continuing to secure our borders to reduce illegal immigration and potential security breaches, and our plan to do so includes substantial investments in technology, tactical infrastructure (including fencing, roadways, and lighting), and enforcement personnel.

*Question.* With the delays that have been experienced in the SBInet program, what is being done to fill the gaps that exist along the border today? Will the Department be evaluating any less sophisticated but already in use technology that could be quickly deployed? Does the fiscal year 2011 budget support this?

*Answer.* The assessment of SBInet ordered in January 2010 has a near-term and a long-term phase. The near-term phase is intended to address concerns that delays in SBInet have left critical areas of the border more vulnerable than they should be. In this phase, DHS is reviewing other, stand-alone technology options. Where there is an urgent need for technology along the border, and where Block 1 will not be available in time to meet that need, DHS is using some of our fiscal year 2009



ARRA funding and fiscal year 2010 and fiscal year 2011 BSFIT funding to ensure these needs are met.

Yes. DHS is evaluating the procurement and deployment of a range of existing technologies such as Remote Video Surveillance Systems, Mobile Surveillance Systems, Unattended Ground Sensors, Scope Trucks, and thermal imaging devices.

Yes. The BSFIT fiscal year 2011 request includes funds for existing technologies that could be deployed quickly along both the northern and southern borders.

*Question.* Do you believe the Department can field something in the near term that can benefit the frontline Border Patrol agent?

Answer. Yes. The Department is redeploying \$50 million of Recovery Act funding originally allocated for the SBInet Block 1 to other tested, commercially available security technology along the Southwest border, including mobile surveillance, thermal imaging devices, ultra-light detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements. These technology enhancements will increase agents' situational awareness in the field and assist them in effectively securing the border.

#### E-VERIFY

*Question.* Last year an amendment on the Senate floor to the fiscal year 2010 Department of Homeland Security Appropriations bill would have provided private sector employers the option to use E-Verify to check the eligibility of current workers and not just newly hired employees. The Department indicated it opposed the inclusion of this Senate bill language in the conference report on the grounds that this would impose large new burdens on the E-Verify system and that those duties had not been budgeted for. Specifically, in the materials outlining the Secretary's conference position, the following was included:

"Senate General Provision 576, which provides private sector employers the option to use E-Verify to check the eligibility of current workers, has significant implementation challenges and would impose large new burdens on the E-Verify system that have not been budgeted. I support the general intent to expand and improve employers' ability to verify the employment eligibility of their workforce, but oppose this provision until such an expansion can be implemented in a measured and well-planned fashion."

Information provided to the Subcommittee does not appear to support this objection. U.S. Citizenship and Immigration Services had the capacity to run 65 million queries in fiscal year 2009 and was working to double that capacity. In all of fiscal year 2009, the Department only received 8.7 million queries. As a part of the preparations for requiring Federal contractors to verify the eligibility of their workers, USCIS developed the capability for the contractors to self select to verify their current workforce. Further, the fiscal year 2010 appropriation for E-Verify was \$25 million higher than the requested amount primarily for strengthened compliance capabilities and made available for 2 years, raising questions about the idea that funding is not available to allow employers to voluntarily check their current workforce. Don't you agree that employers should have the option to verify their entire workforce? Do you now support allowing employers the option of verifying their current workforce through E-Verify? What message does not providing this option send to employers seeking a mechanism to comply with our immigration laws?

Answer. E-Verify currently has the capacity to query for work eligibility as many as 65 million employees per year, which is the estimated number of new employees hired per year. It does not currently have the capacity to query an additional 120 million employees, which is the estimated size of the existing workforce in the United States. To achieve that capacity, DHS would need funding for additional hardware to service the expanded use of E-Verify, and both DHS and the Social Security Administration would need additional staff to address the significantly increased workload that would follow from such a sizeable expansion of E-Verify's use.

In addition, such a sizeable expansion of E-Verify's use would require the enhancement of processes and safeguards to reduce errors and to ensure that the E-Verify system is not used to improperly screen existing workers nor is otherwise abused.

Substantial progress has been made toward improvements, but the existing pattern of growth in E-Verify usage, with 1300 new employers joining each week, allows DHS to refine these systems in a measured way. Any new expansions in the coverage of E-Verify should be accomplished with a well-considered schedule for additional funding and for phased expansion of electronic verification.

As noted previously, I support the general intent to expand and improve employers' ability to verify the employment eligibility of their workforce provided that the

proper processes and resources are put in place to address issues that would accompany this significant change.

Those employers seeking to comply with our immigration laws are encouraged to work with ICE, through its outreach program, IMAGE. IMAGE offers training and education for employers who are interested in complying with the immigration laws. ICE recommends employers use a series of best practices, one of which is E-Verify for new hires, to ensure they employ only lawful workers. Other best practices include implementing hiring and anti-discrimination policies, training employees on the completion of the Form I-9 and E-Verify, and periodically conducting independent audits of the hiring process. ICE can also provide training for employers concerned about false or fraudulent documents. The IMAGE program also contains a partnership component, where employers agree to utilize best practices and have their workforce vetted by ICE, ensuring the employer has an authorized workforce. External to DHS, employers can use the Social Security Number Verification Service to ensure the integrity of payroll data of current employees by verifying information with the Social Security Administration. Additional information on ICE, the IMAGE program and best practices can be found at: <http://www.ice.gov/partners/opaimage/index.htm>

#### FEE-FUNDED ACTIVITIES

*Question.* The fiscal year 2011 budget includes a number of requests for appropriated funds to shore up fee-funded programs due to shortfalls in revenues and the failure of the administration to press forward with fee increase/restricting proposals. Included in these are: \$152 million to fund the asylum and refugee programs, \$34 million to fund the Systematic Alien Verification Entitlements program, and \$44 million to shift costs within U.S. Customs and Border Protection from the Immigration User Fee to Salaries and Expenses. How have you determined that substituting appropriated dollars is the right priority here? Can the Department afford to continue to bear the cost of shortfalls in fee-funded activities with appropriations? What is the Department doing to advocate for fee reform proposals to avoid this?

*Answer.* The fee reform included in the fiscal year 2011 budget request falls into two distinct categories: (1) Fee reform that will improve the linkage between the level of a specific fee and the actual costs necessary to implement the activities associated with that fee (e.g., the fees associated with a particular naturalization application should match the costs associated with the naturalization process); and (2) Fee reform that targets programs where fees are currently funding activities, such as law enforcement (e.g., nearly 37 percent of CBP Officers are funded through fees, but while user fees are impacted by the economy, enforcement actions are not). In the second case, the goal of the fee reform is to ensure that appropriate dollars are available to fund the critical base level of activity.

In targeting programs to include within these fee reform initiatives, the Department used OMB Circular A-25 on user charges. This circular sets government-wide policy on determining fees including information on the scope and types of activities that should be included when setting fees.

The goal of fee reform is not to bear the cost of shortfalls in fee-funded activities with appropriations. The goal of fee reform is to ensure compliance with Federal policy on setting user fees by making sure that fees are set only at the level necessary to recover the costs of providing a benefit or service.

Comprehensive fee studies performed on a regular basis are essential to ensure that fees are set at the appropriate level to avoid shortfalls.

*Question.* If workload that is funded through fee revenue is going down for some organizations—such as air passenger loads—do current staffing levels make sense?

*Answer.* There are a number of fee-funded programmatic areas within DHS where staffing levels are not immediately tied to fee revenue. In airport security, for example, a drop in passenger volume (and therefore a decrease in fee revenue) may not lead to a proportional drop in the need for baggage screeners and other security personnel.

However, there are some circumstances in which staffing reductions may be appropriate. For example, U.S. Citizenship and Immigration Services reduced its contractor and Federal workforce to bring staffing levels in line with existing and anticipated future workloads.

Start-up costs and the need for a flexible and responsive workforce means that this issue must be considered continuously and on a case-by-case basis to ensure that staffing levels are appropriate for the existing and anticipated workloads.

## TSA COLLECTIVE BARGAINING

*Question.* We have discussed the Department's consideration of whether to administratively extend collective bargaining rights to Transportation Security Officers. I remain concerned about the cost of the proposed conversion, and have received estimates from the Department that include an annual recurring cost of \$300 million. Is this estimate still accurate? How would these costs be funded? I see no additional funding being requested in fiscal year 2011. What is the Department's timeline for making a decision? Is the Department continuing to hold conversations with union representatives in preparation for this decision?

*Answer.* Estimates for the cost of administratively extending collective bargaining rights to Transportation Security Officers continue to be refined. No final decision has been made about collective bargaining.

If a decision is made to extend collective bargaining rights to Transportation Security Officers, TSA will review all funding options and associated costs and will advise the Committee.

DHS is waiting for a permanent Assistant Secretary to be confirmed to lead TSA. Once confirmed, DHS expects the Assistant Secretary to review the issue and make recommendations to the Secretary.

The Chief Human Capital Officer and representatives of TSA have met with leaders from the American Federation of Government Employees and the National Treasury Employees Union to respond to their questions concerning employee issues and representation rights for the Transportation Security Officers (TSOs). The unions have been advised that any decisions regarding collective bargaining will be made after a new TSA Administrator is confirmed and has had time to consider the matter fully before making such a decision.

## MANAGEMENT

*Question.* On December 29, 2009, Under Secretary Duke wrote to me about seven initiatives the Department intends to focus on to drive management integration across DHS. What are the near and long term budgetary needs for each of those initiatives, and how does the fiscal year 2011 budget request support those needs?

The amount requested for Departmental Management and Operations is approximately two percent of the Department's fiscal year 2011 budget authority. Do you believe this amount is sufficient to meet the major management challenges facing the Department?

*Answer.* Responses are provided as follows:

*Transformation and Systems Consolidation (TASC)*

The fiscal year 2011 Budget Request for TASC is \$11 million. In addition to this request, Resource Management Transformation (RMT) Division assumes a carryover from fiscal year 2010 of \$2.2 million. This combined funding in fiscal year 2011 provides for the migration of two medium components, data center support services, and purchase of software licenses.

The Independent Government Cost Estimate (IGCE) for the contract is \$450 million over the 10-year contract life, assuming all option years are exercised. This estimate is consistent with other financial system benchmarks within the Federal Government. The actual cost of the work will be determined by the solution selected through the competitive acquisition process.

The Lifecycle Cost Estimate (LCCE) for TASC includes accounting of the cost of people, systems engineering, procurement, operations, support and disposal over the 10-year contract life, assuming all option years are exercised. This estimate is derived from source cost data received from DHS data calls as well as other outside agencies including NASA and HHS. The Acquisition Program Management Division is utilizing the Cost Analysis Division to independently verify the LCCE. This work will be completed by the end of April.

*Human Resources Information Technology (HRIT)*

The Department's Chief Human Capital Officer (CHCO) and Chief Information Officer (CIO) are currently partnering to develop a long-term strategic plan for HRIT. This strategy will be completed in 2010 and will replace the now-defunct MaxHR strategy that assumed flexibilities in Title V that are no longer valid. The goal of the new strategy is to deliver an enterprise platform for a Title V environment that provides core HR functionality across the DHS enterprise in a way that optimizes efficiency. While DHS currently operates four enterprise solutions, i.e., NFC Corporate (Payroll/Personnel), EmpowHR (Personnel), webTA (Time and Attendance); and the eOPF (Electronic Personnel Folders), there remains a critical need for enterprise solutions in areas such as staffing, learning management, and

performance management. Implementation of the new strategy will commence in fiscal year 2010, with full-fledged efforts in fiscal year 2011 to move toward department-wide adoption/deployment and full, cross-system integration. The fiscal year 2010 enacted and fiscal year 2011 budget request for this initiative is \$17.1 million. The future budgets for this initiative remain at this level.

*Balanced Workforce Strategy*

The fiscal year 2011 budget requests \$900,000 for the Office of the Chief Human Capital Officer to support efforts to reduce the Department’s reliance on contractors. Specifically, the funds will support a program management office focused on balanced workforce matters and in sourcing positions that are inherently governmental or provide critical core services. This office, which is in the process of being established with existing resources, will assess the long-term budgetary needs for the balanced workforce initiative.

*Data Center Migration*

In fiscal year 2011, the DHS total request for Data Center Migration is \$200 million. This includes component and headquarters funding for consolidation efforts entailing planning, engineering, hardware, and software application alignment, construction, power upgrades and other infrastructure requirements. Data Center Migration total estimated cost is \$574 million. Based on the Migration amounts enacted for fiscal year 2010, the balance needed to complete migrations beginning in fiscal year 2011 is \$424 million. DHS anticipates Data Center Migration completion by fiscal year 2014.

*IT Governance Initiative*

Short-term (remainder fiscal year 2010), the Department will re-allocate staff to support this effort. Long-term (fiscal year 2011 and forward), the Department is determining the outyear IT Governance structure and FTE requirements.

*HSPD–12 Deployment*

The Office of Security fiscal year 2011 budget request does not include funding for HSPD–12 Deployment. The Department is working with components to identify funding, such as component base funding for legacy badging systems, to meet fiscal year 2011 and outyear requirements. The Department is committed to fulfilling its requirements under HSPD–12 utilizing base resources.

FIVE-YEAR HSPD–12 FUNDING REQUIREMENTS

	Fiscal year 2011 funds required	Fiscal year 2012 funds required	Fiscal year 2013 funds required	Fiscal year 2014 funds required	Fiscal year 2015 funds required
HSPD–12 Deployment .....	\$24,236,000	\$11,152,000	\$11,487,000	\$11,832,000	\$12,187,000

*St. Elizabeths Consolidation*

The DHS Headquarters Consolidation plan will transform the dispersed portfolio from 46, and growing, locations down to approximately eight locations. The plan consists of the St. Elizabeths development for mission execution functions of the department and the consolidation of remaining mission support functions to promote efficiency and effective management across the National Capital Region.

The total cost of the St. Elizabeths development is estimated at about \$3.4 billion inclusive of GSA and DHS costs. GSA’s share is about \$2 billion and DHS about \$1.4 billion. To date GSA and DHS have received a total of about \$1.1 billion.

A total of \$287.8 million is included in the fiscal year 2011 Budget Request for DHS to continue the development of the DHS Consolidated Headquarters at St. Elizabeths. This request will build on the fiscal year 2009 and the American Recovery and Reinvestment Act funding provided to both DHS and GSA. The funding provides for the outfitting of Phase 1, the U.S. Coast Guard and shared use occupancies and initiates construction of Phase 2A, the DHS Headquarters, and the National Operations Center/Collocation of Component Operations Centers immediately adjacent to the USCG site.

The DHS budget request for St. Elizabeths complements the GSA request for buildout of the consolidated campus. The combined total of the request in the fiscal year 2011 budget will allow us to maintain the current construction schedule, ensuring a timely move of DHS to the St. Elizabeths campus. Underfunding either the DHS or GSA request for funds for this project may result in construction delays, increased costs, and delays in moving DHS employees to St. Elizabeths.

The mission support consolidation is estimated by GSA to be a total cost of about \$263 million with the expectation that DHS will lease 1.2 million rentable square

feet of space with a two-phase implementation schedule in calendar years 2013 and 2014. In cooperation with DHS and OMB, a Mission Support Consolidation Prospectus for lease authority was submitted by GSA to Congress in October 2009 that addresses the Department's current housing needs. As the prospectus is for leased office space, GSA does not require a separate appropriation and all costs for tenant fit out requirements will pass directly to DHS. The \$75 million included in the fiscal year 2011 budget request will initiate the mission support consolidation effort by providing the necessary funding to acquire 1.2 million square feet of office space included in our prospectus. Remaining funding requirements will be requested in future budgets to deliver the space in fiscal year 2013 and fiscal year 2014.

With regards to the amount request being sufficient: Yes, the fiscal year 2011 Budget Request is sufficient to meet the major management challenges facing the Department.

#### BORDER PATROL STATION—SANDUSKY, OHIO

*Question.* U.S. Customs and Border Protection (CBP) has been planning to construct or buy a facility in the Sandusky, Ohio, area for more than a year. Reports indicate that the site will house Border Patrol, Office of Field Operations, and CBP Air and Marine offices. What is the status of this project?

Will the project be impacted either by the fiscal year 2011 requests to cancel \$99 million of prior-year unobligated construction funds, or to forgo hiring 120 Air and Marine staff?

*Answer.* CBP is currently in the process of determining whether the previously identified Visitors Center property will meet CBP's requirements. While this determination is underway, CBP is reviewing other available real estate options in Erie County. CBP is targeting the completion of land acquisition activities by early 2011.

Additionally, a planning/design charrette was held in December 2009, with follow-on work completed in January and February of 2010. Some preliminary activity has been initiated for the project's design phase; however, these efforts are limited, pending final site selection.

CBP does not anticipate that this project will be impacted by the request to cancel the \$99 million.

#### FEDERAL PROTECTIVE SERVICE

*Question.* During my time in Congress, I have participated in a number of hearings regarding the Federal Protective Service and the challenges it faces in protecting our Federal buildings and the people who work and visit those buildings. The hearings have demonstrated how the lack of resources hinders the Service's ability to get the job done. I was surprised to see that the President's fiscal year 2011 budget recommends a flat funding level for the Federal Protective Service. I am further troubled that the administration has requested to remove the personnel floor set by Congress in the Appropriations Act. What is the rationale for these requests?

*Answer.* The fiscal year 2011 Budget Request was determined by estimating costs to support operations at the current service level, as well as reviewing estimated revenue, collections, and anticipated carry-forward of unexpended revenue earned in prior fiscal years.

*Question.* It is estimated that the Federal Protective Service will need to provide between 100 and 150 full-time employees for the 9/11 terrorism trials, should they occur in New York or another jurisdiction in the United States. There is no indication of the Service's ability to perform such a surge in its mission with a flat budget. How will the Federal Protective Service meet the surge necessary to support the terrorist trials? Especially in light of the fact that the budget proposes \$200 million in State and local support for increased enforcement efforts connected with the terrorist trials in the United States.

*Answer.* The Federal Protective Service (FPS) Regional Office in New York City is coordinating closely with its counterparts from the U.S. Marshals and the New York Police Department in planning for the possible conduct of the terror trials at the Daniel P. Moynihan U.S. District Courthouse.

#### COAST GUARD

*Question.* A total of \$16.8 million was included in the fiscal year 2010 Appropriations Act for Coast Guard Station Cleveland Harbor. No additional funding is included in the fiscal year 2011 budget request for this project although I understand that additional funding will be required for phases two, three, and four of the project. What additional funding will be required beyond that provided for fiscal year 2010 to complete this project?

Answer. The Coast Guard's Facilities Design and Construction Center is currently in the final stages of completing the Project Proposal Report for Phase One of the new facilities at Station Cleveland Harbor.

In February, the FDCC began development of the Design-Build (D-B) Request for Proposal (RFP) for project design and construction with an estimated D-B contract award date of September 2010. The estimated project cost to design and construct Phase One of the new facility funded in fiscal year 2010 remains at \$16.8 million. Phase One focuses on construction of the Station, Marine Safety Unit and Electronics Support Division building and associated site utilities.

Plans and cost estimates for the remaining phases are still under development and not yet budget-ready at this time. The multi-phased project is planned to include demolition of the older facilities, parking/site improvements, waterfront re-capitalization, boathouse/shop space, and a Coast Guard Exchange.

*Question.* The Great Lakes host nearly 5 million registered recreational boaters and are a major transshipment point for people and illegal drugs, regardless of the season. Intelligence reports indicate that the Northern border may be a more likely transit path for terrorists. Given the potential threats along the Northern Border, why is the Coast Guard seeking to reduce its air asset footprint on the Great Lakes by closing two Air Facilities?

Answer. The fiscal year 2011 Budget Request provides for replacement of five H-65s with four H-60 aircraft to maximize capabilities in this region. The H-60 aircraft have greater endurance, range, speed, survivor capacity, and all-weather capability. With four H-60s, the Coast Guard will meet search and rescue aircraft readiness and response standards throughout the region from the single Coast Guard Air Station in Traverse City.

*Question.* What assurances can you provide to the Committee that Search and Rescue (SAR) operations will not be impacted by these closures? With the delay of implementation of Rescue 21 on the Great Lakes, it would seem prudent to maintain these air assets.

Answer. The Coast Guard will maintain the search and rescue response standard as described in the Coast Guard Addendum to the U.S. National Search and Rescue Supplement.

*Question.* While the HH-60's may be better suited for the Great Lakes mission, it troubles me that 4 of 5 rotary wing aircraft proposed to be removed from service were recently upgraded with new engines and instrumentation. What type of return on investment is the Federal Government earning when new engines and instruments are transferred to a warehouse of spare parts?

Answer. Before removing aircraft from service, the Coast Guard conducts an assessment of its entire aircraft inventory to ensure the best return on investment is achieved. Aircraft removed from service are retained for future needs and/or spares.

*Question.* How would the fiscal year 2011 budget proposal to close both of the Great Lakes AIRFACs impact both SAR and drug interdiction missions with respect to response times?

Answer. The Coast Guard will maintain the search and rescue response standard as described in the Coast Guard Addendum to the U.S. National Search and Rescue Supplement.

*Question.* If the Congress does not approve the budget proposal to close the Great Lakes Air Facilities, but agrees with the proposal to replace HH-65s with HH-60s, what would be the appropriate placement of those air assets operating on the Great Lakes?

Answer. Partial implementation of the President's proposal to realign rotary wing capability will not result in optimal return on investment and is not recommended. The Coast Guard would not be able to achieve Search and Rescue operational standards simultaneously at Coast Guard Air Station Traverse City and Air Facility Muskegon with only four HH-60s.

#### HAITI EARTHQUAKE

*Question.* The Department of Homeland Security has made a significant contribution to our Government's efforts to assist Haiti following last month's devastating earthquake. The Coast Guard, FEMA, CBP and ICE, among others, have all lent their assistance and expertise to Haiti and its people in the wake of this catastrophe. What additional cost has this been to the Department and which expenses are being borne by the Department and which are being reimbursed?

Answer. The Department is paying for this largely out of funding appropriated in fiscal year 2010.

*Question.* How will the Department cover its additional unfunded costs?

Answer. On March 24, 2010, OMB submitted a supplemental appropriation for \$60 million to recoup the costs associated with the Department's activities in Haiti.

*Question.* Will fiscal year 2010 supplemental appropriations be required?

Answer. On March 24, 2010, OMB submitted a supplemental appropriation for \$60 million to recoup the costs associated with the Department's activities in Haiti.

*Question.* If so, when do you anticipate a supplemental request will be submitted to the Congress?

Answer. On March 24, 2010, OMB submitted a supplemental appropriation for \$60 million to recoup the costs associated with the Department's activities in Haiti.

#### PORTS-OF-ENTRY MODERNIZATION

*Question.* Both the fiscal year 2009 and fiscal year 2010 Department of Homeland Security Appropriations Acts require U.S. Customs and Border Protection in consultation with the General Services Administration to submit a 5-year plan for all Federal land border port of entry projects. No plan has been submitted. The Appropriations Committee must make funding decisions without the benefit of all relevant information on the state of ports of entry without this plan. When will this plan be submitted?

Answer. The 5-Year LPOE Modernization Plan was transmitted to Congress on March 9th, pursuant to the legislative language set forth in the fiscal year 2009 and fiscal year 2010 DHS Appropriations Acts.

#### TACTICAL COMMUNICATIONS

*Question.* Funds for upgrading law enforcement tactical communications have been provided to U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement through the annual appropriations Acts as well as the American Recovery and Reinvestment Act of 2009. It is my understanding that much of this funding is still being held up and not being put to use improving the operating conditions for frontline employees. What is the status of obligating the American Recovery and Reinvestment Act appropriations for tactical communications? What obstacles have prevented those funds from being committed before now?

Answer. CBP is currently working on the competitive actions to award ARRA-funded TACCOM projects in the Houlton Sector (Maine), El Paso Sector (Western Texas and the State of New Mexico) and Rio Grande Valley Sector (Southeast Texas).

CBP is performing due diligence to ensure that its TACCOM acquisition strategy and procurements are structured to maximize competitive opportunities, provide for small business participation, and ensure responsible expenditure of taxpayer dollars. The TACCOM project includes significant environmental work, civil construction and integration of communications systems. CBP is taking prudent steps in the procurement process to ensure project success.

#### RADIATION DETECTION FUTURE DEVELOPMENT

*Question.* The fiscal year 2011 budget proposes moving transformational research of new methods of detecting radiation from the Domestic Nuclear Detection Office to the Science and Technology Directorate, which will bring all research and development in the Department under the umbrella of one component. As the Department prepares for this potential transition, will an independent review, by an entity such as a Federally Funded Research and Development Center, be conducted of the on-going research as well as other technologies under development outside of DHS to determine which direction future research in radiation detection should go?

Answer. S&T's established Integrated Product Team (IPT) process will guide investments in radiological and nuclear (rad/nuc) research. Before the transition of rad/nuc research from the Domestic Nuclear Detection Office (DNDO), S&T will: conduct a program review to determine the progress and status of the existing rad/nuc research programs; establish a rad/nuc Capstone IPT to bring DHS customers and stakeholders together to determine the highest priority capability gaps and needs; and survey existing government and industry rad/nuc detection and counter-measure technology. After these preparatory steps, S&T will make decisions regarding the rad/nuc research portfolio.

S&T will consider an appropriate third party, such as a Federally Funded Research and Development Center, to help in program reviews.

#### STATE AND LOCAL FUSION CENTERS

*Question.* Please provide a cross-cut table showing all Department of Homeland Security funding that is provided to State and Local Fusion Centers, and any grant

funds that are used by State or local entities for Fusion Centers, for fiscal year 2009 and 2010, and proposed in the fiscal year 2011 budget.

Answer. A chart marked For Official Use Only has been provided separately to the Committee. It shows funding that is provided to State and Local Fusion Centers for purposes such as hiring intelligence analysts and providing equipment and training, all of which supports frontline law enforcement activities, and any grant funds that are used by State or local entities for Fusion Centers for fiscal years 2009 and 2010 and proposed in fiscal year 2011. DHS has identified fusion centers as a priority in the Homeland Security Grant Program guidance and has recommended that State and local grantees prioritize the allocation of grant funding to support fusion centers. As such, based upon the self-reported information from State and local grantees, it is estimated that State and local jurisdictions have leveraged approximately \$1.3 billion in support of fusion center-related activities between fiscal years 2004 and 2009.

#### ALTERNATIVES TO DETENTION

*Question.* The Department continues to work on developing a Nationwide Alternatives to Detention Plan. Based on information received by the Subcommittee, I expect the plan to call for working to decrease the average length of stay for participants from the current 310 days to a target of 180 days. The Department has successfully achieved such goals in the past, i.e., the reduction in length of stay for aliens apprehended along the Southwest border, through the use of high level multi-component work groups studying each step of the detention and removal process to re-think how the work is accomplished. The elimination of “catch and release” shows that this process can work.

Do you intend to bring the same high level focus to streamlining the removal process currently used for participants in the alternatives to detention program?

Answer. ICE continues to improve the Alternatives to Detention (ATD) program and is monitoring the rate of compliance with removal orders among those supervised on ATD. Currently, the Executive Office for Immigration Review (EOIR), within the Department of Justice, expedites all cases of detained aliens. In collaboration with EOIR, ICE is piloting a “fast-track” process in an effort to decrease the amount of time a participant spends in the ATD program, thereby reducing the overall cost of the ATD program.

*Question.* What effort is currently dedicated to reviewing the removal process used for participants in the alternatives to detention program?

Answer. Please see the previous response.

#### SPECIAL HIRING AUTHORITIES

*Question.* The Department is using special hiring authorities to fill approximately 1,000 cyber security positions. Is 1,000 the appropriate workforce to adequately meet the Department’s cyber security needs?

Answer. The National Cyber Security Division (NCS) needs the flexibility to both match salaries using accelerated pay and provide recruitment bonuses and incentives that are competitive with the market. NCS also needs additional direct or Schedule A hiring authority for programmatic positions that deal with mission functions such as large-scale Information Technology acquisitions and investments for cybersecurity systems, supply-chain risk management, software assurance, control-systems security, cyber education and awareness, international cyber policy, and program management.

*Question.* Given the demand for these specialized skill sets, does the Department anticipate difficulties in meeting its staffing goals?

Answer. The Department remains committed to hiring the staff necessary to perform its cybersecurity mission.

*Question.* What, if any, additional personnel flexibilities does the Department believe would help meet its cyber hiring needs?

Answer. The National Cyber Security Division (NCS) needs the flexibility to both match salaries using accelerated pay and provide recruitment bonuses and incentives that are competitive with the market. NCS also needs additional direct or Schedule A hiring authority for programmatic positions that deal with mission functions such as large-scale Information Technology acquisitions and investments for cybersecurity systems, supply-chain risk management, software assurance, control-systems security, cyber education and awareness, international cyber policy, and program management.

*Question.* Other components of the Department indicate that they are in need of direct hire authority or other special hiring flexibilities. What is the Department



doing to work with the Office of Personnel Management to meet these needs or, where necessary, to seek required statutory authorities?

Answer. DHS approached OPM in September 2009 in order to request a Direct Hire authority for Cyber Security positions across the Department. Though Direct Hire was not granted, DHS was provided a Schedule A excepted service authority to hire up to 1,000 Cyber Security positions nation-wide. DHS has had follow-on discussions with OPM about broadening our Direct Hire authority to positions where mission failure is a possibility if vacancies are not filled. DHS is currently gathering requirements across the Department and will submit a request to OPM for Direct Hire authority based on this critical need in the near future.

#### CYBER SECURITY TRAINING

*Question.* The fiscal year 2011 request proposes to transfer the National Computer Forensics Institute (NCFI) from the National Protection and Programs Directorate (NPPD) to the Federal Law Enforcement Training Center (FLETC).

Given that this Institute is actually administered by the United States Secret Service (USSS) why aren't these funds being requested in the USSS budget in fiscal year 2011?

Answer. The intention is to continue operating NCFI in the same manner as it is currently operating today. The mission-support training is better aligned to FLETC's core mission versus Secret Service's operational mission.

*Question.* What is the benefit of having the NCFI funds appropriated to FLETC to reimburse the USSS as NPPD does now?

Answer. The benefit derived from aligning law enforcement training to the training mission is the realization of efficiencies and shared best practices.

*Question.* Given that FLETC may require additional authority to operate NCFI why not give the funds and the authority to USSS?

Answer. Providing funds to FLETC will help better align and coordinate law enforcement training.

#### NATIONAL SPECIAL SECURITY EVENTS

*Question.* The fiscal year 2011 budget proposes a new \$20 million fund to reimburse State and local governments for costs associated with "unplanned" National Special Security Events (NSSE). How will "unplanned" be defined for purposes of eligibility for these funds? How is "planned" defined for NSSE today?

Answer. An unplanned NSSE is an event that is unknown when planning for a particular fiscal year. For example, the G-20 in Pittsburgh was not a known NSSE during the budget process and therefore agencies could not budget for and request resources from Congress to cover the security costs associated with it.

A planned NSSE is an event that can be budgeted for as it is known beforehand that it will occur within a particular fiscal year. Some examples include presidential nominating conventions, and presidential inaugurations. While the dates may be unknown, we know these occur every 4 years.

*Question.* What Federal funding is currently available to or provided to State and local governments for costs associated with "planned" NSSEs?

Answer. Planned NSSEs, such as presidential nominating conventions, have received direct appropriations from Congress since fiscal year 2000. As such, the cities hosting nominating conventions have received the funding directly.

*Question.* Rather than start anew funding program, why isn't the administration proposing to make "unplanned" NSSEs eligible for the same funding sources available to State and local governments for "planned" NSSEs?

Answer. The purpose of the designation of an event as a National Special Security Event ensures the coordinated efforts of the U.S. Secret Service, the FBI and the Federal Emergency Management Agency to plan for the security, response and recovery at an event if an incident were to occur.

NSSEs, planned and unplanned, currently have no DHS source of funding. In the past, planned NSSEs such as presidential nominating conventions have received direct appropriations from Congress. As such, the host cities hosting have received the funding directly.

---

#### QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

*Question.* Over the past 20 years, more than \$4 out of every \$5 appropriated by Congress to the Disaster Relief fund have been provided through supplemental appropriations bills. Over the past 20 years, an average of nearly \$7 billion annually has been appropriated for Disaster relief, yet you requested only \$1.95 billion for

fiscal year 2011. Your budget documents state that these requested funds are only for “non-catastrophic disaster activity.” Meanwhile, communities and school districts along the Gulf Coast are still struggling to navigate the red tape of the Federal Government nearly 4½ years after Hurricane Katrina.

Do you believe that budgeting for only non-catastrophic activity on an annual basis is a wise way for the Federal Government to do business?

Answer. It is difficult to predict with any certainty future catastrophic disasters, or the cost that will be associated with them. Given this unpredictability, we believe that budgeting annually for the non-catastrophic 5-year rolling average and addressing catastrophic disasters through the supplemental appropriation process is a reasonable approach.

*Question.* Do you believe that our Nation’s emergency response laws, including the Stafford Act, should be amended to include a new category of catastrophic disaster declarations to provide for smarter budgeting and reduced bureaucracy in cases like the events of September 11, Hurricane Katrina or a potential New Madrid earthquake?

Answer. The Stafford Act provides flexibility to assist survivors regardless of the scale of the disaster. The Post-Katrina Emergency Reform Act added important new authorities to the Stafford Act that are specific to addressing the needs that are created by extraordinarily large and catastrophic disasters such as incident management teams, Federally assisted evacuations, semi-permanent and permanent housing construction, disaster case management, recovery planning technical assistance, and transportation assistance. The National Disaster Housing Task Force, State-led Housing Task Forces, and FEMA’s Long-Term Community Recovery function (ESF-14) provide for the delivery of more effective and streamlined recovery assistance to survivors and communities.

*Question.* While your fiscal year 2011 budget request acknowledges that funding for Coast Guard Aircraft will be used for Unmanned Aerial System pre-acquisition activities, it does not identify specific funding for these purposes as it does for every other traditional Coast Guard aircraft asset.

Of the \$101 million requested for Aircraft activities, how much would be used for Unmanned Aerial System activities?

Answer. The \$101 million request does not include funding for Unmanned Aerial System (UAS) activities. Research, Development Testing, and Evaluation funding provided in prior years will be used to continue UAS pre-acquisition work in 2011.

*Question.* Do you believe the Coast Guard’s efforts to assess available land-based Unmanned Aerial Systems, including earnest participation the DOD SOUTHCOM demo of the Heron UAS, is adequately examining the capabilities of a diverse set of vehicles across the spectrum of available technologies?

Answer. Yes.

*Question.* With regard to cutter-based Unmanned Aerial Systems, how much would it cost the Coast Guard to convert existing aircraft remaining from the Army’s cancellation of the Fire Scout program to a Coast Guard configuration?

Answer. This option is currently under review, and costs will be developed as a part of our evaluation.

*Question.* With adequate funding, would you entertain the notion of converting these currently unused aircraft for use by the Coast Guard as soon as possible?

Answer. This option is currently under review, and costs will be developed as a part of our evaluation.

*Question.* In 2007, Congress mandated that DHS be able to scan all cargo entering our country by 2012. Recent GAO reports describing the inadequacies of the Domestic Nuclear Detection Office’s Advanced Spectroscopic Portal (ASP) monitors raise significant concerns about our ability to prevent nuclear materials from being smuggled into our country. Please describe the current status of ASP testing and whether you believe this technology is on a path to be able to perform the portal monitoring function.

Answer. Based on a recent review of data collected to date, the Department announced changes to the ASP program in February 2010. In order to most effectively enhance security, the ASP program will focus on secondary inspections. Performance results to date show that ASP RPMs in the secondary position show a significant improvement in operational effectiveness over current screening techniques.

*Question.* What is ASP’s capability for detecting shielded nuclear material?

Answer. The ability of ASP systems—or any other nuclear detection system—to detect shielded nuclear materials depends upon a number of factors, including shielding type, thickness, scanning speed, and size of the source. More details about the performance of ASP systems against specific configurations of shielded threats can be provided in a classified briefing to review test results, upon request.

It is important to note that ASP systems are not operated in isolation as a sole means for detecting potential nuclear threats. DNDO supports a multifaceted approach to cargo scanning, including but not limited to analysis of the container information collected by CBP and the use of both passive (e.g., radiation portal monitors) and active (e.g., radiography) technologies to detect a wide range of potential threats.

*Question.* Do you consider shielded nuclear materials a significant threat?

*Answer.* The Department considers the illicit shipment of any nuclear materials—including shielded nuclear materials—to be a significant threat, and accordingly supports a comprehensive, multifaceted approach to detecting them.

*Question.* Are there other technologies under consideration by DHS, such as Muon Tomography, that could detect both shielded and unshielded nuclear materials? I understand if you need to respond to these questions in a classified setting.

*Answer.* In addition to the technologies currently deployed to detect nuclear materials, DNDO is researching a number of technologies to detect both shielded and unshielded nuclear materials, including muon tomography.

*Question.* I, like many members of this body and I assume many people at your Department, was troubled by our Nation's inability to detect the explosive devices carried on board an airplane by the so-called Christmas Day Bomber. I sent you a letter on February 2, 2010 that included some questions I have about passenger screening technologies. I have not yet received a response.

Can you describe the new Advanced Imaging Technology screening systems you are currently reviewing for deployment and implementation at our airports?

*Answer.* Advanced Imaging Technology (AIT) is a passenger screening capability that is used at airport checkpoints to screen passengers for concealed weapons (metallic and non-metallic), explosives, and other prohibited items.

TSA ensures passenger privacy through the anonymity of AIT images—a privacy filter is applied to blur all images; images are permanently deleted immediately once viewed and are never stored, transmitted or printed; and the officer viewing the image is stationed in a remote location so as not to come into contact with passengers being screened.

The next generation of AIT machines will be deployed as a primary passenger screening technology in addition to the Walk-Through Metal Detector. These new machines will include the latest security enhancements to detect new and evolving threats.

*Question.* Based on recent tests, which of the existing technologies, backscatter or millimeter wave, would have better detected the threat posed by the Christmas Day bomber? Describe proposed fiscal year 2011 activities by the Transportation Security Administration to assist airports in making room for these devices, which are significantly larger than current passenger screening equipment.

*Answer.* TSA has tested both millimeter wave and backscatter AIT. Both systems meet the required detection performance and are considered operationally effective and suitable. TSA is working closely with airports to deploy AIT units based on risk, airport readiness, and operational suitability.

*Question.* The fiscal year 2011 budget proposes \$538 million for production of the fifth Coast Guard National Security Cutter. The future-year budget plan includes \$640 million over the next 3 fiscal years and \$70 million in fiscal year 2015. I appreciate very much the department's commitment to this platform. It appears that this program may be primed to begin a multi-year procurement for NSCs 5 through 8.

Such a strategy could allow the Coast Guard to buy material for 4 NSCs and place the ships on construction intervals that would increase shipyard performance and efficiency while minimizing cost. Are you considering a multi-year procurement for NSCs 5–8? If not, does the Department risk a gap in production and additional costs to the program if additional funds are not provided in fiscal year 2011 for long-lead materials for the sixth National Security Cutter?

*Answer.* The Coast Guard is not considering a multi-year procurement. As reflected in the fiscal year 2011 Capital Investment Plan, the remaining National Security cutters are fully funded at the planned rate of one per year.

*Question.* What additional funds are needed for long lead materials for the sixth National Security Cutter?

*Answer.* The fiscal year 2011 Capital Investment Plan includes funding for the sixth National Security Cutter. In accordance with OMB Circular A–11, no separate request will be made for any long lead materials, with the possible exception of the lead asset in a procurement.

*Question.* I am very pleased that the fiscal year 2011 budget request contains significant funding for data center migration efforts department-wide. Your department's leadership in data consolidation is to be commended. Such efforts are critical

to our future as data operations are scattered throughout Federal agencies with little rhyme or reason and are consuming energy at an alarmingly growing rate.

Of the nearly \$186 million requested for Security Activities by the Office of the Chief Information Officer, how much would be used for activities at DHS Data Center 1 (DC1)?

Answer. An estimated \$28 million will be used for activities at DHS Data Center 1 including infrastructure, power and Local Area Network upgrades. DHS components have requested a total of \$178.5 million for costs associated with migrating component data centers to the two new DHS data centers.

*Question.* How critical do you believe data center consolidation is to the Department's ability to operate effectively and efficiently?

Answer. Data center consolidation is essential to improving the flow of information among the various elements of the Department.

*Question.* Do you and your Chief Information Officer Richard Spires intend to continue the Department's commendable consolidation efforts?

Answer. Yes. DHS will continue to manage, facilitate and monitor Components' migration efforts to the two Enterprise Data Centers.

---

QUESTION SUBMITTED BY SENATOR JUDD GREGG

*Question.* I commend the Department's efforts to accelerate critical improvements in our Nation's homeland security apparatus in the wake of the Christmas Day bomber's failed terrorist attack. However, I am concerned that vulnerabilities remain in several key areas, including our document screening capabilities. By improving document screening, we may be able to cheaply improve our ability to interdict terrorist attacks before they occur. It is my understanding that commercial off-the-shelf technology is available, and in some instances is already being used in other countries.

What is the Department doing to improve our ability to accurately verify documents that a person might utilize to obtain a government-issued ID?

Answer. The Department of Homeland Security (DHS) strongly supports the validation and verification of identification documents to ensure they are authentic. There are several mechanisms through which DHS works to identify and prevent the use of a fraudulent documents and the use of valid documents by an imposter.

The Immigration and Customs Enforcement's Fraudulent Document Laboratory and the Customs and Border Protection's Fraudulent Document Analysis Unit conduct on-the-spot assistance to review suspected fraudulent documents.

The Transportation Security Administration (TSA) is also focused on identifying and acquiring new technology to combat the use of fraudulent documents. TSA is currently testing the Credential Authentication Technology/Boarding Pass Scanning System (CAT/BPSS) to ensure that only legitimate passengers, airport personnel and affiliated airline crews, and embedded Law Enforcement Officers (LEOs) or Federal Air Marshals (FAMs) gain access to secure areas in the Nation's airports. The CAT/BPSS will be used to extract and read data and security features embedded in boarding pass and identification documents (e.g., driver's licenses) and automatically authenticate whether the document is genuine or suspect and whether any discrepancies exist between the data fields stored in the ID and the boarding pass.

DHS also works across the interagency to ensure immigration and travel documents incorporate multiple layers of security features, are resistant to counterfeiting, and are able to be accurately verified. For example, the Western Hemisphere Travel Initiative (WHTI), established document requirements for travelers entering the United States who were previously exempt, including citizens of the United States, Canada, and Bermuda. WHTI increases security by requiring travelers to present a limited number of approved documents that can be electronically verified with the issuing source.

DHS also strongly supports national standards for identification documents to strengthen security while enhancing privacy safeguards and protections of personally identifiable information. DHS is committed to moving forward both administratively and with Congress to implement this key 9/11 Commission recommendation to help prevent terrorism, reduce fraud, and improve the reliability and accuracy of personal identification documents.

---

QUESTIONS SUBMITTED BY SENATOR RICHARD C. SHELBY

*Question.* The proposed 2011 DHS budget moved \$4 million for the National Computer Forensics Institute (NCFI) from under the National Protection & Programs

Directorate (NPPD), where it has been since 2008, to under the Federal Law Enforcement Training Center (FLETC). All indications and reports have been that the program has been an enormous success at its current location in Hoover, AL.

What is the purpose and intended outcome of moving the NCFI program under FLETC?

Answer. The requested transfer is intended to better align and coordinate law enforcement training.

*Question.* Is the move of the money an indication of a relocation of the program from Hoover to Brunswick, Georgia?

Answer. No. The intention is to continue operating NCFI in Hoover, AL.

*Question.* At the time the program was initiated, was there not a study done to determine the best site for the program that included Hoover and Brunswick? And that Hoover was selected based on the facility and partnership in place with the State government? Have any factors changed since that time?

Answer. FLETC was not involved in the studies associated with the establishment of the NCFI, but intends to continue operating NCFI in Hoover, Alabama, in partnership with the Secret Service.

---

QUESTIONS SUBMITTED BY SENATOR SAM BROWNBACK

NATIONAL BIO- AND AGRO-DEFENSE FACILITY (NBAF)

*Question.* The President's fiscal year 2011 budget request contains no funding for the construction of the National Bio- and Agro-defense Facility, but instead proposes to fund NBAF construction in fiscal year 2011 through a reprogramming of \$40 million in unobligated balances in the Science and Technology Directorate's budget.

Where does this reprogramming request stand now and when will it come to the Hill?

Answer. The Department is currently evaluating prior year balances and will submit a reprogramming in fiscal year 2011 to support construction of the central utility plant which will begin that year.

*Question.* Is it your understanding that the reprogramming request is subject to Congressional approval?

Answer. The Department plans to submit the reprogramming request to the Appropriations Committees, in accordance with section 503(b) and (c) of the fiscal year 2010 Department of Homeland Security Appropriations Act. The Department does not intend to move forward with the reprogramming until the Committees' comments have been heard and addressed.

*Question.* What specific purposes will the \$40 million be used for and when will those funds be expended?

Answer. The Science and Technology Directorate intends to use the \$40 million, in conjunction with \$40 million that the State of Kansas has raised towards clearing the land where the facility will be built and getting it ready for construction., and to build the central utility plant at the National Bio- and Agro-Defense Facility. The funds will be obligated in fiscal year 2011 and expended in fiscal year 2011 through fiscal year 2013.

NATIONAL BIO- AND AGRO-DEFENSE FACILITY (NBAF)/PLUM ISLAND

*Question.* Congress has authorized DHS to liquidate the Plum Island assets and retain the proceeds of the sale. This authorization provides that any proceeds could be used to offset costs associated with construction of the NBAF. I note the fiscal year 2011 DHS budget narrative states that NBAF construction has been delayed one year due to DHS' inability to sell Plum Island.

Could you detail for the committee the process and current status DHS will undertake to sell Plum Island?

Answer. DHS and the General Services Administration (GSA) have signed a memorandum of understanding (MOU) outlining the process for the sale of Plum Island. Ongoing outreach to stakeholders continues as DHS and GSA conduct real estate and regulatory due diligence.

In January 2010, DHS initiated the National Environmental Policy Act (NEPA) process for use of Plum Island. Next steps include conducting an independent real estate assessment, developing a marketing strategy, and hosting a bidders' conference. The public auction will be conducted online and a public Web auction process will be established.

*Question.* While the level of proceeds is uncertain, what assurances can you give us that the necessary DHS and GSA activities to market and sell the Island will be completed in a timely manner to facilitate a potential sale without further delay?

Answer. Under the memorandum of understanding (MOU) signed by the Department of Homeland Security (DHS) and the General Services Administration (GSA) outlining the process for the sale of Plum Island, a team of GSA and DHS personnel meet frequently to measure progress and resolve outstanding issues and have developed a schedule identifying the project's critical milestones. In addition, DHS and GSA have engaged with local stakeholders to discuss the marketing plans, zoning, environmental impacts, and general concerns to allow GSA and DHS to mitigate any adverse actions and prevent delay.

The public auction is the central activity of this process and will be supported by a national real estate firm, a public Web auction, and a bidders' conference early in the process.

*Question.* Has DHS slated any other projects to be funded from the proceeds of Plum Island?

Answer. DHS does not currently intend to use the proceeds from the sale of Plum Island for any other purpose than building the National Bio- and Agro-Defense Facility (NBAF) until the facility is completed. Once NBAF is completed, remaining funds from the sale proceeds may be used for the consolidated DHS headquarters facility.

#### FLOODPLAIN REMAPPING, LEVEE CERTIFICATION

*Question.* Last year at this hearing, I discussed with you FEMA's floodplain remapping process. In particular, I highlighted the plight of Garden City, Kansas and the inclusion of two drainage ditches and their surrounding area into the floodplain. Since that time, several other communities in Kansas and throughout the Nation have struggled with floodplain remapping issues. While the levees in Gypsum, Kansas have been inspected every year by the U.S. Army Corps of Engineers, FEMA's regulations require a more rigorous process for levee certification, leaving a town with a population of 400 people to find \$50,000 a mile, almost \$200,000 total, to certify their levee to FEMA's standards. The Army Corps has the authorization to do this certification but does not have the funding to do so. It seems to me we need to bring a common sense approach to this bureaucratic process as we are placing a large financial burden on these communities.

Has FEMA reexamined the requirements and process for levee certification to identify avenues to ease the financial burden on the communities?

Answer. Yes, FEMA is reexamining the requirements and processes for levee certification to ease the financial burden on communities. While FEMA is statutorily required to revise and update all floodplain areas and flood risk zones, it does not have authority nor does it receive funding to build or maintain levees, dams or other flood control infrastructure.

Communities with levees can utilize the following programs:

—*Provisionally Accredited Levee (PAL) Program.*—Levee owners who do not have the necessary paper work to certify that their levee meets safety and structural standards—but are willing to certify that they are unaware of any problems with their levee—can have their levees provisionally accredited for 2 years. While the levee is provisionally accredited the homes protected by the levee are not required to purchase flood insurance.

—*Area of Restoration (AR) Zone.*—For levee owners who have identified defects in their levee, FEMA allows homeowners behind the damaged levee to access discounted flood insurance rates while repairs are being made. Once “adequate progress” has been made in the repairs to the levee, homeowners are not required to purchase flood insurance. Federal statute defines “adequate progress” as meeting all of the following criteria:

- 100 percent of the project cost of the system has been authorized;
- At least 60 percent of the project cost of the system has been appropriated;
- At least 50 percent of the project cost of the system has been expended, and
- The system is at least 50 percent completed.

FEMA continues to examine the requirements of the National Flood Insurance Program to ensure it meets the legislative direction and effectively helps communities and individuals buy down their risk of flooding through insurance and other floodplain management activities. At present, a FEMA NFIP Reform Working Group is conducting an analysis of NFIP issues and developing a portfolio of public policy alternatives, with expected completion in early May. In addition, FEMA is actively working with USACE on public outreach on levees and flood risk management. DHS will continue to meet and work with Congress to inform best solutions, and will work within the Department to identify short term policy and administrative solutions.

*Question.* Has FEMA approached the U.S. Army Corps of Engineers about altering their annual levee inspections to meet FEMA's levee certification process?

*Answer.* FEMA and USACE coordinate on a regular basis regarding national levee issues in an effort to improve transparency and efficiency across agencies. Currently, FEMA uses these inspection reports as a consideration for determining levee status.

*Question.* Can you outline any other steps FEMA has taken to work with local communities to address this issue?

*Answer.* FEMA works closely with local and community officials confronting levee issues, frequently visiting impacted communities to address questions and concerns. FEMA has also published outreach materials to assist local communities and levee owners in understanding the requirements for having a levee recognized. These materials are available on the FEMA Web site at: [http://www.fema.gov/plan/prevent/fhm/lv\\_state.shtm](http://www.fema.gov/plan/prevent/fhm/lv_state.shtm)

SUBCOMMITTEE RECESS

Senator BYRD. The subcommittee stands in recess, and I thank you, Madam.

Secretary NAPOLITANO. Thank you.

Senator BYRD. The subcommittee stands in recess subject to the call of the Chair.

[Whereupon, at 3:58 p.m., Wednesday, February 24, the subcommittee was recessed, to reconvene subject to the call of the Chair.]





**DEPARTMENT OF HOMELAND SECURITY  
APPROPRIATIONS FOR FISCAL YEAR 2011**

---

**TUESDAY, APRIL 13, 2010**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2:33 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Robert C. Byrd (chairman) presiding.  
Present: Senators Byrd, Lautenberg, Voinovich, Cochran, and Murkowski.

DEPARTMENT OF HOMELAND SECURITY

U.S. COAST GUARD

**STATEMENT OF ADMIRAL THAD W. ALLEN, COMMANDANT**

OPENING STATEMENT OF SENATOR ROBERT C. BYRD

Senator BYRD. The subcommittee will come to order. Today I welcome, along with my friend the ranking member, Mr. Voinovich, I welcome the Commandant of the Coast Guard, Admiral Thad Allen—there's a man on my left named "Thad". My wife's mother was an Allen, from Floyd County, Virginia. And today I welcome the Commandant of the Coast Guard, Admiral Thad Allen, to discuss the fiscal year 2011 budget request for the Coast Guard.

In May, the Commandant will conclude his 4-year term as the highest ranking member of the Coast Guard, and he has served his Nation with distinction.

Let the record show that there was applause.

The importance of our Coast Guard cannot—I say cannot—be overstated. It is the fifth branch of the military, and it is responsible for the safety and the security of our maritime interests in U.S. ports, waterways, and on the high seas.

The Coast Guard is also a critical first responder to natural disasters. While the Nation watched—while the Nation watched, the Coast Guard rescued over 33,000 people in the aftermath of Hurricane Katrina in 2005. This past January, the Coast Guard was the first, the first on the scene to evacuate over 1,000 U.S. citizens from Haiti following the most devastating earthquake ever to strike that country.

The Commandant of the Coast Guard has made significant organizational changes intended to improve Coast Guard business practices. In addition, the Commandant has made several changes to improve the management of Deepwater, the Coast Guard's acquisi-

tion program intended to modernize its fleet of ships and planes. These changes—these changes, along with legislation that this subcommittee, our subcommittee, Senator Cochran, initiated in fiscal year 2007 in the Supplemental Appropriations Act, have stabilized this previously troubled acquisition program.

Despite these improvements, the Coast Guard is challenged with aging fleets, aging assets, a fragile infrastructure, and workforce shortfalls. That is why the cuts proposed in the 2011 President's budget are so puzzling, so puzzling to me. The President's budget request for the Coast Guard would cut, c-u-t, cut, discretionary funding by \$71 million—now, that's not just chicken feed; that's \$71 million—and would reduce military strength by 1,112 billets. The Coast Guard is the only branch of the military to experience a personnel decrease in the President's budget proposal.

In addition, funding for acquisitions would be cut by 10 percent. The President's request does include important funding for critical acquisitions, such as the fifth national security cutter and four fast response cutters. But these proposals are overshadowed by plans to decommission five maritime safety and security teams, four high endurance cutters, one medium endurance cutter, four fixed wing aircraft, and five HH-65 helicopters.

Now, I'm troubled. I'm troubled. I'm very troubled that at the same time that the Coast Guard faces significant asset gaps in meeting existing mission requirements, the Office of Management and Budget is proposing to decommission existing assets before new assets come on line to replace them. Let me say that again: I'm troubled that at the same time that the Coast Guard faces significant asset gaps in meeting existing mission requirements, the Office of Management and Budget (OMB), is proposing to decommission existing assets before new assets come on line to replace them.

Such reductions raise serious concerns to this chairman. Let me say that again for emphasis: Such reductions raise serious concerns to this chairman. You better believe it.

The Coast Guard budget appears to be driven by a budget top line rather than by the need to effectively address the Coast Guard's mission requirements. Now let me say that once more: The Coast Guard budget appears to be driven by a budget top line rather than by the need to effectively address the Coast Guard's mission requirements.

Will the Coast Guard be able to maintain current capability to secure our ports, intercept illegal migrants, interdict drug smugglers, and save lives with this proposed funding plan? Sadly, and I repeat it: sadly—the answer is no. Two letters, the hardest word in the English language: No. The most difficult word. So the answer is no, putting our citizens who depend on the Coast Guard at risk.

We will explore these matters in more detail today. Following Senator Voinovich's opening remarks, we will hear from Admiral Allen. After we hear from the Commandant, each member, each member, will be recognized by seniority for up to 7 minutes for remarks and questions.

I now recognize Senator Voinovich for any opening remarks he may wish to make.

## STATEMENT OF SENATOR GEORGE V. VOINOVICH

Senator VOINOVICH. Thank you, Mr. Chairman.

Welcome, Admiral Allen. I share with the chairman of the subcommittee that my wife Janet's maiden name was Allan.

Senator BYRD. Really? Say that again?

Senator VOINOVICH. I said my wife's mother's name was Allan.

Senator BYRD. How about that?

Senator VOINOVICH. Janet K. Allan, that was my wife's maiden name.

Senator BYRD. My wife's mother's name was Allen. You and I may be kinfolk.

Senator VOINOVICH. We may very well be.

Unfortunately, she went from Allan to Voinovich, so she used to be called on first and now she's at the end.

We're pleased that you're here with us this afternoon to present your budget request. As the chairman has said at the onset, I'd like to note for everyone that you do plan to retire after 38 years in the Coast Guard. I think this is quite an accomplishment, and I think as Commandant you've been an honest broker with the Congress and a great member of the Homeland Security team. We thank you from the bottom of our hearts for our Nation for the services that you have given our country during your years in service.

The Coast Guard was key to standing up the Department and providing continuity at a critical time. As far as I'm concerned, the Coast Guard has been the anchor since the beginning of the Department of Homeland Security. It is always first to respond, as it did following Hurricane Katrina, as the chairman has so eloquently mentioned. Recently when a devastating earthquake hit Haiti, the Coast Guard was there.

One of the things that I'd be interested in knowing is the impact of your participation there and what it's had on your 2010 budget. I think so often we compliment the American people for their generosity, and we have been generous to Haiti, but I think we fail to calculate how much money Haiti has cost to our various Federal agencies and how they're able to compensate for that and continue to do the other jobs that we have asked them to do.

The fiscal year 2011 budget request for the Coast Guard totals \$8.5 billion in discretionary spending, \$71 million less than fiscal year 2010. Quite frankly, \$71 million is a lot of money, but in terms of an \$8.5 billion budget—I'm still having people trying to figure out what percentage \$71 million is to \$8.5 billion—it's pretty, pretty, pretty small.

I am one of those who have been very concerned about growing debt and unbalancing our budgets, as far as I can see they're unbalanced. When I became Governor of Ohio, we were in kind of the same fix we are today, and I had a saying that said: "Gone are the days when public officials will be judged on how much they spend on a problem. Public officials will be judged on whether they can work harder and smarter and do more with less."

Admiral Allen, you indicate that strong fiscal discipline was applied to your request to make sure you're investing your resources in, "what works, cutting down on redundancy, eliminating spending on ineffective programs, and making improvements across the

board.” You indicate that the budget focuses resources on your highest priority, the continued acquisition of new cutters, aircraft, and infrastructure to replace the Coast Guard’s aging assets.

Facing, as you mentioned, the Federal debt and skyrocketing deficits, I do not dispute what you say. We do need to curb our appetites and bring discipline to Federal spending. The question is do you feel confident that this budget gets the job done for the Coast Guard and for the American people, as the chairman has so eloquently stated?

The request proposes to reduce the Coast Guard’s military strength by 1,112 billets. Many of my colleagues say this is too much, that this reduction in people, along with the decommissioning of operational assets and units, will seriously injure the capacity and capability of the Coast Guard to perform its many and varied missions.

I think that one of the things that you’re going to have to do in your testimony and thereafter is to convince us that what you’re suggesting here makes sense from the point of view of the Coast Guard. I have no reason to think that a man that’s been in the Coast Guard for 38 years would be coming before us today and presenting a budget that he doesn’t think will get the job done. But I think there is some real question here about whether or not that’s the case. So you’ll have to make that case.

Your candor will be greatly appreciated. As you know, it’s the job of this subcommittee to not just look at your budget proposal, but at the proposed allocation of resources among all of the components in the Department to determine if we agree with the tradeoffs. Again, I’d like to say you probably know a whole lot more about that than we do because you are closer to it and live with it every day.

So I look forward to hearing your thoughts today as you present your budget.

Thank you, Mr. Chairman.

Senator BYRD. Thank you, Senator.

Admiral Allen, before we begin I want to recognize the hard-working employees of the Coast Guard Operations System Center, the National Vessel Documentation Center, and the National Maritime Center, all of which are in West Virginia. These West Virginians are proud to support the Coast Guard’s many missions.

Admiral Allen, you’re now recognized for your opening remarks.

#### SUMMARY STATEMENT OF ADMIRAL THAD W. ALLEN

Admiral ALLEN. Thank you, Mr. Chairman, Senator Voinovich and distinguished members of the subcommittee. Thank you for the opportunity to testify today on the Coast Guard’s fiscal year 2011 budget. I ask that my entire written statement be submitted for the record. I have a short oral statement.

I would like to thank the subcommittee members for your continued support of our Coast Guard men and women and for your gracious comments here today. Mr. Chairman, on the 12th of February I delivered my fourth and final State of the Coast Guard Address. I described our current state as ready and resilient, and I think this was clearly demonstrated following the devastating earthquake in Haiti, as you have noted. One hour after the earthquake

struck, three cutters were ordered to proceed to Haiti. Arriving on scene the following morning, our units controlled aircraft movements until the airport tower was operational, conducted damage assessments, provided medical care and even delivered a baby on the flight deck of a Coast Guard cutter. Our aircraft began to evacuate American citizens and the most critically injured Haitians.

As the recovery ramped up, we deployed a reserve port security unit and a maritime transportation recovery unit, applying lessons learned from Hurricane Katrina. Our forces were instrumental in reopening Port au Prince Harbor to allow relief supplies to be delivered at a much higher volume via container. We partnered with the Department of Defense, State Department, Federal Emergency Management Agency, and our Homeland Security partners to support the U.S. Agency for International Development and our ambassador. At the same time, we actively patrolled and monitored departures from Haiti for any indication of a mass migration.

The Coast Guard was the first on scene because our operational forces and command and control structure are agile and flexible. We are a multi-mission military, whole of government, service and agency that is unique to this country and the world. We provide tremendous value to the American people and the global maritime community.

Even as we surged into Haiti, other Coast Guard assets were breaking ice on the Great Lakes and in New England, medically evacuating a heart attack victim 275 miles off San Diego, conducting fishing vessel safety patrols in the Bering Sea and detaining 12 foreign vessels around the country for violating International Maritime Organization conventions.

Our organizational genius is our operational model that emphasizes on-scene initiative and allows our field commanders to move resources where they are needed the most. That competency will be the key to effective performance as we face constrained funding levels.

As we discuss the fiscal year 2011 budget request, the constrained fiscal environment is the overarching issue. In his State of the Union Address, the President said: Families across the country are tightening their belts; the Federal Government should do the same. That sentiment is certainly reflected in our 2011 budget.

In my discussions with Secretary Napolitano, we had to make difficult tradeoffs between balancing our current operational capacity with the need for new cutters, aircraft, boats, and sensors. We made a conscious decision to continue to invest in our future. This budget contains nearly \$1.4 billion to acquire new assets while removing from service aging cutters and aircraft that are too costly to maintain. But I would note that level is \$156 million less than the current year appropriation and represents the absolute minimum investment level to sustain our future readiness to remain ready and resilient.

To permit recapitalization at that rate within a fixed top line, we also had to limit our operating costs. Accordingly, the budget proposes consolidating activities, including the regionalization of our maritime safety and security teams and decommissioning of aging cutters.

Mr. Chairman, these were not easy choices, but they were necessary, and they result in the reduction of the 1,112 military personnel that you noted. These reductions will be challenging because we have also experienced unprecedented low-attrition and high-retention rates within our current workforce. As a result, we have higher personnel levels this year than were forecasted. To manage the workforce this year and next year, depending on the funding appropriated, we will be looking at a range of programs from reduced accessions to waivers for obligated service so that we can manage the workforce at the funded level.

Because our people are our most valuable asset, we will carefully study the impacts on our workforce and their families before implementing any measures, and we are committed to transparency in this process.

Sir, the bottom line is we have less capacity in 2011 than we did in 2010. As I noted earlier, faced with these restraints, we will manage risk and allocate resources provided to the highest priority, just as we have always done under our business model. Recapitalizing the fleet is my top priority. It has to be because our future readiness is at stake. Of the 12 cutters that initially responded to Haiti, 10 suffered severe, mission-affecting casualties. With each passing year our operating capability erodes, putting our people at risk and endangering our ability to execute our statutory responsibilities.

I might add, the earthquake in Haiti was also the first test of our modernized support system, and that was highly successful. By providing product line support and forward-deploying support personnel through the chain of command, we were able to sustain our Haiti relief efforts while still executing other missions, despite the casualties I mentioned.

To fully implement our modernization, however, I ask the Congress to pass authorizing legislation so we can move forward. I also ask for your support with our authorizing committees. In addition to transforming our maintenance and logistics processes, we made significant progress toward building an acquisition organization capable of assuming the lead systems integrator role, not only for Deepwater but all Coast Guard programs.

The contract for the fast response cutter (FRC) was lauded by the Government Accountability Office for its thoroughness, and last Friday we held a keel-laying ceremony for our first FRC, the *Bernard C. Weber*. The lessons learned from the *Bertholf*, our first national security cutter, were rolled into the *Waesche*, which will be commissioned on the 7th of May. *Waesche* achieved the authority to operate classified systems 1 year earlier and at 50 percent fewer trial cards, or discrepancies after acceptance, than *Bertholf*. Although these are signs of progress, there is certainly more work to be done.

I understand the subcommittee's frustration with the timeliness of acquisition-related reports. We are working at best speed to rectify that situation. We delivered the 2009 Deepwater expenditure report at the beginning of March, and our 2010 Deepwater implementation plan is under administration review. Mr. Chairman, it is my personal goal to give that report to you before I retire as Commandant.

I fully understand the challenges you face in making decisions and the importance of information in these reports. You deserve to have this information when you receive your budget justifications, and we will continue to work with your staffs to meet the reporting requirements.

PREPARED STATEMENT

Mr. Chairman, as I indicated earlier, the state of the Coast Guard is ready and resilient, but our fleet is fragile and approaching the limits of supportability because of age. We must recapitalize our fleet at best speed to ensure we can deliver superior service to the Nation. Our guardians deserve our best because that's what they give us.

I'd be glad to answer your questions, sir.  
[The statement follows:]

PREPARED STATEMENT OF ADMIRAL THAD W. ALLEN

INTRODUCTION

Good afternoon Mr. Chairman and distinguished members of the subcommittee. Thank you for the enduring support you have shown to the men and women of the United States Coast Guard.

I am here today to discuss the Coast Guard's fiscal year 2011 budget request. Before I discuss the details of the request, I would like to take this opportunity to explain how I view the principles of Coast Guard operations, our most recent actions in Haiti, and the current budget environment.

For over two centuries the U.S. Coast Guard has safeguarded the Nation's maritime interests at home and around the globe. The Coast Guard saves those in peril and protects the Nation's maritime transportation system, resources, and environment. Over the past year, Coast Guard men and women—active duty, reserve, civilian and auxiliaries alike—continued to deliver premier service to the public. They performed superbly in the heartland, in our ports, and while deployed at sea and around the globe. They saved over four thousand lives and worked closely with interagency partners to ensure resilience to natural disasters at home and abroad.

The Coast Guard's military, multi-mission, maritime assets provide agile and adaptable operational capabilities that are well-suited to serve the Nation's interests. The national benefit of this multi-mission character is exemplified at the field level by an individual asset's ability to seamlessly, and at times simultaneously, carry out distinct yet complimentary functions in the maritime domain—law enforcement, national defense, facilitation of maritime commerce, maritime safety, environmental protection, and humanitarian response. In short, whether in our Nation's intercoastal waterways, ports, coastal areas, or maritime approaches, the Coast Guard is here to protect, ready to rescue.

The Coast Guard's ability to conduct surge operations and leverage partnerships in response to nationally significant safety, security, or environmental threats is critical to disaster recovery and exemplifies the resiliency of the Coast Guard and the Department of Homeland Security (DHS).

At a time when "whole of government" approaches are critical to achieving national objectives across a broad spectrum of strategic challenges, it must be recognized that the Coast Guard provides a unique and invaluable contribution to maritime safety and security. There is no finer example of the ability of the service to respond to all threats and hazards than our recent response to the earthquake in Haiti. The first Coast Guard asset was on scene in Port-au-Prince less than 18 hours after the earthquake. Coast Guard units were the first on scene and have been working around the clock with our interagency partners to provide humanitarian assistance, evacuate U.S. citizens, and help the most seriously wounded. As Commandant, I could not be more proud of our response efforts in Haiti. Our actions were guided by the Principles of Coast Guard Operations contained in Coast Guard Publication One, U.S. Coast Guard: America's Maritime Guardian. All six principles were evident during our efforts in Haiti:

—*Clear Objective.*—The first cutters and aircraft that arrived in Haiti knew what needed to be done and reconciled their unit's competencies with the opportunities.

- Effective Presence*.—We were already in position to respond quickly to Haiti and our continued presence in the ports and oceans make us critical first responders.
  - Unity of Effort*.—We are bureaucratically multi-lingual which helped us quickly integrate our operations within DHS as well as with U.S. Agency for International Development, Department of Defense, and other interagency partners.
  - On-Scene Initiative*.—We expect our people to take action without having to wait for orders. That is part of our very make up and what separates us from other entities.
  - Flexibility*.—By our nature, we are multi-mission and this greatly enhances our value to the Nation and the global maritime community.
  - Managed Risk*.—We allocate the right mix of units and people, as well as leveraging all partnerships, to achieve desired effects.
  - Restraint*.—We are sensitive to the broader context of our operations. We understand how our operations impact the public we serve.
- The principles are as relevant today as they were in 1790, and will guide our implementation of the initiatives proposed in the fiscal year 2011 budget.

#### FISCAL YEAR 2011 REQUEST

The fiscal year 2011 budget presents the most efficient and effective use our resources. We applied strong fiscal discipline to make sure that in 2011 we will be investing our resources in what works, cutting down on redundancy, eliminating spending on ineffective programs and making improvements across the board. We took as our highest priority the continued acquisition of new cutters, aircraft, and infrastructure. This commitment is vital to our ability to protect, defend, and save well into the 21st century.

The Coast Guard's fiscal year 2011 budget request focuses resources on our top budget priority—continued recapitalization of aging assets and infrastructure. In addition to recapitalization, the fiscal year 2011 budget includes pay and standard personnel costs associated with the military workforce, training, operating funds for new assets, and unit and depot level maintenance. Highlights from our request are included in Appendix I.

#### RECAPITALIZING TO PRESERVE FUTURE CAPABILITY

The fiscal year 2011 budget continues funding for recapitalization of aging assets (e.g. cutters, aircraft, boats, Command, Control, Communication, Computers, Intelligence, Surveillance, and Reconnaissance, and infrastructure). I cannot emphasize enough that recapitalization is critical to preserving future surface, air, and shore asset capability; this is an essential investment for the Coast Guard. What the Coast Guard builds today will help secure the Nation's borders, rescue those in peril, preserve our maritime resources and vitality, and protect the environment for decades to come.

The fiscal year 2011 budget continues the disposition of legacy assets where new surface and air assets are coming online. Additionally, savings from targeted reallocations of operational capacity, efficiencies, and consolidation initiatives are redirected to support continued recapitalization of aging assets and infrastructure. These capacity shifts could create short-term impacts on Coast Guard service delivery if recapitalization schedules are not met, however, operational commanders will always allocate resources to meet the Nation's highest order maritime safety, security, and stewardship needs. As such, monitoring performance and adapting through risk management will be a key strategic aim for the Coast Guard in fiscal year 2011. In general, long-term Coast Guard performance ultimately depends on the pace and stability of future recapitalization, which in turn depends on our ability to manage the cost, schedule and quality of our acquisition programs.

Preservation of the Coast Guard's maritime capability through the recapitalization of surface and air assets is a strategic imperative for DHS and the Coast Guard. The fiscal year 2011 budget continues major cutter recapitalization by funding production of the fifth National Security Cutter (NSC), refurbishment of another 270-foot Medium Endurance Cutter, design of the Offshore Patrol Cutter (OPC), and construction of four more Fast Response Cutters (FRCs). Another fiscal year 2011 recapitalization priority is the HC-144A Maritime Patrol Aircraft (MPA) which will replace the HU-25 Falcon, approaching the end of its service life.

At the requested funding level of \$1.4 billion, we will maintain a robust and stable capital investment funding profile, which is my highest priority for the Coast Guard. I appreciate Congress' continuing efforts to coordinate closely with the Coast Guard to support our acquisition reform initiatives.



## DELIVERING VALUE TO THE NATION

In fiscal year 2011, the Coast Guard will continue to provide exceptional service to the Nation. The fiscal year 2011 budget provides \$87 million more for the operating expenses of Coast Guard, including personnel pay and allowances, training and recruiting, operating funds for newly acquired assets delivered through Coast Guard recapitalization programs, and unit and depot level maintenance. Further, the budget annualizes new funding provided by Congress in fiscal year 2010 for marine safety, financial management oversight, armed helicopters, Biometrics at Sea, the Seahawk Charleston Interagency Operations Center, counternarcotics enforcement, and new watchstanders. It also enhances deployable law enforcement capacity to mitigate emergent terrorism and border security risks.

## WORKFORCE OPTIMIZATION

In fiscal year 2011, the Coast Guard will sustain previous enhancements to the acquisition, financial management, and marine safety workforces, and it will continue to promote a diverse and competent workforce that can adapt to employ new and improved assets to meet evolving mission demands.

Maintaining the welfare of our workforce remains one of my top priorities. The fiscal year 2011 budget supports our need to improve military housing. The Coast Guard currently owns 4,020 military housing units, the average age of which is over 40 years. Many of the Coast Guard's housing assets require recapitalization due to safety and habitability issues. The budget funds the recapitalization, improvement, and acquisition of 18 military family housing units in critical areas where we struggle to provide suitable and affordable housing for our members.

Through strong efforts and a commitment to the workforce, the Coast Guard will continue to foster an environment in which every individual has opportunity to prosper. In 2009, the Coast Guard launched its Diversity Strategic Plan. This plan builds upon the significant progress we have achieved to date and provides direction for our collective efforts to make the Coast Guard a leader in diversity development and a model for the Nation.

## SAVINGS AND DECOMMISSIONINGS

The safety and security of the American people are our highest priorities, and the Coast Guard will continue to meet national search and rescue standards across the country. The Coast Guard will leverage available efficiencies to maximize service delivery and provide the Nation with the highest possible return on investment. Proposed efficiency highlights include small boat logistics management improvements, contract in sourcing, headquarters management efficiencies, and the consolidation of intelligence fusion centers under a single operational command. The fiscal year 2011 budget also includes the decommissioning of legacy assets, the restructuring of deployable forces, and the realignment of helicopter capacity to the Great Lakes region. Four HECs, which have been in service since Vietnam, are being recapitalized with newer, more capable NSCs. A new regionalized construct for Maritime Safety and Security Teams (MSSTs) will enable the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed. Rotary wing realignment reallocates existing highly capable aircraft to the Ninth Coast Guard District where they will be more operationally effective in executing assigned missions, thus allowing the closure of two seasonal Air Facilities.

## MODERNIZATION OF BUSINESS PRACTICES

Coast Guard Modernization is the centerpiece of an overarching strategy to transform our legacy command and control structures, support systems, and business processes into an adaptive, change-centric, learning organization. This transition from a geographically based structure to a functionally aligned organization enables the Coast Guard to optimize sustained mission execution and support, and increase alignment within DHS and with our fellow Armed Forces. By positioning ourselves to be more flexible, agile, and change-centric, we will improve our service to the Nation and enhance every Guardian's ability to protect, defend, and save.

Our recent experience and support of Haiti response and relief operations is instructive. As I have noted in the past, the Coast Guard operates one of the oldest fleets in the world. Of the 12 major cutters assigned to Haiti relief operations, 10 cutters, or 83 percent, suffered severe mission affecting casualties, two were forced to return to port for emergency repairs, and one proceeded to an emergency dry dock. We also had to divert air resources away from evacuation efforts to deliver repair parts. This process was coordinated flawlessly through our new logistics

structure, including the creation of a forward-deployed logistics structure at Guantanamo Bay. The response was a triumph for our modernized mission support organization. It also underscores the condition of our fleet and the responsible actions we are taking to decommission those assets with liabilities that outweigh their service value.

We are creating a better Coast Guard through modernization, and the recent positive endorsement our efforts received from the National Academy of Public Administration reinforces the need to continue moving forward. As I enter my final months of service as Commandant, I ask for your support to provide the Coast Guard with authority to carry out the remainder of our modernization efforts.

#### CONCLUSION

Regarding our ongoing efforts in Haiti, many have questioned how the Coast Guard can do so much so quickly, and I simply reply: "This is what we do." Our Guardians are committed to protecting, defending, and saving without having to be told to do so. Along with all Americans, I am truly inspired by the Coast Guard men and women operating in theater, backfilling for deployed units, or providing the necessary support to make it all possible. As always, our Guardians are here to protect and ready to rescue at a moment's notice. That is who we are and why we serve.

I look forward to working with the subcommittee as we move together to achieve our shared goals of a stronger, more capable and effective Coast Guard across all of our safety, security and stewardship missions. Again, thank you for the opportunity to testify before you today. I am pleased to answer your questions.

#### APPENDIX I—FISCAL YEAR 2011 BUDGET REQUEST

The fiscal year 2011 President's budget continues funding for recapitalization of aging assets (e.g., cutters, aircraft, boats, and command, control, computer, communications, intelligence, surveillance, and reconnaissance (C4ISR) and infrastructure. Recapitalization is vital to preserving future surface, air, and shore asset capability, and is an essential investment for the Nation. In addition to recapitalization, the fiscal year 2011 President's budget includes pay and standard personnel costs associated with the military workforce, training, operating funds for new assets, and unit and depot maintenance.

#### FISCAL YEAR 2011 INITIATIVES AND ENHANCEMENTS

##### *Recapitalize Operating Assets and Sustain Infrastructure*

###### *Surface Assets—\$856.0 Million, 0 FTE*

The budget provides \$856.0 million for surface asset recapitalization or enhancement initiatives: production of National Security Cutter (NSC) #5; continued analysis and design of the Offshore Patrol Cutter (OPC); production of Fast Response Cutters (FRC) #9–12; production of Cutter Small Boats—one Long Range Interceptor and one Short Range Prosecutor; and operational enhancement of three Medium Endurance Cutters at the Coast Guard Yard through the Mission Effectiveness Project.

###### *Air Assets—\$101.0 Million, 0 FTE*

The budget provides \$101.0 million for the following air asset recapitalization or enhancement initiatives: production of HC-144A Maritime Patrol Aircraft #15; HH-60 engine sustainment and avionics, wiring and sensor upgrades for eight aircraft; HC-130H avionics and sensor development and testing, and the acquisition of components for two center wing box replacements; and HC-C130J fleet introduction.

###### *Asset Recapitalization—Other—\$155.5 Million, 0 FTE*

The budget provides \$155.5 million for the following equipment and services: continued development of logistics capability and facility upgrades at shore sites where new assets will be homeported; and design and development of C4ISR-integrated hardware and software systems for surface and air assets.

###### *Response Boat Medium (RBM)—\$42.0 Million, 0 FTE*

The budget provides \$42 million to order 10 boats to replace the aging 41-foot utility boat and other non-standard boats with an asset more capable of meeting the Coast Guard's multi-mission requirements.

###### *Rescue 21—\$36.0 Million, 0 FTE*

The budget provides \$36.0 million to complete deployment at Sectors Detroit, MI; Los Angeles/Long Beach, CA; Honolulu, HI; San Juan, PR; Guam; and Buffalo, NY; and continue deployment at Sectors Lake Michigan and Sault Sainte Marie, MI;

Ohio River Valley, KY; Upper Mississippi River, MO; and Lower Mississippi River, TN. The Rescue 21 system is the Coast Guard's primary communications, command, and control system for all inland and coastal missions.

*Shore Facilities and Aids to Navigation (ATON) Recap Projects—\$69.2 Million, 0 FTE*

The budget provides \$69.2 million to recapitalize shore infrastructure for safe, functional, and modern shore facilities that effectively support Coast Guard assets and personnel. fiscal year 2011 funding supports:

- Survey and Design—Planning and engineering of out-year shore projects.
- Minor Shore Projects—Completion of minor shore construction projects that are less complex but enable the Coast Guard to respond to critical operational and life safety issues associated with degraded shore facilities.
- ATON Infrastructure—Improvements to short-range aids and infrastructure.
- Chase Hall Barracks—Continued renovations to the Coast Guard Academy's Chase Hall by modernizing and improving habitability of the cadet barracks.
- Newport, RI Pier—Improving an existing pier face to provide over 800+ linear feet of moorings for Coast Guard Cutters Juniper, Willow, and Ida Lewis, and creates the necessary pierside support facilities.
- Aviation Technical Training Center—Building upon efforts funded under the American Recovery and Reinvestment Act (ARRA) to rehabilitate Thrun Hall at the Aviation Technical Training Center in Elizabeth City, NC.

*Housing—\$14.0 Million, 0 FTE*

The budget provides \$14.0 million for the construction, renovation, and improvement of Coast Guard military family housing. The Coast Guard currently owns 4,020 military housing units, the average age of which is over 40 years. Funding is critical to improving Coast Guard-owned housing facilities, enhancing the quality of life of the military workforce and their families, and reducing the overall shore infrastructure maintenance backlog.

*Military Workforce—\$86.2 Million, 0 FTE*

The budget provides \$86.2 million to maintain parity of military pay, allowances, and healthcare with the Department of Defense. As a branch of the Armed Forces of the United States, the Coast Guard is subject to the provisions of the National Defense Authorization Act, which includes pay and personnel benefits for the military workforce. The Coast Guard's multi-mission military workforce is unique within DHS. This request includes funding for basic allowance for housing, childcare benefits for Coast Guard members, permanent change of station costs, and military healthcare costs.

*Shore Facilities—\$4.3 Million, 0 FTE*

The budget provides \$4.3 million for the operation and maintenance of acquisition, construction and improvement shore facility projects scheduled for completion prior to fiscal year 2011. Funding is required for daily operating costs for energy, utility services, grounds maintenance, routine repairs, and housekeeping. These costs also include the operation and maintenance of the ATON's day/night/sound/electronic signal, power system, and support structure.

*Response Boat-Medium (RB-M) Maintenance—\$2.0 Million, +5 FTE*

The budget provides \$2.0 million for fiscal year 2011 operations and maintenance costs associated with delivery of 18 RB-Ms. This request also includes electrical support personnel and associated personal protective equipment to support the platform's increased capability.

*Rescue 21 Follow-on—\$7.1 Million, +1 FTE*

The budget provides \$7.1 million for follow-on funding to operate Rescue 21, the Coast Guard's primary system for performing the functional tasks of command, control, and communications in the inland and coastal zones for Coast Guard operations including search and rescue and maritime security missions. This funding will support five distinct cost categories that sustain Rescue 21: equipment operation and maintenance, circuit connectivity, property and power, training, and technology refresh.

*Rescue Swimmer Training Facility (RSTF)—\$1.9 Million, +7 FTE*

The budget provides \$1.9 million for the operation and maintenance of the RSTF, its Modular Egress Training Simulator, and recurring training costs. The RSTF will directly support Aviation Survival Technician (rescue swimmer) training and qualification standards, as well as egress certification and recertification for air crews and some small boat crews.

*Surface and Air Asset Follow-on—\$62.5 Million, +173 FTE*

The budget provides a total of \$62.5 million to fund operations and maintenance of cutters, boats, aircraft, and associated subsystems delivered through major cutter, aircraft, and associated C4ISR acquisition efforts. Funding is requested for the following assets:

- NSC—Shoreside logistics support and maintenance funding necessary for three NSCs located in Alameda, CA; unit operations and maintenance funding for the third NSC scheduled for delivery in fiscal year 2011.
- Training System Personnel—Funding and training personnel for the NSC C4ISR training suite at Training Center Petaluma, CA.
- FRC—Operating and maintenance funding for the first five FRCs scheduled for delivery in fiscal year 2011 and homeported in Miami, FL; shore-side maintenance personnel needed to support FRCs being delivered in fiscal year 2011; and, personnel to operate and maintain the seventh and eighth FRCs scheduled for delivery early in 2012.
- Transition Aviation Training Center Mobile and Air Station Miami to HC-144A Maritime Patrol Aircraft (MPA)—Funding to support a change in aircraft type, allowance, and programmed utilization rates at Aviation Training Center Mobile, AL and Air Station Miami, FL.
- HC-144A MPA—Operating and maintenance funding and personnel for aircraft #12 and personnel for aircraft #13; logistics support personnel and maintenance funding for the HC-144A product line.
- Armed Helicopters for Homeland Security Follow-on—Recurring funds to maintain Airborne Use of Force (AUF) Kit “A” equipment for 22 HH-65C helicopters.
- C4ISR Follow-on—Funding to maintain new high-speed Ku-band satellite communications systems installed on major cutters prior to fiscal year 2011.

## FISCAL YEAR 2011 EFFICIENCIES, REALLOCATIONS, AND DECOMMISSIONINGS

The fiscal year 2011 President’s budget includes efficiencies, consolidation initiatives, decommissionings, and operational restructuring. Savings associated with targeted efficiencies and consolidation initiatives have been redirected to support operations and maintenance and recapitalization priorities.

*Maritime Safety and Security Teams— \$18.2 Million, –196 FTE*

In fiscal year 2011, Maritime Safety and Security Teams (MSSTs) Anchorage, Kings Bay, New Orleans, New York, and San Francisco will be decommissioned. The seven remaining MSSTs will provide the same geographic coverage by deploying regionally to mitigate the highest prevailing port security risks in the Nation’s critical ports.

MSSTs will continue to escort vessels, patrol critical infrastructure, perform counter terrorism activities, enforce laws aboard high interest vessels, and respond to unanticipated surge operations (e.g., mass migration response, hurricane response, terrorist attack, etc.) consistent with regional threats.

As part of this initiative, the Coast Guard will reinvest partial MSST savings in the Law Enforcement Detachment (LEDET) program to address increased demand for LEDET services in support of Coast Guard missions. The fiscal year 2011 investment increases the roster of all 17 existing LEDETS from 11 to 12 members per team, and creates one new 12-person LEDET. LEDETs are high return-on-investment national assets that augment defense operations in support of combatant commanders and counter drug operations in the Caribbean and Eastern Pacific.

*High Endurance Cutters— \$28.2 Million, –383 FTE*

In fiscal year 2011, the Coast Guard will decommission four High Endurance Cutters (HEC): *RUSH*, *JARVIS*, *CHASE*, and *HAMILTON*. The average age of the HEC fleet is 42 years. A disproportionate share of the depot level maintenance budget is being used to sustain these aging assets. With two NSCs anticipated to be operational by 2011, the Coast Guard is positioned to begin decommissioning these legacy assets.

*Medium Endurance Cutter— \$2.8 Million, –43 FTE*

In fiscal year 2011, the Coast Guard will retire the Medium Endurance Cutter *Acushnet*. *Acushnet* is well past its useful service life and has unique systems that are costly and difficult to sustain.

*HU-25 Aircraft— \$7.7 Million, –32 FTE*

In fiscal year 2011, Coast Guard will decommission four HU-25 fixed winged aircraft. Three aircraft will be immediately replaced by the new HC-144A aircraft. The fourth HU-25 will be retired from service at Coast Guard Air Station (A/S) Cape

Cod, MA, reducing aircraft allowance at this station from four to three until a replacement HC-144A arrives. Three aircraft provide the minimum manning required to maintain 24/7 Search and Rescue capability.

*Rotary Wing Capacity— -\$5.5 Million, -34 FTE*

In fiscal year 2011, the Coast Guard will realign rotary wing capacity to provide four medium-range HH-60 helicopters to the Great Lakes region. To facilitate this delivery of enhanced multi-mission capability, two HH-60 helicopters from Operations Bahamas Turks and Caicos, and two HH-60s from Maritime Security Response Team (MSRT) in Chesapeake, VA will be permanently relocated to Coast Guard Air Station Traverse City, MI. Upon arrival of the four HH-60s, five HH-65 helicopters presently stationed at Air Station Traverse City will be removed from active service.

The HH-60 helicopter has the added capability over the HH-65 to operate in extreme cold weather conditions, including icing, which persist in the Air Station Traverse City area of responsibility approximately 5 months per year. In addition, the HH-60 helicopter has double the flight time endurance of the HH-65 providing additional operational range for search and rescue (SAR) missions and security patrols in the Great Lakes region and along the northern maritime border. Enhancing the operational capability of Air Station Traverse City helicopters will also enable the closure of two seasonal Coast Guard Air Facilities at Muskegon, MI and Waukegan, IL while still meeting SAR program response requirements.

PRIORITIES IF FUNDING WERE AVAILABLE

Senator BYRD. I thank you for your excellent statement, Admiral. My instinct tells me—and I have pretty good instincts that when it comes to this budget, you were dealt a bad hand by OMB, the Office of Management and Budget. You were told to do the best you could with an inadequate top line. You did so. But, as Popeye used to say, “I am what I am and that’s all I am.” This budget is what it is and that’s all it is.

I need your candid views, on the consequences of the proposed budget. I’m troubled by the budget request to reduce Coast Guard military strength by 1,112 positions. The Coast Guard is the only branch of the military to see its workforce decreased in the President’s budget. But—I repeat the proposition—but you have said publicly that the Coast Guard could grow by as much as 2,000 positions, by as much as 2,000 positions per year, to meet operational demands.

I understand that tough choices had to be made because of the administration’s budget top line for the Coast Guard. But—I repeat that conjunction—but if the funding were available, how, how would you allocate the 1,112 billets and what could those Coast Guard personnel accomplish?

Admiral ALLEN. Mr. Chairman, if funding were to be made available against that deficit we had right now, my priorities would be to retain the five H-65 helicopters that are currently offset in the budget, to restore four of the marine safety and security teams and two of the high endurance cutters, to recover those operating hours pending delivery of new national security cutters to replace them and to request critical funding for maintenance of our aircraft and our cutters and our small boats.

OPERATING WITH FEWER CUTTERS

Senator BYRD. The Coast Guard estimates that with its current resources it is unable to provide 6,840 cutter hours necessary to secure our ports, interdict illegal migrants, seize drugs, and save lives. And yet this budget would decommission four high endurance

cutters and replace them with only two in fiscal year 2011. Let me repeat that: The budget would decommission four high endurance cutters and replace them with only two in fiscal year 2011.

In 2009, these cutters that you plan to decommission contributed to the removal of 35,100 pounds of cocaine and 400 pounds of marijuana, with an estimated value of \$493 million. In addition, one of the cutters that you propose to decommission served admirably in response to the Haiti earthquake.

If we decommission four cutters as OMB has proposed, the mission hour gap—let me repeat that—the mission hour gap would increase from 6,840 to 11,790 hours, almost double.

Are the existing ships capable of serving another 2 years? If Congress were to provide sufficient funds to decommission ships only when new assets are available to replace them, what additional missions would be undertaken? Let me repeat that: If Congress were to provide sufficient funds to decommission ships only when new assets are available to replace them, what additional missions would be undertaken?

Admiral ALLEN. Thank you for the question, chairman. The budget as submitted would retire two cutters without replacement. You are correct in that statement. The way the Coast Guard would handle those reductions would be, frankly, assumed risk and managed risk. We do that right now because we have multi-mission cutters that can't be everywhere, and we go through a risk management process in the current allocation of our resources. That would just become more acute and will put the onus on our field commanders to establish the highest priority to apply the cutter hours that they have.

Generally, our high endurance cutters conduct directed patrol missions in certain mission areas, for instance, long-range missions down South in drug interdiction; long-range missions in the middle of the Pacific for illegal, unregulated, unreported fishing; fishing enforcement in the Bering Sea—in places where the high endurance cutters' sea-keeping ability and their endurance allow them to stay on scene.

So the mission areas that will be most impacted would be drug interdiction, fisheries enforcement in the 17th District and in the 14th District and illegal, unreported and unregulated fishing.

Senator BYRD. Thank you.

Senator VOINOVICH.

Senator VOINOVICH. Thank you, Mr. Chairman.

#### DECOMMISSIONING MARITIME SAFETY AND SECURITY TEAMS

A large percentage of the reductions in personnel, 400 full-time positions, come from the decommissioning of maritime safety and security teams, the MSSTs. These teams were designed to deter potential terrorists, respond to security-related incidents, and assist with port vulnerability assessments. These teams which your budget proposes to reduce were created by the Maritime Transportation Security Act adopted unanimously by the Senate in 2002.

When we passed that legislation, there was an anticipation that these would be needed in terms of the security of our Nation. Has it been the experience of the Coast Guard that that vulnerability or that need in effect did not materialize and that these folks are

no longer needed to get the job done, or in the alternative that those that remain will be able to handle the work?

Admiral ALLEN. Sir, the proposal to decommission the Marine Safety and Security Teams (MSSTs) was not based on any significant change in the threat or the vulnerability situation. There was an effort to achieve economies and regionally provide deployable specialized forces in addition to our fixed-base, search-and-rescue stations and aviation stations.

MSSTs are what we call a deployable specialized force. They are capable of moving anywhere in the country, anywhere in the world that we need them. Although they are based in one particular geographical area, they are actually deployed to other places in the country.

So what we are doing is we're expanding the regional coverage of the remaining MSSTs in the same manner as operating with less cutter hours when you have less deployable MSST days. You're just going to manage risk and allocate what you have to the highest priority, sir.

Senator VOINOVICH. Well, the fact of the matter is that you're confident that the remaining teams that are in place can continue to get the job done?

Admiral ALLEN. They will be able to respond. If you have—for instance, we are proposing to remove a team from New York and keep one in Boston, which is very close to a field where they can be airlifted. There will be a delta or a difference in the time to respond to those areas based on the distance they have to travel, but there will be a team capable of responding in each region, sir.

Senator VOINOVICH. I'd be interested to know since this group was set up, the number of incidents where they were involved. It may not be something you can talk about publicly, but even if it's something that's confidential, I'd certainly like to know just how much action those teams have had during this period of time and what's the current threat assessment.

Admiral ALLEN. Yes, sir. We can give you a breakdown on the days deployed and where they're deployed and the mission that they were deployed upon for all teams. We can give that to you for the record, sir.

[The information follows:]

MSST ANCHORAGE: Deployed elements 12 times for 124 days to the following locations: Anchorage, AK (3 times); Tacoma, WA (2 times); Seattle, WA; Juneau, AK; San Francisco, CA; Jacksonville, FL; Beaumont, TX; Portland, OR; and Prudhoe Bay, AK. Missions included: VPOTUS Protection, High Interest Vessel Boardings, Military Outloads, High Value Unit Escorts, PWCS, and Ferry Escorts.

MSST SEATTLE: Deployed elements 16 times for 214 days to the following locations: Tacoma, WA (4 times); Seattle, WA (9 times); Corpus Christie, TX; San Francisco, CA; including 136 days in Guantanamo Bay, CU. Missions included PWCS: Ferry Escorts, Critical Infrastructure Patrols, Military Outloads, and Harbor Security for Guantanamo Bay. Additionally K9 teams supported local efforts for 16 missions in the Seattle Metro Region such as Ferry Sweeps and Terminal Security.

MSST SAN FRANCISCO: Deployed elements 12 times for 189 days to the following locations: San Francisco, CA (7 times); Seattle, WA (2 times); Jacksonville, FL; San Diego, CA; CENTCOM. Missions included: High Value Unit Escorts, PWCS, Military Outloads, Flood Relief, and Visit Board Search & Seizure.

MSST SAN PEDRO: Deployed elements 18 times for 153 days to the following locations: San Francisco, CA (2 times); Los Angeles, CA (9 times); Miami, FL; Australia; Corpus Christi, TX; Tacoma, WA; and Seattle, WA (2 times); San Diego, CA. Missions included: Fleet Week; Republican Governor's Convention; Rose Bowl; PWCS: High Capacity Passenger Vessel Escorts, Critical Infrastructure Patrols,

Safety/Security Zone Enforcement; High Interest Vessel Boardings and International Underwater Harbor Security Trial.

MSST SAN DIEGO: Deployed elements 21 times for 155 days to the following locations: San Diego, CA (13 times); Tacoma, WA; Seattle, WA (2 times); Charleston, SC; Honolulu, HI (2 times); Pittsburgh, PA; and Yokosuka, JA. Missions included Training, Counter Illicit Trafficking, PWCS: High Capacity Passenger Vessel Escorts, Critical Infrastructure Patrols, Safety/Security Zone Enforcement; High Interest Vessel Boardings, G20 Summit and Defense Readiness Exercise Support.

MSST HONOLULU: Deployed elements 34 times for 321 days to the following locations: Honolulu, HI (18 times); Jacksonville, FL (3 times); Tacoma, WA (2 times); Kahului, HI; Kona, HI; Pago Pago; Guam; Saipan; San Diego, CA; Corpus Christie, TX; Hilo, HI; Seattle, WA; and Bellingham, WA. Missions included: Critical Infrastructure Patrols, High Interest Vessel Boardings, Military Outloads, High Value Unit Escorts, Counter Illicit Trafficking, PWCS, and High Capacity Passenger Vessel Escorts.

MSST KINGS BAY (91104): Deployed elements 19 times for 227 days to the following locations: Jacksonville, FL (10 times); St Petersburg, FL; Tacoma, WA (2 times); New Orleans, LA; Savannah, GA; Hampton Roads, VA; Port Canaveral, FL; Seattle, WA; Memphis, TN; including 5 days dedicated support to UNITAS (an annual multilateral maritime exercise for The Americas). Missions included PWCS, Security Escorts to High Value Units, Military Outload Protection, and Naval Protection Zone Enforcement.

MSST GALVESTON: Deployed elements 19 times for 365 days to the following locations: Washington, DC; Williamsburg, VA; San Diego, CA; Bellingham, WA (2 times); New Orleans, LA; Kings Bay, GA (2 times); Houston, TX (2 times); Corpus Christi, TX (2 times); Port Arthur, TX; Seattle, WA; Lackland AFB, TX; Boston, MA; New York, NY; San Francisco, CA; including 108 days dedicated support to CENTCOM and 25 days for the Presidential Inauguration. Missions included: PWCS, Security Escorts to High Value Units, Military Outload Protection, and Naval Protection Zone Enforcement.

MSST NEW ORLEANS: Deployed elements 14 times for 262 days to the following locations: New York, NY; Seattle, WA; Delaware Bay; St Petersburg, FL; Jacksonville, FL (4 times); Tacoma, WA; Machinac Island, MI; Long Island, NY; New London, CT; Hampton Rd, VA (2 times). Missions included: POTUS Security, PWCS, NSSE, Ferry Escorts, Security Escorts to High Value Units, Military Outload Protection, and Naval Protection Zone Enforcement.

MSST BOSTON: Deployed elements 15 times for 102 days to the following locations: Boston, MA (8 times); New York, NY (3 times); Seattle, WA; Jacksonville, FL; Hampton Roads, VA, including 90 days to CENTCOM and 16 days to UNITAS. Missions included PWCS, Ferry Escorts, Security Escorts to High Value Units and Military Outloads.

MSST NEW YORK: Deployed elements 20 times for 175 days to the following locations: New York, NY (11 times); Seattle, WA; Delaware Bay; St Petersburg, FL; Jacksonville, FL (2 times); Tacoma, WA; Machinac Island, MI; Long Island, NY; New London, CT; including 4 days dedicated to Super Bowl security in Tampa, FL. Missions included POTUS Security, PWCS, NSSE, Ferry Escorts, Security Escorts to High Value Units, Military Outload Protection, and Naval Protection Zone Enforcement.

MSST MIAMI: Deployed elements 33 times for 273 days to the following locations: Key West, FL (3 times); Homestead, FL (4 times); Norfolk, VA (2 times); Miami, FL (10 times); Corpus Christi, TX (2 times); Washington, DC; Tampa, FL; Memphis, TN; Ft. Lauderdale, FL (2 times); Cape Cod MA; Jacksonville, FL (2 times); Chesapeake, VA; New York, NY; Pittsburgh, PA including 21 days to Cameroon, Africa and to CENTCOM. Missions included PWCS, NSSE, Security Escorts to High Value Units, Military Outload Protection, and Naval Protection Zone Enforcement.

#### HELICOPTER COVERAGE

Senator VOINOVICH. I had a visit from Admiral Neffenger, who has been in Cleveland, and gotten to know him, and I want to say that the folks that you had at the 9th District have done a pretty darn good job and we're glad to have them in Cleveland in the Celebrezze Building, where I have my office, so I've gotten a chance to get to know them.

He tried to explain the issue of decommissioning some of the helicopters in the Great Lakes, four or five of them that are available



during the summer months, like 3 or 4 months of the year, but that for all intents and purposes after that period is over aren't that significant because of the weather conditions, etcetera, and that by bringing in two of these souped-up helicopters, that even though it might take a little longer to get to wherever it is they've got to get, that they would be available 12 months of the year.

I'd like you to share with me your observations in regard to that. In other words, it gets into the issue of why we have these helicopters during 4 months. How often are they called upon, and if they can't get there say within 15 minutes what difference would that make? I understand that, under the budget proposal, even though it takes them longer, when they get there, because of the fuel capacity, the Blackhawk helicopters are more versatile and they can be more helpful in the situation.

So I'm getting at the need and if the substitute makes sense, because I'm sure the people from Michigan are unhappy about closing down one of those bases in Michigan.

Admiral ALLEN. Yes, sir. The laydown we have right now is an air station in Traverse City, MI, that has H-65 helicopters, which are medium, generally shipboard, short-range search and rescue helicopters.

Senator VOINOVICH. And those have been modernized too I understand?

Admiral ALLEN. Been re-engined, yes, sir, to have better endurance and more power.

We also operate two facilities in the summer, as you correctly noted—one at Waukegan, IL, the other one at Muskegon, MI—to cover the summer months. Muskegon is supported out of Air Station Detroit. Waukegan is supported out of Air Station Traverse City.

In addition to those aviation facilities, we have small boat stations that ring Lake Michigan, as you know, every 20 or 30 miles. So we look at the search-and-rescue system as a collective response capability.

Senator VOINOVICH. So up in like Lake Erie you've got one in Marblehead.

Admiral ALLEN. Yes, sir.

Senator VOINOVICH. Then I think you've got one in Cleveland, and you have one at Fairport Harbor. What you're saying is that you do have the capability?

Admiral ALLEN. Yes, sir. In fact, the Great Lakes are probably our most densely populated coastline with search and rescue stations as far as the distance between them in the United States.

Our plan was to replace the H-65 helicopters in Traverse City with H-60 helicopters, which have longer range and more endurance, but more importantly, they have de-icing capability for the winter operations up there. So in the winter, rather than having the H-65s, which have shorter range and no de-icing capability, we would have long-range helicopters capable of covering the entire area much better than the 65s would.

The offset of that is not having the short-range helicopters available where we already have search-and-rescue stations in those few months during the summer.

Senator VOINOVICH. But the fact of the matter is that you're confident that, because we have so many of your—

Admiral ALLEN. Small boat stations.

Senator VOINOVICH [continuing]. Stations located, where if somebody were in need that there's enough of those that they could probably get out there and take care of that?

Admiral ALLEN. Yes, sir. We look at the entire system and the ability to get somebody on scene in a certain period of time, and that includes being able to get a boat out there, yes, sir.

Now, I would have to tell you there's a problem with the budget submission. The problem is that one of the helicopters that was intended to be transferred to Traverse City, the long-range H-60, crashed while returning from security operations in the Vancouver Winter Olympics in Utah. Right now, the offsets that we would make to do that are not available, absent more resources and taking a look at our helicopter mix.

So we're going to have to figure out how to work through that. We provided briefings to your staff and are happy to answer questions for the record. But we're going to have to deal with the current H-60 inventory before we can figure out whether or not this remains a viable plan.

Senator VOINOVICH. I'd like to have that summary, and so, I am sure, would the two Senators from Michigan.

Thank you.

Senator BYRD. Senator Lautenberg.

Senator LAUTENBERG. Thank you, Mr. Chairman, for holding this important hearing. But if I might divert for just a minute to say to you that our hearts go out to those in West Virginia who have lost their lives. It's a terrible tragedy and it's heartbreak across America as well as within the State of West Virginia. Thank you for your leadership and your service.

Admiral Allen, I tried retirement and I didn't like it. We thank you, sir, for your distinguished service, and all the Coast Guard's people for their bravery and courage and ever readiness to take on more assignments.

That's the paradox here. We continue to give the Coast Guard more and more assignments.

Mr. Chairman, I ask unanimous consent that my opening statement be put in the record.

Senator BYRD. Without objection, it is so ordered.

[The statement follows:]

PREPARED STATEMENT OF SENATOR FRANK R. LAUTENBERG

Mr. Chairman, my home State of New Jersey is a prime terrorist target. In fact, according to the FBI, the most "at-risk" area in the entire United States for a terrorist attack is the two-mile stretch between Newark Liberty International Airport and the Port of Newark.

That is why I am concerned about cuts to the Coast Guard in the President's proposed budget. In particular, I am concerned about a proposal to eliminate five Maritime Safety and Security Teams—including one at the Port of New York/New Jersey.

These teams are vital. They protect sensitive coastal areas from terrorists and can be rapidly deployed by air, sea or ground. These counterterrorism units were created after September 11th and are strategically located at high-risk ports across the country. Without this counterterrorism team at the Port of New York/New Jersey—the Coast Guard's ability to protect this sensitive area will be curtailed.

Our port is the largest port on the east coast—and maintaining safety there is critical to our whole region and country. Preventing another terrorist attack from occurring within our borders is our solemn duty—and the Coast Guard plays a vital role in that effort. But the Coast Guard is consistently put at the back of the line for resources—and it is consistently forced to do more with less. I look forward to working with the rest of this subcommittee to make sure the Coast Guard has the funding it needs.

#### RESPONSE DURING OIL-DRILLING ACCIDENTS

Senator LAUTENBERG. Thank you.

I ask you this. Senator Voinovich asked about the marine safety and security teams, very, very concerned about that. New Jersey has the questionable distinction of having the most dangerous 2-mile stretch in the country, declared by the FBI, for a terrorist attack, between our airport, Newark, and our harbor, the second largest harbor in the country, largest on the east coast.

I'm not happy, as you are aware, sir, that we are closing the security unit at the Port of New York. I heard your explanation on New York and relying more on a location in Boston to take care, to help us protect our area, and I know that I heard what you said and there was a term of art, Admiral. You said these were necessary reductions. I know that you are loyal to the demands made on you, but I think the question about whether they were necessary in terms of functioning or budget, I'm not going to ask you to answer that, but we'll make our own determination here.

I ask you that if we start drilling off the northeast coast, the east coast, do we need more people for containment and pollution fighting or in the event of an accident? We know that things do happen. Six months ago off the coast of Australia, a drilling accident covered 10,000 square miles and the pollution traveled hundreds of miles. Would the Coast Guard need more people prepared to arrest the effects of a problem there?

Admiral ALLEN. Senator, that's a great question, and three major players involved in an operation offshore like that have to be taken into account. By the way, I would tell you I've had discussions about this with Department of the Interior Secretary Salazar, Department of the Interior Deputy Secretary Hayes and the head of the Minerals Management Service, which we recently signed a memorandum of understanding with.

The three big players are the Minerals Management Service, which has the responsibility to inspect for proper response equipment; the United States Coast Guard, which, as you know, has the responsibility under the Oil Pollution Act of 1990 to be the Federal on-scene coordinator and coordinate response operations; and the responsible party himself, and that usually is exercised through an oil spill response organization.

So, as the drilling takes place, our captain of the port that cover those areas that have the responsibility will have to do an assessment, and those operating units will have to present adequate oil spill response plans that have to be approved by an area committee that is made up by local port stakeholders as well as the State and the other interests, Fish and Wildlife Service, other trustees.

We go through that iterative process each time something changes in the port zone, and that would be also for something like an offshore liquefied natural gas facility or a wind farm or things

like that. So it is scaleable. It will be required as a condition of the plans. If there is enough drilling and enough of a requirement for us to do our oversight responsibilities, that could drive the personnel requirements, yes, sir.

#### PIRACY

Senator LAUTENBERG. We always find ways to give assignments to the Coast Guard. First of all, your weakness is your skill. You're too good. So we just give it to Coast Guard, whatever it is, including pollution, trash in the sea, piracy. Does piracy put a little extra requirement for Coast Guard?

Admiral ALLEN. Yes, sir. We're augmenting the U.S. Navy off the Horn of Africa in doing boarding, sir.

#### ILLEGAL FISHING

Senator LAUTENBERG. How about illegal voracious fishing within our territorial limits by foreign vessels? Is that a problem for you?

Admiral ALLEN. I'd say the number one problem is in Senator Murkowski's State, where we deal with the boundary line between Russia and the United States. And there are fleets on both sides watching what's going on up there; also there are safety issues associated with the fleet.

Senator LAUTENBERG. So Admiral, we look: Wherever Coast Guard presence can be of value, your people are there. And I salute you. I was in Haiti a few weeks ago and saw the devastation that followed the earthquake. I commend you and the Coast Guard for their quick response to the needs in Haiti. As ever, we look to the Coast Guard to solve our problems. But the paradox, Mr. Chairman, is how do you ask more when you give less?

Thank you.

Senator BYRD. Thank you, Senator Lautenberg.

Senator Cochran.

Senator COCHRAN. Mr. Chairman, thank you.

Admiral Allen, we appreciate your cooperation with our subcommittee and your appearance here. I'm personally impressed with the service that you have rendered to the country in your capacity as Commandant. We appreciate everything you've done for the gulf coast, too, in connection with Hurricane Katrina and other disasters that have occurred there.

I think the first time I saw you was aboard an aircraft carrier that was anchored right there in New Orleans in the Mississippi River. That was your command headquarters and base of operation for helping to save lives, people whose lives were in danger in that terrible hurricane. But in planning for rebuilding and recovery, we appreciate all of your important efforts in that regard.

#### NATIONAL SECURITY CUTTER PROGRAM

I know that you're also looking at the Northrop Grumman shipyard in Pascagoula which is building the national security cutter, which as I understand it will be the most advanced, modern, technologically capable ship in the Coast Guard fleet. Could you give us a status report on that program? Is it proceeding as you had hoped it would and what are the likely requests that the sub-

committee should consider for funding in this next bill that will help sustain that acquisition program?

Admiral ALLEN. Yes, sir, and thank you for the question. As I noted in my opening statement, we've had a tremendous improvement in the overall quality in preparing the second ship, the *Waesche*, to be ready for operations. We will commission the *Waesche* on the 7th of May out in Alameda, so we're very pleased with that.

The third ship, the *Stratton*, is somewhere between 30 and 40 percent complete right now. We hope in the third quarter of this fiscal year to put the fourth ship under a firm fixed price contract. Early on, one of the challenges with this program was to establish a technical baseline, make some design changes that would ensure a 30-year service life for the hulls and then get those ships into a fixed price environment. We are trying to do that right now.

If you were to ask about challenges and things we're dealing with, one of them right now is the combination of Navy and Coast Guard work that's going on at the shipyard in Pascagoula. It's really imperative that the Coast Guard and the Navy work very closely together regarding labor rates to make sure that we are synchronized, so that one of us is not above or behind the other one. There's an unequal loading as far as the burden share on the labor cost. We both understand the interplay between the Navy construction and the Coast Guard construction.

On the other hand, the shipyard and Northrop Grumman have to understand that this is a firm fixed-price contract. They have to control costs, and they have to give us an offer that is legitimate in response to our proposal. So we're working that right now.

The final challenges we're dealing with are changes to outyear funding that change our acquisition program baseline and change those assumptions. Our original assumption was that, in any particular year, we would fund one ship and a long lead time for the next ship so we would not break production. Given the constraints on the budget this year, we have one ship funded, and that is breaking the pattern in the acquisition baseline and will cause us to make adjustments. And we may see some cost increases as a result of that. So that is a second challenge we're facing, sir.

Senator COCHRAN. I know that these ships are replacing I guess the high endurance cutters that you are planning to retire. Are there maintenance costs that are associated with continuing those ships in operation, or what capabilities does the national security cutter have that are not available to you with the high endurance cutter?

Admiral ALLEN. Yes, sir. We're kind of caught between a rock and a hard place here. If I could go back to the earlier question about decommissioning two cutters without replacement, the longer we keep these cutters in operation, the more costly they are to maintain. But if we don't maintain them in service, then we're going to take a cutter hour gap. We have to make the risk tradeoffs and allocate the hours.

In the mean time, we need the new ships built as quickly as possible. So the answer is the high endurance cutters that are meant to be replaced by national security cutters are getting more expensive every year to maintain. At some point, there's a breaking point

between how many you keep in commission and how many you decommission and when the new ones are coming on.

From an operational effectiveness standpoint, you would like to have a ship be replaced by a ship without a gap. If we do that, that's going to require increased funding because the maintenance costs are higher. If we don't do that and we decommission them to avoid those increases in maintenance costs, then we're going to be dealing with a deficit of program hours that has to be managed by our operational commanders. That's the horns of the dilemma that we're on, sir.

#### UNMANNED AERIAL SYSTEMS

Senator COCHRAN. I think one of the ways the Coast Guard has been looking at taking up some slack is using unmanned aerial systems. What is your assessment of that as an efficient and capable system? Do you plan to continue to look to the Fire Scout or some of these other platforms? Stark Aerospace has a Heron that I understand is performing and is a capable platform. What is your assessment of that as a way to deal with your problems?

Admiral ALLEN. Yes, sir. We've always anticipated that our Deepwater fleet would be augmented by high-altitude unmanned aerial systems (UASs) and vertically launched UASs off of the national security cutter. As you know, we've been partnering with the Navy in research and development regarding Fire Scout. One of the things we've had to do is convert the Navy's version of Fire Scout and put a maritime radar in it for the purposes that we would need it for.

The Navy just deployed Fire Scout on a drug patrol in the eastern Pacific and were successful in maintaining covert surveillance on a go-fast boat and in getting the first seizure ever based on surveillance provided by an unmanned system. So we know that it adds value out there.

On the high-altitude side, we are working with Customs and Border Protection (CBP) as CBP is working through its Predator program. CBP has put a maritime radar into its maritime variant that has been tested off of Florida recently with superior results. We need to move these boats to programs of record, get a funding stream and decide where we want to go. We're in the test and evaluation mode of that. So far, we've had very, very close cooperation with the Navy on the vertically launched UASs and with CBP on the Predator.

We are looking at Heron, Eagle Scan, and other types of UASs that are out there and will continue to assess all of those and mitigate risks as we move forward. But we certainly contemplate UASs being involved in the mix, sir.

Senator COCHRAN. Thank you.

Thank you, Mr. Chairman.

Senator BYRD. Thank you, Senator.

Senator Murkowski.

#### RESPONDING TO CRISES IN ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman.

Admiral, thank you for your service. I don't know that we can say it strongly enough. For those of us around the subcommittee

here, we certainly appreciate it. But on behalf of the people of Alaska, I sincerely extend my appreciation.

There have been a lot of comments about the Coast Guard's role in responding to crisis, whether it's in Haiti or Hurricane Katrina and Rita, and the exemplary role that you fill. I think Alaskans know and love the Coast Guard not just necessarily when crisis hits, but on a daily basis. We've got some 33,000 miles of coastline and I understand that when we get the satellite mapping better and take in all the miles around every island we're up to 44,000 miles of coastline. As you have indicated, with changes in the Arctic and increasing passage in parts of the world where we have not been able to travel before, your jurisdiction continues to grow. So your contributions again on a daily basis are greatly, greatly appreciated.

You have made the statement, and I appreciate it as it relates to the budget, that you've made decisions here to invest in the future. And that's good, but I'm very concerned, and I think you would probably share my concern, that when we don't invest in ice-breakers we're not as an Arctic nation investing in our future.

I want to understand a little bit more how we deal with this gap that we're referring to when we have the decommissioning of assets and waiting until the others come on. My particular interest, of course, is the *Acushnet* and the assets that are located in the District 17 region. You've indicated that you've got concerns as to how we cover fisheries enforcement. But as important as it is to invest for the future, we need to be able to respond to the mission of today.

I'm very concerned as to how we fulfil the existing mission in District 17 in the Alaska waters with the fisheries enforcement, with the drug interdiction, with the search and rescue, and now this new role of patrolling the Arctic, providing for a level of security and safety up there. Can you give me some level of assurance as to how you do it all?

Admiral ALLEN. Very adroitly, ma'am. As I stated earlier, one of the conundrums we have in the Coast Guard is explaining how we are and what we do to people because we are that unusual. We have multi-mission ships that can do five missions, so we don't have to have five ships, but we can't do all five missions at the same time.

So even in a very stable or even in an increasing growth environment, we're always going to have a risk management process for how we allocate resources, because that's part of our value proposition to the government. What happens when our resources decline, for whatever reason? It's the same process by which we manage and allocate resources, but we have to decide where to assume risk in different areas.

I can give you a couple of thresholds to talk about in terms of Alaska. We have a commitment to have a cutter on scene during parts of the year for fisheries enforcement and for search and rescue, what we call a 1-0 requirement. No matter what happens, there will be a cutter in the area someplace, and we would not back away from that under almost any scenario.

The question is something else has to give, and it will be something like illegal, unreported, unregulated fishing in the middle of

the Pacific, high seas driftnets or potentially drugs or some kind of a migrant patrol. But the theater commanders would have to manage that against the intelligence they receive and the risks that they have to manage every day. That is really as basic as it gets. It's a risk management, resource allocation issue that becomes more acute when your resources drop. But there are floors and thresholds that we will not go below, and those thresholds have to do with search and rescue and safety.

So the minimum threshold for operating in Alaska would make sure those cutters are available during those times of year to meet our commitment and the forward-deployed helicopters that go to Saint Paul are there for rescue. We actually make resource trade-offs to accomplish that. Because to have that second helicopter available in those winter months, which are the months when we need them up there, we actually move helicopters from down in the continental United States up because of the lack of helicopters in our inventory. That inventory will be further exacerbated by the loss of the one I mentioned earlier, ma'am.

#### HELICOPTERS

Senator MURKOWSKI. And that was going to be another prong to my question, is recognizing the aviation assets that we stage out of Kodiak, Air Station Kodiak there, and the need to deploy out to the fishing grounds, you've been basically piecing it together. I'm assuming that if you had a better budget that you would look to put another helicopter in there in Kodiak?

Admiral ALLEN. In regard to an H-60, which are our long-range helicopters with de-icing capability, there are two immediate requirements, in my view. The first one is to replace the 6028 that we lost in Utah. To do that, it would cost us about \$15.5 million to take a Navy airframe and basically rebuild it to Coast Guard standards.

Second, if I had one more incremental H-60 that I could get my hands on, I would send it to the 17th District to be the second standby helicopter for the Saint Paul area, ma'am.

#### ICEBREAKERS

Senator MURKOWSKI. Let me ask about the Arctic, because you have been truly a phenomenal leader in this area, working with us in so many—just really taking the lead in responding as an Arctic nation should. I remain concerned, though. We're moving forward with the Arctic study that the Coast Guard is moving. Navy is looking. We're looking at the deepwater port. There are initiatives at play here that are extremely important.

But I guess my question to you is, recognizing that our heavy icebreakers are reaching the end of their service lives, is the Coast Guard currently positioned to address the safety and security missions that we know we will be faced with in the Arctic area as we see increased maritime activity coming up in these next few years?

Admiral ALLEN. Senator, it's been clearly demonstrated in a series of studies that the baseline requirement for icebreakers in the United States is three. We have two heavy duty icebreakers, the *Polar Sea* and the *Polar Star*, and we have an ice-strengthened re-



search vessel, the *Healy*. My problem right now is a readiness issue in that only two of those ships are operational.

I want to thank the subcommittee and the leadership of Chairman Byrd because, during the last 2 years, you've provided us money to get *Polar Star* into drydock and get it fixed. So by 2013, we should have three operational icebreakers.

Some challenges remain after that, including funding a crew for the *Polar Star* once it comes out of drydock. That'll have to be dealt with in coming years.

I think what's misunderstood about icebreakers and the Arctic right now is—and you stated it yourself—it's not an ice-free Arctic; it's an ice-diminished Arctic. Even in the summer up there, very large pieces of ice present a hazard to shipping, and wind from the proper direction can come together and actually create ice flows that have trapped fishing vessels.

We need ice to be strengthened or icebreakers to be able to operate up there and provide us command-and-control platforms for forward basing of any mission response we would need to do, specifically a mass casualty response to an ecotourism cruise ship, as we saw off South America, or a response to an offshore oil spill.

I have raised these issues, again, with Secretary Salazar and Deputy Secretary Hayes from the Department of the Interior, and we discussed it at your field hearing in Anchorage last year.

The second thing, and you really hit the nail on the head, is the lack of deepwater ports up there. With the exception of a vessel that draws less than 24 feet of draft, the last two places where you can stop and get logistics are either Dutch Harbor or Kodiak. I know there's a push in Nome right now to go beyond 24 feet, and I've talked to the mayor about that. But right now off the North Slope, the lack of infrastructure to respond to anything is really inhibiting our ability to be effective up there. That ability requires us fundamentally to have those icebreakers for command-and-control platforms in addition to their ice-breaking capability.

Senator MURKOWSKI. Well, I share your concern about our preparedness and we want to work with those that will follow you to ensure that we are ready to the fullest extent possible.

Again, I thank you for your service.

Senator BYRD. Thank you, Senator.

#### C-130H VS. C-130J AIRCRAFT

This has been a good hearing. I only have one more question. Over the last 4 years, the Coast Guard has lost two C-130 aircraft in accidents. How has the loss of these two C-130 aircraft affected your ability to perform critical missions and is there a need to replace them with new aircraft?

Admiral ALLEN. Senator, our C-130H models right now operate at what we would call programmed flight hours of 800 per year. When we lost the first aircraft to the accident, we actually kept one aircraft that we were going to decommission, so we did not lose those flight hours. We now have to deal with the loss of the 1705 in Sacramento, which is another 800 hours.

To bring another H model out of mothballs and renovate it would cost about \$10 million and take about 18 months. So we will go

through an hour gap just dealing with—if we were to take an old aircraft and refurbish it.

Frankly, with the six C-130Js we have in our fleet right now, if we were to take a look at a life cycle cost standpoint, our ability to sustain operations, it would be preferable to us if resources were available to look at another C-130J to replace the 1705. We start to get to the threshold where we could maybe have two C-130J stations, which would significantly enhance our performance.

A good example right now is if a C-130H takes off from Hawaii to go to Guam, it's actually a 2-day trip. The C-130H has to stop. A C-130J can make that in one flight. So there are some significant advantages of the J over the H model, sir.

Senator BYRD. Do Senators have any other questions?

#### BUDGET FOR REPLACEMENT HELICOPTER

Senator VOINOVICH. I have, yes, Mr. Chairman. I'd like to revisit this helicopter thing. You're basically saying that one of the two helicopters that you were going to replace when you decommissioned these other ones was lost and as a result of that you're going to have to compensate for that. So you'll be coming back to the subcommittee with some plan to amend the budget to some other alternative.

The question I have is have you asked for money to replace the helicopter that you've lost?

Admiral ALLEN. Well, we've made those estimates known to the subcommittee and the staff that have asked for it, sir. Again, a replacement helicopter is critical to our current operations and is not budgeted right now. So if there were a way to provide those resources, we would appreciate that.

Senator VOINOVICH. Well, I think we ought to find out about it.

Then you talked with Senator Murkowski and said that this is the same kind of helicopter you need up in her State, Alaska?

Admiral ALLEN. Yes, sir. We are talking about all-weather helicopters that have de-icing capability for harsh environments.

Senator VOINOVICH. Now, the question is, if you did one of them would you stick with the proposal that you have about shutting down the five we've got in the Great Lakes and having the two?

Admiral ALLEN. We'd have to make a tough call there, sir. I'll tell you why. There's another dimension to this that I didn't bring up earlier. When we don't have those helicopters involved in search and rescue during the winter, we actually move them down South and put them on the backs of cutters and get deployable days at sea out of them to be able to do drug interdiction better. So there was going to be a cost in loss of days at sea of our deployable helicopters, had we gone ahead with the plan.

So I think we have to sit back and reassess the resources that are available, and we need to provide you some alternatives, sir.

Senator VOINOVICH. We'd like to get that information.

The other thing is that there was talk about building another icebreaker for the Great Lakes, and we asked for a report from the Coast Guard in terms of would it be better to buy a new icebreaker or to rehab and restore and bring up to snuff the current vessels that are now doing icebreaking. I guess they're multi-use. They do

buoy-tending and so forth, and at the same time they are good—they ice-break.

So the question really is, do you need a new one or would we be better off taking the money to bring those up to quality. When are we going to get that report?

Admiral ALLEN. Sir, we're finalizing that report, just going through administration review. But I think I can give you some highlights of it right now. I think our position is that, rather than go for a single additional icebreaker, taking the five 140-foot icebreaking tugs that are on the Great Lakes and bringing them up so they can operate another 10 years while we assess what we need to do probably is the way forward. But we're finalizing those recommendations right now. But that's where that study is going, sir.

Senator VOINOVICH. The question I have is is there any money in the budget, this budget, to do that?

Admiral ALLEN. We're just finishing the assessment right now, so that would have to be in a future year's budget. I think we're looking at, over about a 5-year period, about \$131 million to extend the service life of all 5 for 10 years, sir.

Senator VOINOVICH. So basically at this stage of the game and in terms of this budget, we're going to stay with the status quo, you finish your report, and the money for rehabbing these vessels would be in the next budget?

Admiral ALLEN. That would be a programming decision in either 2012 or beyond, yes, sir.

Senator VOINOVICH. Okay.

#### HAITI

Admiral ALLEN. Sir, if I could. You asked an earlier question about Haiti and our resource requirements related to that. Our costs related to Haiti are \$45 million, and they are covered in the administration's supplemental request, sir.

Senator VOINOVICH. So you're all set in that regard.

Thank you, Mr. Chairman.

Senator BYRD. Thank you, Senator.

Senator Cochran, do you have any further questions?

Senator COCHRAN. Mr. Chairman, I have nothing further, except to congratulate the Commandant for the great job he's done.

We're going to miss you when you retire.

Admiral ALLEN. Thank you, sir.

#### ADDITIONAL COMMITTEE QUESTIONS

Senator BYRD. Admiral Allen, I thank you for your testimony. I thank you for your responses to our questions. We look forward to your rapid response to our written questions for the record.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

#### QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

##### SMALL BOAT THREAT

*Question.* Admiral Allen, you have stated publicly that one of our most serious vulnerabilities is a U.S.S. *Cole*-style attack within one of our ports or waterways.

Yet the budget either cuts or zeroes out many of the capabilities the Coast Guard has highlighted as critical to countering a small boat attack.

—Five Coast Guard maritime safety and security teams are decommissioned, reducing port and waterway security patrols by 12,000 hours annually.

—Acquisition funding for port operation centers and the National Automatic Identification System is zeroed out.

—The budget reduces assets and funding for the Coast Guard's Maritime Security Response Team, which was developed for maritime terrorism response.

Are we no longer vulnerable to a *Cole*-style attack?

Answer. The threat environment has not changed. It is highly dependent on intent, which has not been discerned by the intelligence community.

As shown in the fiscal year 2011–2015 Capital Investment Plan, the Nationwide Automatic Identification System (NAIS) and Interagency Operations Centers (IOCs) programs are funded through their completion in 2014. No funding is requested for 2011 because the Coast Guard plans to use \$17.8 million of prior year funding to continue the acquisition of new capability for IOCs and NAIS, which will enhance maritime domain awareness.

The new regional construct for MSSTs places teams in proximity to international borders, major port complexes, and transportation infrastructure to facilitate rapid response times. Transitioning the MSSTs to a regional model will enable the Coast Guard to rapidly deploy teams of skilled professionals to ports and operating areas across the country based on risk and threats as needed.

Overall, the funding requested for the Coast Guard's Ports, Waterways and Coastal Security Mission is \$106 million (–5 percent) less than fiscal year 2010 enacted. Of this amount, over \$75 million or nearly three quarters is attributable to the funding profile for specific asset acquisitions (RB–M, MPA, HH–65), primarily reflecting year-to-year variation in the planned acquisition expenditures. Those changes do not translate into decreased capability as the corresponding legacy assets continue to do the job.

#### DEEPWATER

*Question.* The original Deepwater plan to modernize the Coast Guard's fleet called for a mix of new assets to meet operational requirements, such as 8 National Security Cutters, 25 Offshore Patrol Cutters, and 58 Fast Response Cutters. That plan was developed several years ago. The Coast Guard is in the process of updating this plan through a "fleet-mix" analysis. My understanding is that the study has been completed. Does it suggest changes to the current mix of planned assets and can you describe them to us?

Answer. The contractor has delivered the draft report and the Coast Guard is completing its final review. In general, the results of this limited study are similar to previous studies and support the Deepwater program of record.

#### NATIONAL SECURITY CUTTER

*Question.* Is the Coast Guard still on schedule to deliver the 3rd National Security Cutter (NSC) in the 4th quarter of fiscal year 2011?

Answer. Yes.

*Question.* Is the Coast Guard on schedule to make an award for the 4th NSC this spring? What is being done on your end to ensure the best cost is achieved for the taxpayers?

Answer. The Coast Guard is working towards awarding the production contract for NSC #4 with Northrop Grumman Ship Building (NGSB) in the third quarter fiscal year 2010. To accomplish this, the Coast Guard with the assistance of the Defense Contract Audit Agency, continues to conduct an extensive evaluation of NGSB's proposal using actual project data from the first three NSCs. Additionally, the Coast Guard is actively collaborating with the Navy on issues impacting affordability of ship construction, such as forecasting yard-wide workload to estimate probable overhead rates. This evaluation work is necessary to thoroughly prepare the contract negotiation team for the complex negotiations ahead. The Coast Guard plans to enter into negotiations with NGSB in the near future to reach a fair and reasonable price for the production work for NSC #4.

*Question.* Your fiscal year 2011 request includes full funding for the 5th NSC, but includes no funding for long lead time materials for National Security Cutter #6. What is the estimated cost of long lead time materials for NSC #6?

Answer. The fiscal year 2011–2015 Capital Investment Plan includes funding for a sixth NSC. No separate request will be made for any long lead materials.

*Question.* For some acquisitions, long lead materials are funded in advance to maintain a planned production schedule. Does the fact that long lead time materials

for NSC #6 are not funded in the request impact the cost and delivery schedule for the 6th NSC? Will the Coast Guard stay on track with the planned delivery schedule of one NSC per year?

Answer. The fiscal year 2011 Capital Investment Plan includes funding for a sixth NSC. No separate request will be made for any long lead materials, as this type of incremental funding, with the possible exception of the lead asset in a procurement, is not consistent with OMB Circular A-11.

The following table shows the NSC delivery schedule consistent with the 2010 Deepwater Implementation Plan and the fiscal year 2011–2015 Capital Investment Plan.

National Security Cutter	Projected Contract Award	Delivery
NSC 6 .....	Fiscal year 2012 .....	Fiscal year 2016
NSC 7 .....	Fiscal year 2013 .....	Fiscal year 2017
NSC 8 .....	Fiscal year 2014 .....	Fiscal year 2018

OFFSHORE PATROL CUTTER

*Question.* Since this Subcommittee was created in 2003, funding has been provided at different stages for the Offshore Patrol Cutter (OPC). These cutters will replace the Coast Guard’s fleet of aging Medium Endurance Cutters. However, your budget indicates that production funding for the first OPC will not occur until fiscal year 2015. Why is it taking so long to build this asset? What concerns do you have with the prolonged delivery schedule of the OPC’s and the impact it will have on the legacy fleet, some of which have been operating since the 1960s? What can be done to address these concerns?

Answer. Initial Offshore Patrol Cutter (OPC) requirements were developed using fiscal year 2004 funds under the Integrated Deepwater Systems contract with Integrated Coast Guard Systems (ICGS) as the prime contractor and systems integrator. A stop work order on the contract delivery task order to ICGS was issued in 2006 and all unobligated funding appropriated for the OPC Project through fiscal year 2008 was rescinded.

The OPC Project was restarted at Milestone One in January 2008 with the Coast Guard as the systems integrator. To reduce acquisition risks and enhance performance of the Coast Guard’s acquisition organization, the OPC Project is following the deliberate acquisition process as outlined in the Coast Guard Major Systems Acquisition Manual.

The project schedule depends, in part, on approval of both operational requirements and acquisition strategy. The start of actual construction depends on the time required for the design process, but it is currently planned in 2015. The schedule also prevents significant overlap with the NSC program so that these acquisition projects are appropriately staffed.

The primary concern with a prolonged OPC delivery schedule is the extended reliance on the legacy Medium Endurance Cutter (MEC) fleet. Based on current projections, the 210-foot and 270-foot MECs will average 45 and 33 years old, respectively at the time the first OPC is being built, as such, it is critical that these cutters are replaced as quickly as possible.

The Coast Guard initiated a Mission Effectiveness Project (MEP) for MECs to mitigate the impacts of the OPC delivery schedule. MEP was not designed to increase the ships’ service lives, but to reduce the maintenance expenditures and restore capacity target levels. The Coast Guard will continue to develop and execute a maintenance plan that bridges the time necessary to deliver OPCs.

WORKFORCE PLAN

*Question.* In the explanatory statement accompanying the fiscal year 2009 Appropriations Act for the Department of Homeland Security, this Subcommittee required the Coast Guard to submit a “Workforce Action Plan” to the Committee. The intent of the directive was to gain a better understanding of the Coast Guard’s workforce requirements in relation to mission responsibilities that have expanded dramatically under the intensity of a post 9/11 environment. What we received was an incomplete plan that simply summarized the fiscal year 2010 request. The plan should have included a complete workforce gap analysis, the type of personnel needed to fill the gaps; and a plan, including funding and a timeline to fill the gaps. I wrote to you on October 29, 2009, asking you to revise the plan by fully addressing the congressional requirements. To date, we have not received a response. Will you commit to submitting a revised plan to the Committee before you leave your post as Commandant?

Answer. The Coast Guard appreciates the continued interest regarding staffing levels in a post 9/11 environment, and is currently in the final stages of providing a response to Senator Byrd's letter.

#### BUDGET IMPACT OF HELICOPTER CRASH (HH-60)

*Question.* Your budget proposes to relocate four H-60 helicopters to the Great Lakes region to improve domestic air operations in that region. On March 3, 2010, one of these helicopters crashed in the mountains of Utah. Fortunately, the crew survived. However, the airframe did not. How does this recent event affect your budget request? What are your plans to replace the helicopter and what is the cost?

Answer. With the loss of the MH-60 that was planned for re-location to Michigan, the fiscal year 2011 proposal to re-allocate only wing assets became challenging because Air Station Traverse City requires four H-60 aircrafts. The Coast Guard is currently working with the Administration to evaluate options with regard to the proposed fiscal year 2011 rotary wing budget proposal.

#### HIGH ENDURANCE CUTTER SUSTAINMENT

*Question.* In fiscal year 2010, Congress appropriated \$4 million to begin work on a maintenance effectiveness project for the Coast Guard's High Endurance Cutters. A similar program for the Medium Endurance Cutter fleet has been highly successful in increasing its fully-capable mission availability. What is the current policy as it pertains to all 12 of the legacy High Endurance Cutters? Given your significant cutter hour shortfall, are you considering a maintenance effectiveness program as directed by Congress?

Answer. The \$4 million appropriated in fiscal year 2010 will be used to assess and evaluate the High Endurance Cutter (HEC) fleet and determine the most effective use of funds to operate the vessels until replaced by National Security Cutters. The HEC assessments will document the material condition of select cutters and the results will determine future maintenance requirements. The Coast Guard recognizes the need to invest in sustaining HECs in advance of replacement. Toward this end, \$20 million was appropriated from supplemental appropriations (Southwest Border initiative and Recovery Act) to fund deferred maintenance of these vessels. This supplemental funding has targeted, for example, the top six mission degraders of the fleet to extend the life of those systems.

#### EXPENDITURE PLANS AND REPORTS

*Question.* It has been 5 months since the President signed into law the Department of Homeland Security Appropriations Act. Within that Act, Congress required several expenditure plans and reports from the Coast Guard. The Committee highlighted three such reports as critical: a 5-year update for Deepwater, a comprehensive 5-year Capital Investment Plan for fiscal years 2011-2015, and Quarterly Acquisition Reports. Congress requires these reports in an effort to ensure that the Coast Guard is providing the appropriate amount of oversight and discipline to complex programs. We are now in the third quarter of fiscal year 2010 and we still haven't received these reports.

It is difficult for this Committee to make important resource allocation decisions to address critical homeland security issues for fiscal year 2011 if the Coast Guard has not informed us of how the dollars in the current year are being spent.

Do I have your commitment that we will receive these reports no later than April 30th?

Answer. The 5-year Capital Investment Plan was submitted in February 2010, with the fiscal year 2011 President's budget. The 2010 Comprehensive Deepwater Implementation Plan, which contains the 5-year update for Deepwater is currently undergoing final review. The Second Quarter Acquisition Report to Congress reports on acquisition project status through March 31, 2010 and was delivered to your Committee staff on May 5, 2010.

#### NATIONAL AUTOMATIC IDENTIFICATION SYSTEM

*Question.* The budget provides no acquisition funding for the Nationwide Automatic Identification System (NAIS). The Maritime Transportation Security Act of 2002 required certain vessels operating in the navigable waters of the United States to be equipped with, and operate, an automatic identification system (AIS). The Coast Guard has been developing NAIS, which is critical to identify, track, and communicate with marine vessels that use AIS. The Coast Guard estimates that the system won't be completed until 2015; 13 years after Congress mandated that vessels be equipped with AIS.

Why isn't this program a higher priority given the need to enhance the Coast Guard's Maritime Domain Awareness?

Answer. NAIS capability has been deployed to 58 port areas around the Nation and is providing the Coast Guard and other Federal agencies with greater awareness of the vessels operating in and near U.S. waters. The project will use prior and future year funding, shown on the Capital Investment Plan, to make the current system, deployed as a rapid prototype, a permanent solution for enhancing Maritime Domain Awareness in the Nation's ports. No funding is requested for fiscal year 2011 because the Coast Guard plans to use \$7.8 million of prior year funding to continue the NAIS acquisition.

---

QUESTION SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* The Sentinel Class Fast Response Cutters (FRCs) will provide the Coast Guard with a new generation of patrol boats to support its homeland security, maritime safety, law enforcement, and interdiction missions. The fiscal year 2011 budget request includes \$240 million for acquisition of FRCs.

Can you please explain the importance of this particular funding request, the role these cutters will play within the Coast Guard's fleet, and their capability to support the Coast Guard's overall mission?

Answer. The \$240 million identified in the fiscal year 2011 budget request for the Sentinel Class Fast Response Cutter (FRC) acquisition project will permit the continuation of the contract awarded to Bollinger Shipyards, Inc. through the award of option #3 for production of hulls #9–12, as well as funding for associated initial sparring and project costs.

The FRC project is critical to replacing the Coast Guard's fleet of 110-foot Island Class patrol boats. The Sentinel class will possess an improved sea keeping ability, resulting in better habitability and full mission capability in higher sea states. Additionally, enhanced interoperability; Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR); common operating picture; and sensors will improve surveillance and identification performance over the existing capabilities of the legacy 110-foot patrol boat.

With its high readiness, speed, adaptability, and endurance, the FRC will respond quickly and effectively to emerging security and safety issues, essential to achieving mission success in the Coast Guard's following Congressionally-mandated missions:

- Search and Rescue;
- Living Marine Resources;
- Marine Environmental Protection;
- Ports, Waterways and Coastal Security;
- Drug Interdiction;
- Migrant Interdiction;
- Defense Readiness; and
- Other Law Enforcement.

---

QUESTIONS SUBMITTED BY SENATOR GEORGE V. VOINOVICH

*Question.* How will other Coast Guard districts be affected by providing the Blackhawk helicopters to the Great Lakes, as proposed in the budget? Will their capabilities be significantly diminished?

Answer. The fiscal year 2011 budget request reallocates two H-60s based in Clearwater, FL and two H-60s based in Elizabeth City, NC to Air Station Traverse City. These four aircraft replace five H-65s, which will be removed from service. Additionally, the proposal closes two seasonal (Memorial Day to Labor Day) air facilities in Muskegon, MI and Waukegan, IL.

The aircraft proposed to be moved from Elizabeth City, NC, will eliminate tactical vertical insertion as part of advanced interdiction organic helicopter support for training and operations with the Coast Guard Maritime Security and Response Team (MSRT). Although Coast Guard has been training to add this capability to its prototype security response force, MSRT, in the event of a significant incident involving federal response forces, the responsibility for this capability primarily resides with the Department of Justice tactical units.

While the aircraft proposed to be moved from Clearwater, FL, will reduce Seventh District's MH-60 capacity by two, these MH-60 helicopters are assigned to locations within The Commonwealth of the Bahamas to support interagency counterdrug missions for Operation Bahamas, Turks, and Caicos (OPBAT). A third MH-60 will remain to assist the multiagency OPBAT effort.

The 2011 Rotary Wing Re-alignment proposal maintains Search and Rescue (SAR) mission readiness requirements at these locations, enhances CGAS Traverse City capabilities, and enables closure of seasonal Air Facilities in Muskegon, MI and Waukegan, IL. However, due to the loss of a MH-60 on March 3, 2010, that was planned for re-location to Michigan, the fiscal year 2011 proposal to re-allocate rotary wing assets becomes challenging because Air Station Traverse City requires four H-60 aircraft. The Coast Guard is currently working with the Administration to evaluate options with regard to the proposed fiscal year 2011 rotary wing budget proposal.

*Question.* How will the fiscal year 2011 budget reductions impact our participation in critical bilateral agreements like Shiprider, which the U.S. Coast Guard and Royal Canadian Mounted Police have worked so hard to reach? Will we need to lessen our commitment to such programs?

*Answer.* The bilateral Shiprider agreement between the United States and Canada has not yet entered into force. It will enter into force following ratification by the Canadian Parliament, which may occur by the end of calendar year 2010. There are currently no foreseen impacts on Shiprider or other similar programs under current bilateral agreements. The costs associated with embarking Shipriders are minimal and the programs should be unaffected.

*Question.* Following the earthquake in Haiti, I was not surprised to see that the Coast Guard was first on-scene to assist with the rescue effort (within 18 hours). It is clear from news reports, and your testimony, that the response did not come without a high cost to the Coast Guard. What impact did the response have on mission capabilities in District 7, and throughout the Coast Guard? Are the severely affected assets operational at this time?

*Answer.* Numerous cutters, planes and deployable teams responded to Haiti during the critical hours, days, and weeks after the earthquake. Consistent with Coast Guard's well-developed surge planning and capabilities, these assets were shifted from other mission areas within District Seven or brought in from other districts. The mission areas affected by the shift in assets were counterdrug mission and living marine resources in Districts Five and Eight. The majority of these assets have been returned to their normal operations.

The Coast Guard operates one of the oldest fleets in the world. Of the 12 major cutters assigned to Haiti relief operations, 10 cutters, or 83 percent, suffered severe mission-affecting casualties, two were forced to return to port for emergency repairs, and one proceeded to an emergency dry dock. Air assets were diverted away from evacuation efforts to deliver repair parts. While a majority of the affected assets have had immediate repairs completed and all have returned to operation, those repairs did not address the longstanding suboptimal condition of ships that are well past their service life.

*Question.* On March 23, 2010, the President submitted to the Congress a request for \$2.8 billion in fiscal year 2010 emergency supplemental appropriations to provide for costs associated with relief and reconstruction support for Haiti following the devastating earthquake in January, including an additional \$45 million for Coast Guard operating expenses for emergency relief, rehabilitation, and other expenses related to Haiti. What period of time does this funding request cover? Does it go through the date when the Coast Guard expects to cease its Haiti operations? If not, how long does the Coast Guard expect to maintain these operations and what funds, in addition to those requested, are needed to cover that period?

*Answer.* The \$45 million emergency supplemental request covered a 90-day period from January 13 through April 14, 2010.

As part of the Coast Guard's migrant interdiction mission, Operation Southeast Watch—Haiti (OPSEW-H) continues as Coast Guard assets maintain an increased surface presence to deter potential mass migration. The Coast Guard continually monitors indications and warnings for mass migration and adjusts assets as required.

No changes are needed to the supplemental request.

*Question.* Last August, the Coast Guard proposed a Ballast Water Discharge Standard to combat the introduction and spread of invasive species. Does the Coast Guard expect to finalize a rule in fiscal year 2011? Can you tell me how much money is in the Coast Guard's fiscal year 2011 budget to further develop this proposed rulemaking and implement it?

*Answer.* The Coast Guard is working diligently to finalize its proposed Ballast Water Discharge Standard (BWDS) rulemaking. The Coast Guard is working towards publishing a BWDS final rule by the end of December 2010. For more information please go to Office of Information and Regulatory Affairs (OIRA) link: <http://159.142.187.10/public/do/eAgendaViewRule?pubId=201004&RIN=1625-AA32>.



The full cost of the proposed rulemaking and implementation is under development. The fiscal year 2011 President's budget provides resources commensurate with 2010 enacted for rulemaking activities under which BWDS is performed.

*Question.* In a January letter that I wrote with some of my other Senate colleagues to the Coast Guard, we said that we wanted to be sure that the Coast Guard had the necessary resources in its budget to ensure that your proposed rulemaking can be implemented in a timely fashion. The letter pointed out that the proposed rulemaking relies on non-governmental laboratories to test ballast technologies and that the Coast Guard has already said that additional installations and modifications are needed at these labs in order to comply with the Coast Guard type approval test procedures. However, in the Coast Guard's response, you stated that it would be inappropriate and a conflict of interest for the Coast Guard to fund the development of these labs. Can you explain this conflict of interest and why you don't believe that the Coast Guard should provide funding even though your proposed rulemaking relies on these labs for testing?

*Answer.* The manufacturer of ballast water treatment technology must use a laboratory to validate compliance with Coast Guard standards and protocols. If the Coast Guard funds the laboratory, then a relationship between the Coast Guard and the laboratory forms—a relationship that could create the appearance of undue governmental influence over the laboratory's evaluation of the manufacturer's technology or, potentially, actual governmental influence over the laboratory's evaluation.

*Question.* Last year, the Administration proposed and Congress appropriated significant funds for Great Lakes restoration. Several agencies, including the Coast Guard, received funding through this initiative. How much fiscal year 2010 money will the Coast Guard receive and for what activities? How much does the Coast Guard plan to receive in fiscal year 2011?

*Answer.* Of the appropriated amount to EPA under Public Law 111-88, \$6.4 million is being executed by the Coast Guard for the following activities:

- Research, Development, Testing and Evaluation (RDT&E) Invasive Species—reducing invasive species introductions through ballast water treatment (\$3.5 million);
- (RDT&E) Toxic Substances and Areas of Concern—response to spills of oil in ice in fresh water (\$0.1 million); (RDT&E) Toxic Substances and Areas of Concern—recovery of submerged oil (\$0.3 million); and
- (Environmental, Compliance & Restoration) Toxic Substances and Areas of Concern—investigate and remediate potential sources of toxic substances on Coast Guard property in the Great Lakes Area (\$2.5 million).

The Coast Guard anticipates it will receive \$2.2 million from the EPA appropriation in fiscal year 2011.

#### CONCLUSION OF HEARINGS

Senator BYRD. With that, any further questions?

If not, the subcommittee stands in recess subject to the call of the Chair.

[Whereupon, at 3:50 p.m., Tuesday, April 13, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]



## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS FOR FISCAL YEAR 2011

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

### NONDEPARTMENTAL WITNESSES

[The following testimonies were received by the Subcommittee on Homeland Security for inclusion in the record. The submitted materials relate to the fiscal year 2011 budget request for programs within the subcommittee's jurisdiction.]

#### PREPARED STATEMENT OF THE MARINE CONSERVATION BIOLOGY INSTITUTE

Mr. Chairman and Members of the Subcommittee: Marine Conservation Biology Institute, based in Bellevue, WA, is a national, nonprofit environmental organization whose mission is to advance the science of marine conservation biology and protect ocean ecosystems. We advocate for effective ocean policy and adequate appropriations for marine programs that focus on understanding and conserving marine ecosystems, habitats and species. MCBI supports the United States Coast Guard in their efforts to reach their goals in providing maritime safety, security, mobility, national defense, and protection of natural resources.

I wish to thank the members of the Homeland Security Appropriations Subcommittee for the opportunity to submit written testimony on the fiscal year 2011 budget regarding appropriations for the United States Coast Guard (USCG). The USCG is a multi-mission, maritime agency ensuring the safety, security, and conservation of the Nation's territorial waters. The fiscal year 2011 President's request has decreased USCG's overall budget by over \$340 million, including a decrease of \$3.5 million for marine environmental protection. Without adequate funding, the Coast Guard will flounder in its mission and the maritime environment will be at risk of further degradation. MCBI recommends reinstating the fiscal year 2010 enacted USCG funding level of \$10.4 billion, to include an additional \$2 million for the USCG to play its part in preventing marine debris and aiding in its removal.

#### MARINE DEBRIS PROGRAM

Marine debris has become one of the most widespread pollution problems affecting the world's oceans and waterways. As highlighted by the Great Pacific Garbage Patch in the north Pacific gyre, and the recently identified garbage patch in the Atlantic, marine debris is a growing problem that is manifesting itself in all U.S. waters, including Hawaii, Alaska, and the Caribbean. Marine debris fouls beaches and marine ecosystems; kills coral reefs; causes death to marine mammals, seabirds, and sea turtles by entanglement and ingestion; transports non-native and invasive species to marine ecosystems; and creates navigation safety hazards by fouling engine propellers. Research has proven that debris has serious effects on the marine environment, wildlife, the economy, and human health and safety. Some of the most common types of marine debris are discarded or lost fishing lines and nets, household plastics such as disposable lighters, six-pack rings, plastic bags, and Styrofoam pellets. The number of marine debris related entanglement deaths of endangered and threatened seals, sea turtles, and seabirds continues to grow. Entanglement in debris is major cause of death for Hawaiian monk seals (population estimate is less than 1,200 individuals).

The United States Coast Guard (USCG) plays a crucial role combating marine debris by monitoring and enforcing compliance with MARPOL Annex V and the Act

to Prevent Pollution from Ships. Under this authority, USCG monitors discharge of waste from ships and oversees port waste receptor facilities. In addition, USCG provides critical support and leadership for a variety of anti-marine debris activities. For example, USCG has partnered primarily with the National Oceanic and Atmospheric Administration (NOAA), starting in 1998, to remove an estimated 600 metric tons (mt) of marine debris (mostly derelict fishing gear) from the Northwest Hawaiian Islands (NWHI) where marine debris continues to kill endangered Hawaiian monk seals and seabirds. As of 2006, NOAA has shifted marine debris removal in the NWHI to a “maintenance mode,” intended to keep up with new debris accumulation. In fiscal year 2006, NOAA and USCG removed an estimated 40 mt of debris. Yet, the annual accumulation rate is estimated at 52 mt of marine debris. Therefore, “maintenance” funding is not keeping up with the problem, and marine debris continues to be a perpetual threat to the endangered Hawaiian monk seal and seabirds in Papahānaumokuākea Marine National Monument.

To combat marine debris, the Marine Debris Research, Prevention and Reduction Act was enacted in 2006. The act established a national program led by NOAA and the USCG to identify, assess, reduce and prevent marine debris and its effect on the marine environment. The act authorizes \$10 million annually for NOAA’s Marine Debris Program and \$2 million for the USCG’s program. However, NOAA has been level funded at \$4 million since 2008; and the USCG has never requested nor received any direct funding for its marine debris efforts.

As the Nation continues to deal with economic challenges, MCBI recognizes that allocating new funds for projects may be difficult. However, we encourage the subcommittee to (minimally) reinstate USGS funding levels to fiscal year 2010 enacted levels to maintain the service’s operating capabilities, and include an additional \$2 million for the USCG to meet its responsibilities under the Marine Debris Act.

Additional monies are needed to enhance the ability of USGC to maintain support to current removal projects; develop best management practices; reduce derelict fishing gear; and conduct education and outreach measures.

In summary, MCBI respectfully requests that the subcommittee augment the United States Coast Guard funding to support the critical role they play fighting marine debris.

---

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION FOR PUBLIC HEALTH  
STATISTICS AND INFORMATION SYSTEMS

The National Association for Public Health Statistics and Information Systems (NAPHSIS) welcomes the opportunity to provide this written statement for the public record as the Homeland Security Subcommittee prepares its fiscal year 2011 appropriations legislation. NAPHSIS represents the 57 vital records jurisdictions that collect, process, and issue birth and death records in the United States and its territories, including the 50 States, New York City, the District of Columbia, and the five territories. NAPHSIS coordinates the activities of the vital records jurisdictions among the jurisdictions and with Federal agencies by developing standards, promoting consistent policies, working with Federal partners, and providing technical assistance to the jurisdictions.

The “near miss” of Flight 253 on Christmas Day reminds us that we must remain vigilant in protecting our Nation from terrorist attacks. In 2005, Congress passed the REAL ID Act in response to the 9/11 Commission’s recommendations that the Federal Government ensure a person “is who they claim to be” when applying for an official ID, yet 5 years later its implementation remains stalled due to strained State budgets and a lack of Federal investment. NAPHSIS respectfully requests that Congress provide the Federal Emergency Management Agency (FEMA) \$100 million over a period of 3–5 years to modernize the vital records infrastructure in support of REAL ID through grants to States.

PREVENTING FRAUD, IDENTITY THEFT, AND TERRORISM THROUGH VERIFICATION

Prior to the terrorist attacks on the United States on September 11, 2001, all but one of the terrorist hijackers acquired some form of identification document, some by fraud, and used these forms of identification to assist them in boarding commercial flights, renting cars, and other necessary activities leading up to the attacks. In its final report, the 9/11 Commission recommended implementing more secure sources of identification, stating that “Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver’s licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft,

sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.”<sup>1</sup>

Heeding the recommendations of the 9/11 Commission, Congress enacted the REAL ID Act in May 2005. Among other provisions, the REAL ID Act and its corresponding regulations (6 CFR Part 37) require that applicants for a driver’s license present their birth certificate to the motor vehicle agency to validate their U.S. citizenship and their date of birth, and that birth certificates must be verified by the State. Sec. 37.13 of the identification standards regulations recommends that States through their departments of motor vehicles (DMV) should use the Electronic Verification of Vital Events (EVVE) system, operated by NAPHSIS, to verify birth certificates presented by applicants.

EVVE is an online system that verifies birth certificate information. It provides authorized users at participating agencies with a single interface to quickly, reliably, and securely validate birth and death information at any jurisdiction in the country. In so doing, no personal information is divulged to the person verifying information—EVVE simply relays a message that there was or was not a match with the birth and death records maintained by the State, city, or territory.

#### VERIFICATION NEEDED NOW MORE THAN EVER

Many Federal and State agencies rely on birth certificates for proof of age, proof of citizenship, identification for employment purposes, to issue benefits or other documents (e.g. driver’s licenses, Social Security cards, and passports) and to assist in determining eligibility for public programs or benefits (e.g., Medicaid). Unfortunately, there are cases where individuals have obtained birth certificates of deceased persons and assumed their identity, created fraudulent birth certificates, and altered the information on a birth certificate, as documented in a Department of Health and Human Services Office of Inspector General Report of 2000.<sup>2</sup>

Most recently, the GAO documented several cases in which investigators created fraudulent birth certificates and were able to obtain passports based upon the fraudulent records because the passport office did not verify the birth certificate information.<sup>3</sup> As a result, the Passport Office’s Fraud Prevention Managers commenced using the EVVE system in March 2009 for birth verifications. In their first 6 weeks of use, there were two instances where the Fraud Prevention Managers used the EVVE system to electronically verify the birth certificates, and EVVE returned a “no match.” Upon further follow up with the vital records offices that “issued” the birth certificates it was determined that indeed the birth certificates presented with those passport applications were fraudulent.

#### STATES NEED FEDERAL SUPPORT TO IMPLEMENT REAL ID

EVVE is currently installed in 19 vital records jurisdictions and is used by State DMVs and Medicaid Offices, the Social Security Administration, the Office of Personnel Management, and the Department of State Office of Fraud Prevention Programs in select jurisdictions. Users of EVVE are enthusiastic about the system, citing its capacity for:

- Providing protection against the potential use of birth certificates for fraudulent activities.
- Improving customer service by facilitating rapid access to accurate and verifiable vital record data in real-time.
- Safeguarding the confidentiality of birth and death data.
- Offering a secure mechanism for communication between agencies and vital records offices via the Internet.
- Easily integrating with current legacy systems that the Federal or State agencies may already be using, and for serving as a user-friendly interface for agencies that seek a stand-alone query system.

NAPHSIS is working on further upgrades to the EVVE system to meet the REAL ID requirements and to ensure that EVVE is installed in all 57 jurisdictions by May 2011. NAPHSIS is also in the process of procuring a data analysis and quality control tool that all jurisdictions can utilize to analyze their EVVE databases for anomalies, inconsistencies, accuracy, and completeness.

<sup>1</sup>The 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks upon the United States, July 2004, p. 390.

<sup>2</sup>Department of Health and Human Services, Office of Inspector General, Birth Certificate Fraud, Sept. 2009 (OEL-07-99-00570).

<sup>3</sup>Government Accountability Office, Department of State: Undercover Tests Reveal Significant Vulnerabilities in State’s Passport Issuance Process, Mar. 2009 (GAO-09-447).

Despite EVVE's security, speed, and ease of use, the system is only as good as the underlying data infrastructure upon which it relies. Digitizing paper-based birth and death records, then cleaning and linking those records, will provide for secure, reliable, real-time identity verification using EVVE. Specifically,

- The majority of the 57 vital records jurisdictions have electronic birth records that extend back more than seven decades. To recognize EVVE's full potential to verify birth certificates, 100 percent of jurisdictions should have their records in electronic form.
- There are cases where an individual has assumed a false identity by obtaining a birth certificate of a person who has died. Therefore, it is also important that all jurisdictions' death and birth records be linked to flag individuals who are deceased and identify fraudulent birth documentation.

RECOMMENDATION ACTION: INVEST IN INFRASTRUCTURE TO FACILITATE ID  
VERIFICATION

The jurisdictions' efforts to digitize, clean, and link vital records have been hindered by State budget shortfalls. In short, the jurisdictions need the Federal Government's help to complete building a secure data infrastructure and support identity verification required by REAL ID. Under the current authority established through REAL ID, we ask that Congress provide \$100 million to FEMA to support a new grants-to-States program for the purpose of modernizing vital records. Specifically, these funds would be used by vital records jurisdictions to digitize their birth records back to 1945, to clean these data to support electronic queries, and link birth and death records. We recommend the funding be appropriated over time according to one of two schedules:

- Option 1.*—\$33 million per year over 3 years. This option would provide roughly \$580,000 in fiscal year 2011 to each vital records jurisdiction, on average.
- Option 2.*—\$20 million per year over 5 years, providing roughly \$350,000 in fiscal year 2011 to each vital records jurisdiction, on average. The vital records modernization would progress more slowly than under Option 1, but the funding would nevertheless significantly enhance the ability of States and territories to support the goals of REAL ID.

As Congressman Bernie Thomson addressed the President earlier this year, we need to "ensure we have the best infrastructure in place to counter the threat of terror." We feel strongly that an investment of \$100 million is a small price to pay to strengthen Americans' safety and security by accurately, efficiently, and securely verifying birth data on the 245 million driver's licenses issued annually. Five years after REAL ID's enactment, isn't it time to implement the 9/11 Commission's recommendations and invest in the goals of REAL ID and identity verification?

NAPHSIS appreciates the opportunity to submit this statement for the record and looks forward to working with the subcommittee.

PREPARED STATEMENT OF THE NATIONAL EMERGENCY MANAGEMENT ASSOCIATION

INTRODUCTION

Thank you Chairman Byrd, Ranking Member Voinovich, and Members of the Committee for the opportunity to submit this statement for the record regarding the fiscal year 2011 budget for the Department of Homeland Security (DHS).

As President of the National Emergency Management Association (NEMA) I represent the emergency management directors of all 50 States, territories, and the District of Columbia. Members of NEMA are responsible to the Governors for myriad responsibilities including emergency preparedness, homeland security, mitigation, response, and recovery activities for natural or terrorism-related disasters.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

The highest priority for NEMA within the President's request is funding for the Emergency Management Performance Grants (EMPG). This program has existed since the 1950s in acknowledgement of the Federal interest in creating and maintaining a strong emergency management system at the State and local level. EMPG assists State and local governments in managing a variety of disasters and hazards providing the only source of Federal assistance to State and local government for all-hazards emergency management capacity building.

Grantees utilize EMPG funds for personnel, planning, training, exercises, warning systems, public outreach, and other essential functions in establishing effective preparedness, mitigation, response, and recovery. This program is of considerable economic value to the Federal Government as all Federal funds are matched 50-50 by

State and local governments. Such a matching requirement increases accountability and supplements the impact of valuable Federal dollars.

While the President's request of \$345 million marks a significant improvement in recognizing the criticality of this program, the amount remains far short of the national requirement. According to NEMA's 2010 Biennial Survey of State emergency management agencies, the total need for EMPG funding next year is actually \$530 million. The difference between the amount requested by the Administration and the results of our survey represents the shortfall needed to fund existing jurisdictions and establish emergency management programs in eligible jurisdictions not currently able to be included. We appreciate the resource constrained environment, but when compared to other grant programs, the 50-50 match allows EMPG to stand alone as a worthwhile investment of Federal funds.

#### HOMELAND SECURITY GRANT PROGRAM

The Homeland Security Grant Program (HSGP) provides funds to build capabilities at the State and local levels and to implement the goals and objectives included in State homeland security strategies and initiatives in the State Preparedness Report. Funding amounts must remain at pre-consolidation levels, and these grants must be used in support of building an all-hazard capability. We urge the Committee to provide States greater flexibility in use of homeland security funds for all-hazards activities. Such flexibility allows the grant funding to be utilized by each State according to need, existing resources, and capabilities. This flexibility will serve to increase preparedness for all hazards including terrorism. The effort to enhance and build the national emergency response system is a national effort and Federal resources should continue at the current level to maintain effectiveness. As the Committee considers funding for the HSGP, NEMA urges sustained appropriations levels on a multi-year basis to allow for long-range planning, maintenance, and implementation.

Our membership remains concerned regarding the proposed grant consolidation of the Metropolitan Medical Response System (MMRS), Citizen Corps Program, Driver's License Grant Program, and Interoperable Emergency Communications Grant Program within the President's request. While in theory the proposed combination may appear sound; in practice such consolidation remains impractical. For example, management of the Driver's License Grant Program occurs in various State agencies where consolidation would require added administrative burdens on State government. Furthermore, the proposed consolidation would bring these grant programs under the required 80-20 funding split between State and local governments thereby further diluting these programs where State coordination is critical. While FEMA intends to reduce reporting requirements, the proposed consolidation would actually have the opposite effect.

#### PRE-DISASTER MITIGATION

The Administration's request demonstrates a welcomed commitment to mitigation efforts through the request of \$100 million for the Pre-Disaster Mitigation Grant Program (PDM). This grant program was originally authorized as a program to provide every State with funding for mitigation efforts regardless of disaster history or current risk assessments, but changed in fiscal year 2002 appropriations legislation when PDM became a competitive grant program. The PDM program continues to be over-subscribed as more projects become eligible than can be funded in any given fiscal year at present funding levels.

NEMA continues working closely with authorizers to obtain a multi-year reauthorization for PDM which we would like to see achieved by the end of the fiscal year. In the meantime, NEMA encourages the Appropriations Committee to demonstrate a continued commitment to PDM and appropriate the requested \$100 million.

#### EMERGENCY OPERATIONS CENTERS

There remains a shortfall in the ability for States to build, retrofit, and upgrade primary and alternate Emergency Operations Centers (EOC). According to the 2010 NEMA Biennial Survey, an estimated \$398 million in requirements exist to bridge the shortfall. The current EOC Grant Program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable EOCs with a focus on addressing identified deficiencies and needs. This program provides funding for construction or renovation of a State, local, or tribal governments' principal EOC. Fully capable emergency operations facilities at the State and local levels stand as an essential element of a comprehensive national emergency management system and are necessary to ensure continuity

of operations and continuity of government in major disasters caused by any hazard. The continued viability of a strong and robust EOC Grant Program remains in the Nation's best interest.

#### EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Finally, I wish to address funding for the Emergency Management Assistance Compact (EMAC). When States and the U.S. territories joined together and Congress ratified EMAC (Public Law 104-321) in 1996, it created a legal and procedural mechanism whereby emergency response resources such as Urban Search and Rescue Teams can quickly move throughout the country to meet disaster needs. All 50 States, the District of Columbia, and three territories are members of EMAC and have committed their emergency resources in helping neighboring States and territories.

To provide a sense of EMAC's value in the context of search and rescue, in 2005 the year of Hurricanes Katrina, Rita, and Wilma more than 1,300 search and rescue personnel from 16 States searched more than 22,300 structures and rescued 6,582 people. EMAC staff stood ready to offer support recently during the tsunami threat to Hawaii as well. Fortunately the need for mutual aid was never required in Hawaii, but the knowledge it remains available as a State asset is invaluable to emergency response officials.

The capabilities of EMAC remain sustained by the efforts of all the States and would be bolstered by direct support of EMAC. While EMAC currently receives FEMA grant funding, fulfilling NEMA's request for a \$4 million line item appropriation would codify the program for use in future disasters. These funds provide numerous benefits directly to the States. As the opportunity is afforded, EMAC intends to develop, maintain, and exercise State and regional mutual aid capabilities, train State and local emergency response personnel who may be deployed through EMAC, support the development of specialized emergency response capabilities among the regions, and ensure EMAC remains a viable resource for the States now and in the future. In my opinion, \$4 million in Federal funds stands as a minimal investment for maintaining a proven national emergency response capacity that day-to-day is equipped, trained, and ready to provide critical disaster response resources and support between States. All members of EMAC continue to rely on this asset as a critical tool in their response and recovery arsenal.

#### CONCLUSION

Again, I appreciate the opportunity to address these issues critical to the emergency management community. This Committee regularly affirms support for ensuring preparedness for our nation's vulnerabilities against all-hazards with additional investments in EMPG and EOCs. As you develop the fiscal year 2011 budget for the Department of Homeland Security, I encourage you to utilize our membership as a resource and continue efforts to build a strong and robust emergency management baseline in our country. Together, we will carry-on the initiatives so thoughtfully developed by this Committee over the years.

I thank you for the opportunity to testify on behalf of NEMA and appreciate your continued partnership.

---

#### PREPARED STATEMENT OF NATIONAL ENVIRONMENTAL SERVICES CENTER

Chairman Byrd, Ranking Member Voinovich, and Members of the Subcommittee: We request an appropriation of \$1.45 in fiscal year 2011 to support West Virginia University's Resilient Communities Initiative (RCI). This program is being developed by the National Environmental Services Center (NESC) in partnership with the State of West Virginia Department of Military Affairs and Public Safety (DMAPS), the Harley O. Staggers National Transportation Center, and the Canaan Valley Institute to help rural communities and small cities prepare for, and respond effectively to, disruptive events such as man-made or natural disasters.

The goal of the Resilient Communities Initiative (RCI) program is to improve the resilience capacity and mechanisms for mitigation in rural communities and small cities, beginning with the Corridor H region in West Virginia. Corridor H is the projected National Capitol Region (NCR) mass evacuation route, so communities in this region must be prepared for its impact in addition to the impact of potential natural disasters.

Using modeling scenarios, the RCI will predict the impacts of an uncontrolled NCR mass evacuation on the Corridor H Region. RCI will help communities in this region to address their economic development needs and their infrastructure resil-



agency issues (e.g., water, energy, transportation) by implementing a community outreach technical assistance program. NESC has 30 plus years working with small and rural communities through outreach and technical assistance. NESC and the RCI partners will help communities overcome the resource disparities and lack of planning capabilities that have historically been obstacles to their becoming resilient to disasters and returning quickly to normalcy. The outcomes of these efforts can be transferred to communities in other regions of the United States having issues similar to those of Corridor H in West Virginia.

Thank you for considering our request for \$1.45 million in fiscal year 2011 to initiate the Resilient Communities Initiative at West Virginia University.

#### PREPARED STATEMENT THE NATIONAL TREASURY EMPLOYEES UNION

Chairman Byrd, Ranking Member Voinovich, distinguished members of the Subcommittee: I would like to thank you for the opportunity to provide this testimony. As President of the National Treasury Employees Union (NTEU), I have the honor of leading a union that represents over 22,000 Customs and Border Protection (CBP) Officers and trade enforcement specialists who are stationed at 327 land, sea and air ports of entry (POEs) across the United States. CBP employees' mission is to protect the Nation's borders at the ports of entry from all threats while facilitating legitimate travel and trade. CBP trade compliance personnel enforce over 400 U.S. trade and tariff laws and regulations in order to ensure a fair and competitive trade environment pursuant to existing international agreements and treaties, as well as stemming the flow of illegal contraband such as child pornography, illegal arms, weapons of mass destruction and laundered money. CBP is also a revenue collection agency, expecting to collect an estimated \$29 billion in Federal revenue according to fiscal year 2010 estimates.

#### FUNDING FOR CBP SALARIES AND EXPENSES AT THE PORTS OF ENTRY

On October 1, 2009, a draft report of the Southwest Border Task Force, created by Homeland Security Secretary Janet Napolitano and reported by the Associated Press, recommended the "Federal Government should hire more Customs [and Border Protection] officers." The report echoes the finding of the Border-Facilitation Working Group. (The United States-Mexico Border Facilitation Working Group was created during the bilateral meeting between President George W. Bush and President Felipe Calderon held in Merida in March 2007.) "In order to more optimally operate the various ports of entry, CBP needs to increase the number of CBP Officers. According to its own estimate, the lack of human resources only for the San Ysidro POE is in the "hundreds" and the CBP Officer need at all ports of entry located along the border with Mexico is in the "thousands." ("CBP: Challenges and Opportunities" page 1 and 2. Memo prepared by Armand Peschard-Sverdrup for: Mexico's Ministry of the Economy: United States-Mexico Border Facilitation Working Group. January 2008.)

NTEU is disappointed that the Administration's fiscal year 2011 budget includes no increase in frontline CBP Officer or CBP Agriculture Specialist new hires, and instead projects a net decrease of about 500 positions this year, despite increased appropriations. The fiscal year 2011 budget request does include \$70 million to address "systemic salary shortfalls" and \$45 million for 389 CBP Officers to "maintain staffing for critical positions." Rather than funding an actual increase in new hires, however, the Administration is seeking appropriations to maintain CBP positions funded by user fees. CBP states that 37 percent of its inspection workforce at the POEs is currently funded by user fees. This is a precarious funding stream because user fees decrease during times of economic recession, even though security needs of the Nation have not decreased.

NTEU has become increasingly concerned as the number of positions funded by "surplus" user fee revenues has grown over time. According to GAO/GGD-94-165FS (page 17-18), "through fiscal 1993, surplus revenues have funded 472 full-time permanent positions . . ." Today the number of "surplus-funded" positions is over 7,000. Due to the recession, user fee collections are falling and CBP is facing a structural dilemma in its current funding of CBP inspection personnel.

NTEU believes that all CBP employees at the POEs should be funded by appropriated funds through the appropriations process, not with user fees that by statute are to be used primarily to pay for overtime, premium pay, agency contributions to the Civil Service Retirement and Disability Fund, preclearance services and Foreign Language Awards Program. CBP is now facing a serious structural funding shortfall for CBP salaries and expenses at the POEs due to its reliance on user fees rather than appropriations.

Also, in 2003, the Department of Homeland Security (DHS) created a new Customs and Border Protection (CBP) Officer position and announced the “One Face at the Border” initiative that purportedly unifies the inspection process for travelers and cargo entering the United States. Consolidating immigration and customs inspection functions has caused logistical and institutional weakness resulting in a loss of expertise in critical homeland security priorities. The “One Face” initiative should be ended, customs and immigration specializations should be reestablished within CBP, and overall CBP inspection staffing should be increased.

#### TRADE ENFORCEMENT AND COMPLIANCE STAFFING

When CBP was created, it was given a dual mission of safeguarding our nation’s borders and ports as well as regulating and facilitating international trade. It also collects import duties and enforces U.S. trade laws. In 2005, CBP processed 29 million trade entries and collected \$31.4 billion in revenue. In 2009, the estimated revenue collected is projected to be \$29 billion—a drop of over \$2 billion in revenue collected. Since CBP was established in March 2003, there has been no increase in CBP trade enforcement and compliance personnel and again, the fiscal year 2011 budget proposes no increase in FTEs for CBP trade operations personnel.

In effect, there has been a CBP trade staffing freeze at March 2003 levels and the maintenance of CBP’s revenue function has suffered. Recently, in response to an Import Specialists staffing shortage, CBP has proposed to implement at certain ports a tariff sharing scheme. For example, because CBP has frozen at 984 nationwide the total number of Import Specialists positions, CBP is reducing by 52 positions (from 179 to 127) the number of Import Specialists at the New York City area ports and shifting those positions to other ports. To address the resultant shortage of Import Specialists at New York area ports, CBP is implementing tariff sharing between the port of New York/Newark and the Port of JFK airport. Currently, each port (Newark and JFK) processes all types of entries and all types of commodities via the Harmonized Tariff Schedule (HTS). The reduction in trade personnel will result in each port being assigned only parts of the HTS. Tariff sharing will result in each port only processing half the commodities entering its port. Tariff sharing presents a number of operational problems with regard to trade personnel performing cargo exams on merchandise that is unloaded at the port of Newark, but the only commodity teams that are trained to process it are at JFK and, vice versa, when merchandise that can only be processed in Newark, is unloaded at JFK. CBP proposes that instead of physical examinations of the merchandise, digital photos can be exchanged between the ports. This is a short-sighted solution that short-changes taxpayers, trade compliant importers, and the Federal treasury. NTEU urges the Committee to increase funding to hire additional trade enforcement and compliance personnel, including Import Specialists, at the POEs.

In its fiscal year 2011 budget request, CBP is seeking \$25 million for Intellectual Property Rights enforcement including \$14.1 million in human capital investment. This request, however, includes no increase in FTEs to implement this new enforcement program. It is also unclear if the human capital investment is for the trade policy arm of CBP—the Office of International Trade, or the operational arm—CBP Office of Field Operations (OFO). NTEU urges the Committee to appropriate the requested \$14.1 million to increase the number of CBP OFO trade operations personnel at the POEs.

#### CBP CAREER LADDER PAY INCREASE

NTEU commends the Department for announcing an increase in journeyman pay for CBP Officers and Agriculture Specialists, initially scheduled to begin in March of this year. However, the funding for this increase was not secured and the journeyman pay increase has been delayed until late-September 2010. In addition, many deserving CBP trade and security positions were left out of this pay increase, which has significantly damaged morale. NTEU is relieved that full funding of the journeyman pay initiative is in the fiscal year 2011 budget request and strongly supports the inclusion of this funding in the fiscal year 2011 DHS appropriations bill.

NTEU also strongly supports extending this same career ladder increase from GS-11 to GS-12 to additional CBP positions, including CBP trade operations specialists and CBP Seized Property Specialists. The journeyman pay level for the CBP Technicians who perform important commercial trade and administration duties should also be increased from GS-7 to GS-9.

#### FOREIGN LANGUAGE AWARDS PROGRAM

The fiscal year 2011 DHS budget proposes to eliminate \$19.1 million to fund CBP’s Foreign Language Awards Program (FLAP), a congressionally authorized pro-

gram. Since its implementation in 1997, the Foreign Language Awards Program (FLAP), incorporating more than two dozen languages, has been instrumental in identifying and utilizing Customs and Border Protection (CBP) employees who are proficient in a foreign language. At CBP, this program has been an unqualified success, and not just for employees, but for the travelers who are aided by having someone at a port of entry who speaks their language, for the smooth functioning of the agency's security mission.

Rewarding employees for using their language skills to protect our country, facilitate the lawful movement of people and cargo across our borders, and collect revenue that our government needs makes sense. Congress agreed that employees should be encouraged to develop their language skills by authorizing FLAP. Not only does it improve efficiency of operations, it makes the United States a more welcoming place when foreign travelers find CBP Officers can communicate in their language.

Congress authorized a dedicated funding source to pay for FLAP—customs user fees pursuant to title 19, section 58c (f) of the U.S. Code. This statute stipulates the disposition of these user fees for the payment of overtime, premium pay, agency contributions to the Civil Service Retirement and Disability Fund, preclearance services and FLAP. Due to the recession, however, user fee collections have fallen and on February 4, 2010, NTEU received notice from CBP of the immediate suspension of its Foreign Language Awards Program (FLAP) for CBP Officers and CBP Agriculture Specialists (CBPAS). NTEU strongly opposed the mid-year 2010 suspension of FLAP and asks the Committee to ensure that FLAP is fully funded in fiscal year 2011.

#### FUNDING FOR DHS HUMAN RESOURCES MANAGEMENT SYSTEM

NTEU also commends the Committee for maintaining a provision, section 518, in the fiscal year 2010 DHS appropriations bill that prohibits the expenditure of funds to apply a new DHS human resources management system to employees eligible for inclusion in a bargaining unit. Because of this funding prohibition, DHS announced that the agency would rescind application of this new human resources system as of October 2, 2008. Even though DHS has rescinded the application of the human resource system, and DHS has no authority to issue any new regulations, regulations remain in place for adverse actions, appeals, performance management, and pay and classification and can be reactivated if the funding prohibition is lifted.

NTEU requests that identical language to Section 518, prohibiting the use of appropriated funds to implement any part of the regulations promulgated pursuant to Title 5, Chapter 97, is again included in the fiscal year 2011 DHS funding bill.

#### CONCLUSION

NTEU urges the Committee to include in its fiscal year 2011 DHS appropriations bill:

- funding to increase both port security and trade enforcement staffing at the Ports of Entry;
- full funding for the announced career ladder pay increases for CBP Officers and CBP Agriculture Specialists;
- funding to extend career ladder pay increases to additional CBP personnel including trade operations specialists, CBP Seized Property Specialists and CBP technicians;
- full funding of CBP's Foreign Language Awards Program;
- continuing the funding prohibition for implementation of U.S.C. 5, Chapter 97—the Homeland Security Act's alternative personnel management provisions and a prohibition on the continued funding of the One Face at the Border initiative.

The more than 22,000 CBP employees represented by the NTEU are capable and committed to the varied missions of DHS from border control to the facilitation of legitimate trade and travel. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. These men and women are deserving of more resources and technology to perform their jobs better and more efficiently.

Thank you for the opportunity to submit this testimony to the Committee on their behalf.

PREPARED STATEMENT OF THE UNITED STATES COUNCIL OF THE INTERNATIONAL  
ASSOCIATION OF EMERGENCY MANAGERS

Chairman Byrd, Ranking Member Voinovich, and distinguished members of the Subcommittee: Thank you for allowing the United States Council of the International Association of Emergency Managers the opportunity to provide a statement on critical budget and policy issues for the Federal Emergency Management Agency/Department of Homeland Security.

I am Pam L'Heureux, the Director of Emergency Management for Waterboro, Maine, and the Assistant Director of Emergency Management for York County, Maine. I serve as the President of the United States Council of the International Association of Emergency Managers (IAEM-USA). I have 20 years of emergency management experience as a local director. I am also the founding President of the Maine Association of Local Emergency Managers.

IAEM-USA is our Nation's largest association of emergency management professionals, with 5,000 members including emergency managers at the State and local government levels, tribal nations, the military, colleges and universities, private business, and the nonprofit sector. Most of our members are city and county emergency managers who perform the crucial function of coordinating and integrating the efforts at the local level to prepare for, mitigate the effects of, respond to, and recover from all types of disasters including terrorist attacks. Our membership includes emergency managers from large urban areas as well as rural areas.

We deeply appreciate the support this subcommittee has provided to the emergency management community over the past few years, particularly your support for the Emergency Management Performance Grant Program (EMPG) as well as strengthening the Federal Emergency Management Agency (FEMA). We have also appreciated your continued direction to the Department of Homeland Security (DHS) and FEMA to consult with their primary local and State stakeholders.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS (EMPG)

The President's fiscal year 2011 budget request includes \$345 million for EMPG. We urge that EMPG funding be increased to a minimum of \$530 million, that the program be retained as a separate account, and that report language be included continuing to make it clear that the funding is for all hazards and can be used for personnel.

EMPG which has been called "the backbone of the Nation's emergency management system" in an Appropriations Conference Report constitutes the only source of direct Federal funding for State and local governments to provide basic emergency coordination and planning capabilities for all hazards including those related to homeland security. The program supports State and local initiatives for planning, training, exercise, mitigation, public education, as well as response and recovery coordination during actual events. All disasters start and end at the local level, which emphasizes the importance of building this capacity at the local level. Funding from EMPG frequently makes a difference as to whether or not a qualified person is present to perform these duties in a local jurisdiction.

We appreciate that the subcommittee has recognized that EMPG is different from the post September 11, 2001, homeland security grants. Specifically, EMPG has existed, though under different names, since the 1950s. It was created to be a 50 percent Federal cost share-50 percent State or local cost share program to ensure participation by State and local governments to build strong emergency management programs. The program has been under funded for decades and remains so today. The \$530 million request is based on the documented shortfall as indicated by the National Emergency Management Association (NEMA) Biennial Report.

The program is authorized at \$815 million in Public Law 110-53, which also outlines the formula for apportioning EMPG funding to the States and Territories as follows: .25 percent of the appropriation will be apportioned to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands and .75 percent to the States. The Administrator of FEMA will apportion the remaining EMPG appropriations in the ratio that the population of each State bears to the population of all States. In addition, there is a provision holding States harmless from EMPG losses until fiscal year 2013. However we note that the language in the FEMA Congressional Budget Justification on page SLP-10 describes the award allocation methodology for EMPG as incorporating risk. This is not consistent with the provision of Public Law 110-53.

The legislation creating EMPG is purposefully broad to allow jurisdictions to focus their attention on customizing their capabilities. Therefore it is important that FEMA guidance not try to make one size fit all but is written so as to allow max-

imum flexibility in meeting the specific capability requirements within each local jurisdiction.

We would particularly and positively note the efforts of the FEMA Grants Office to involve key stakeholders in improving the fiscal year 2010 EMPG guidance. We believe this should be captured as a “best practice” and incorporated in the process of generating grant guidance for each fiscal year in the future.

Funding from EMPG has always been important to local government emergency management offices, but it is becoming even more so during the current economic downturn. Many of our IAEM–USA members have told us that their programs are facing budget reductions which will result in reduced staffing, reduced or eliminated training, and reduced public outreach. Perhaps most importantly, our members have told us that many emergency management programs are at the point where local elected officials are considering reducing their commitment from a full time emergency manager to a part time emergency manager, or moving the emergency management functions as added duties to other departments. This would have the effect of actually reducing emergency management services—and potentially preparedness—in many areas of the country—all this at a time when disasters and emergencies threaten more people and property than ever before.

Many local emergency management programs have historically provided significantly more than the 50 percent match that is required for their EMPG allocations. Simply receiving the entire 50 percent Federal match of their contributions would make a big difference in maintaining their programs.

#### EMERGENCY MANAGEMENT INSTITUTE (EMI)

We appreciate that the Appropriations Conference Committee on the DHS fiscal year 2010 budget agreed to increase the funding for the Emergency Management Institute (EMI) to \$9 million. We also appreciate the specific mention of EMI in both your committee and conference reports. However, we are disappointed that the President’s budget request for EMI for fiscal year 2011 is \$7.1 million. We request the Committee to support an increase in funding for EMI of \$4.8 million over the President’s request for a total of \$11.9 million. We urge you to again specifically designate funding for EMI in your Committee report.

The Emergency Management Institute (EMI) provides vitally needed training to State and local government emergency managers through on-site classes and distance learning. This “crown jewel” of emergency management training and doctrine has suffered from lack of funding and loss of focus on the primary objectives of the Integrated Emergency Management System (IEMS).

A renewed focus on continuing education for emergency managers is vital. The new funds we are requesting will support continued enhancement of the field (G) and on-campus (E) courses, the development of other vital programs especially an Executive Emergency Management Program for State, local and tribal emergency managers, and the conversion of 13 CORE positions to full time positions. These courses and the personnel to support their development and delivery are essential to the professional development of career emergency managers and to support State level training programs.

We are extremely encouraged at the renewed focus and efforts to update and enhance training programs over the past year with the funding support of Congress. We have observed commendable progress at EMI in the review of existing training programs, the revision of outdated courses, and the focus on the current and future needs in emergency management training. The highest priority for fiscal year 2011 continues to be the revision and upgrade of the EMI core curriculum, including the Master Trainer Program, E-Courses and G-Courses essential to the professional development of career emergency managers and State level training programs.

We also continue to support the highly successful Emergency Management Higher Education Program at EMI. This program, though under-staffed and under-funded, has produced significant improvements in the preparation of emergency managers at the over 180 colleges and universities now offering emergency management academic programs. In addition they interact with over 700 colleges and universities. The program has also established and maintained the essential collaboration between emergency management practitioners and the academic and research disciplines so essential to a comprehensive approach to emergency management. To continue to achieve these results and accomplishments and further advance the Higher Education Program, it is necessary to augment the existing two person staff.

#### PRE-DISASTER MITIGATION (PDM)

We support the appropriate funding for the Pre-Disaster Mitigation program and its reauthorization. If not reauthorized, PDM will sunset on September 30, 2010.

Mitigation is an investment. A congressionally mandated independent study by the Multi-Hazard Mitigation Council, a council of the National Institute of Building Sciences, showed that on the average, a dollar spent by FEMA on hazard mitigation (actions to reduce disaster losses) provides the Nation about \$4 in future benefits.

We appreciated the Committee last year rejecting the proposal in the fiscal year 2010 budget request to terminate the nationwide competitive PDM program and allocate the funds to States on a base plus risk system. This year, the budget again includes language that we are not aware of having been discussed with the authorizers, the appropriators, or stakeholders in advance of the release of the budget.

We are in need of additional information to understand the meaning of the following language from page PDM-1 of the FEMA Congressional Budget Justification: "Through a partnership with the Department of Housing and Urban Development (HUD) Sustainable Communities initiative, the goal is to support strategic local approaches to sustainable development by coupling hazard mitigation with related community development goals and activities that reduce risks while protecting life, property, and the environment." When we have more detail about what is intended by this language, we will be happy to provide comments.

We have appreciated the actions of the House and Senate Appropriations Committees to extend this program. If an authorization bill is not completed this session, we would appreciate your willingness to again extend this important program.

#### PRINCIPAL FEDERAL OFFICIAL (PFO)

We would urge the subcommittee to include bill language prohibiting the funding of any position designated as a Principal Federal Official for a Stafford Act event, or at the very least include the statutory language agreed to by the Conferees in Section 522 of the General Provisions of the fiscal year 2010 DHS Appropriations Act. This language prohibits funding the PFO position except when certain conditions are met. The fiscal year 2011 budget request deletes General Provision Section 522 and includes the following explanation in the Congressional Budget Justification: "While the Department appreciates the modification of this provision from previous year's appropriation act, this provision is still overly restrictive and creates an additional administrative burden on the Department, during a Stafford Act event."

IAEM has consistently opposed the appointment of PFOs. It leads to confusion. Instead, our members want the Federal Coordinating Officer (FCO) to have unambiguous authority to direct and manage the Federal response in the field. It is absolutely critical for State and local officials to have one person empowered to make decisions and coordinate the Federal response in support of the State.

#### FEMA OFFICE OF INTERGOVERNMENTAL AFFAIRS

We urge the subcommittee to increase the staffing for the FEMA Headquarters Office of Intergovernmental Affairs. This office has the vital responsibility to provide information to its State and local partners, keep the FEMA divisions informed of State and local needs, seek input on policies, and solve problems at an early stage. Currently this office has a total Permanent Full Time (PFT) allocation at headquarters of seven and currently there are three vacancies. A minimum of at least 10 in FEMA headquarters are needed to perform these critical functions.

#### FISCAL YEAR 2010 DISASTER RELIEF FUND SUPPLEMENTAL

We strongly support H.R. 4899 which includes the \$5.1 billion in supplemental funds requested by the President for the Disaster Relief Fund. At the time of this statement, H.R. 4899 had passed the House and was pending in the Senate.

On February 4, 2010, FEMA announced a policy of allocating disaster relief funds on an "immediate needs" basis (assistance to individuals, emergency protective measures, and debris removal). Funding for repair and replacement of facilities and mitigation unless already obligated to the State will be delayed until the supplemental is available.

#### REVIEW OF POLICIES AND INITIATIVES

We applaud the efforts of FEMA leadership to review past policies and initiatives. We particularly applaud that the Cost-to-Capability and the Integrated Planning System (IPS) are under review.

In particular, we were pleased that the Administration recognized the flawed nature of Cost-to-Capability and is opting to take the time to develop a more effective method of determining this information. We recognize the need to measure what is being achieved with the funding that Congress has provided; however, we simply

do not want the instrument to be so cumbersome that the information obtained is not worth the time to generate it. Creating a system to count “widgets” is easy—creating a system to determine if we’re better prepared is not. We look forward to working with FEMA as they work to construct a valuable measurement tool.

Our objection to the Integrated Planning System as proposed by the last Administration was that it is scenario-based—which is not the way State and local government emergency managers plan. We plan for the functions and capabilities that are common to all disasters. The IPS, originally proposed by the DHS Office of Operations Coordination, was heavily based on the Department of Defense (DOD) Joint Operations Planning and Execution (JOPES) model. This may be a great model of planning if you are the military and funded and equipped with the resources of the military. State and local governments do not have those resources.

#### STAKEHOLDER INVOLVEMENT

We have appreciated the subcommittee’s continued focus on the need for key stakeholder involvement and we are happy to report to you today that we have had increased opportunities for local emergency managers to have substantive and timely input into policies and initiatives. It is extremely helpful to have input at an early stage rather than just be briefed on decisions.

#### STRENGTHENING FEMA

IAEM–USA continues to strongly support the full implementation of Post-Katrina Emergency Management Reform Act (PKEMRA), Public Law 109–205, and we urge the subcommittee to support the efforts of Administrator Craig Fugate, Deputy Administrator Richard Serino, Deputy Administrator, Protection & National Preparedness Tim Manning, and the other new leaders of FEMA by insisting on its implementation. The momentum returning FEMA to long-established principles of emergency management—all hazards, integrated, all phases (preparedness, mitigation, response, and recovery)—must continue.

The FEMA Administrator should be clearly responsible for the coordination of the Federal response to disasters and have the maximum amount of access to the White House as the legislation clearly requires. We are pleased that the Administration is revising Homeland Security Presidential Decision Directive–8 and we certainly hope it will be consistent with PKEMRA.

We remain concerned that the role of the Department of Homeland Security Office of Operations Coordination, which was created shortly after the enactment of PKEMRA, is unclear. It appears to be assigned functions that duplicate or compete with those of FEMA. These functions include, but are not limited to coordinating activities related to incident management, the national planning scenarios, the Integrated Planning System, and duplicating some of the role of the response function in FEMA. It is unclear what the roles are of the National Operations Center and the National Response Coordination Center in managing the coordination of the Federal Response in preparation for responding to an event. Functions clearly and unambiguously assigned to FEMA by law should not be moved out or duplicated on the basis that the Administrator of FEMA is the lead “only” in Emergency Management, not incident management.

As the new administration is reviewing policies and HSPDs, it will be important to examine the following provisions of PKEMRA:

—Section 611 (12) (B) is of particular importance. This amended the Homeland Security Act of 2002 by “striking the matter preceding paragraph (1)” which contained the language, “the Secretary acting through . . .” and inserted instead the following language. “In General—The Administrator shall provide Federal Leadership necessary to prepare for, protect against, respond to, recover from or mitigate against a natural disaster, act of terrorism and other man-made disaster including . . . managing such response.” “Congress acted intentionally to transfer these responsibilities from the Secretary to the Administrator.”

—Section 503 Federal Emergency Management Agency

—(b)(2) Specific Activities—In support of the primary mission of the Agency, the Administrator—

—(A) Lead the Nation’s efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic accidents.

—(H) develop and coordinate the implementation of a risk-based, all hazards strategy for preparedness that builds on those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made

disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation.

—Section 503 (c)(4)(A) In General—The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

—Sec. 503(c)(5) Cabinet Status—

—(A) In General—The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other man-made disasters.

—(B) Retention of Authority—Nothing in the paragraph shall be construed as affecting the authority of the Secretary under this Act.

We believe that in the last Administration DHS frequently and mistakenly quoted Section 502(c)(5)(B) regarding the authority of the Secretary and the Administrator as being applicable across the entire act when, in fact, it is limited in scope only to paragraph (5).

We strongly request the committee to provide continual oversight of DHS on these matters to ensure they are following the clear and direct law on these issues.

#### CONCLUSION

In conclusion, we urge the subcommittee to continue to build emergency management capacity by increasing EMPG to \$530 million. We urge increasing funding for the Emergency Management Institute to \$11.9 million. We urge elimination of the PFO, or in the absence of that continuing the restrictions on its use. We urge the subcommittee to continue its efforts to strengthen FEMA and to insist on the full implementation of the provisions of PKEMRA.



## LIST OF WITNESSES, COMMUNICATIONS, AND PREPARED STATEMENTS

	Page
Allen, Hon. Admiral Thad W., Commandant, United States Coast Guard, Department of Homeland Security .....	133
Prepared Statement of .....	139
Summary Statement of .....	136
Brownback, Senator Sam, U.S. Senator From Kansas, Questions Submitted by .....	129
Byrd, Senator Robert C., U.S. Senator From West Virginia:	
Questions Submitted by.....	45, 159
Statements of.....	1, 133
Cochran, Senator Thad, U.S. Senator From Mississippi, Questions Submitted by .....	125
Gregg, Senator Judd, U.S. Senator From New Hampshire, Question Sub- mitted by .....	128
Landrieu, Senator Mary L., U.S. Senator From Louisiana, Questions Sub- mitted by .....	106, 163
Lautenberg, Senator Frank R., U.S. Senator From New Jersey:	
Prepared Statement of .....	150
Questions Submitted by .....	108
Marine Conservation Biology Institute, Prepared Statement of .....	167
Murray, Senator Patty, U.S. Senator From Washington, Questions Submitted by .....	104
Napolitano, Janet, Secretary, Department of Homeland Security .....	1
Prepared Statement .....	7
Summary Statement of .....	5
National Association for Public Health Statistics and Information Systems, Prepared Statement of .....	168
National Emergency Management Association, Prepared Statement of .....	170
National Environmental Services Center, Prepared Statement of .....	172
National Treasury Employees Union, Prepared Statement of .....	173
Shelby, Senator Richard C., U.S. Senator From Alabama, Questions Sub- mitted by .....	128
United States Council of the International Association of Emergency Man- agers, Prepared Statement of .....	176
Voinovich, Senator George V., U.S. Senator From Ohio:	
Questions Submitted by.....	111, 163
Statements of.....	2, 135



# SUBJECT INDEX

## DEPARTMENT OF HOMELAND SECURITY

	Page
Acquisition Workforce .....	48
Acquisitions .....	45
Additional Committee Questions .....	45
Advanced:	
Imaging Technology .....	22, 95
Training Center .....	65
Agency Coordination .....	27
Air:	
And Marine Staffing .....	58
Cargo .....	75
Airport:	
Perimeter Security .....	75
Scanning .....	25
Alternatives to Detention .....	124
Annualizations .....	63
Arbitration Panel .....	30
Arctic Policy .....	82
Balanced Workforce Initiative .....	44
Bio-threat Resources .....	90
Biometric Air Exit .....	88
BioWatch Schedule .....	89
Boat-Mounted Sensors .....	103
Border Patrol:	
Agents .....	58
Communications .....	67
Station—Sandusky, Ohio .....	121
Bulk Cash Smuggling .....	70
Bus Security .....	91
Cargo Advanced Automated Radiography System (CAARS) .....	102
CBP .....	57
Budget .....	22
Chemical:	
Facilities .....	39
Facility Anti-Terrorism Standards .....	85
Plant Safety .....	53
Closing of Michigan Air Facilities .....	84
Coast Guard .....	28, 77, 121
Budget .....	39
Cutter Reductions .....	77
Icebreakers .....	42
Unmanned Aerial System (UAS) Strategy .....	82
Vessel <i>Acushnet</i> .....	36
Continued Dumping and Subsidy Offset Act .....	65
Critical Infrastructure/Key Resources Vulnerability Assessments .....	85
Cyber Security .....	84, 105
Training .....	125
Cyberspace .....	43
C-130s .....	81
Decommissioned Assets and Surge Capacity .....	78
Departmental Management .....	45
Detention Beds .....	70

	Page
DHS:	
Headquarters at St. Elizabeths .....	51
Management .....	42
Disaster Relief .....	54
Fund .....	24, 43
Known Costs .....	90
Funding .....	113
Domestic Nuclear Detection Office .....	100
E-Verify .....	40, 94, 117
Efficiency Review .....	52
Explosives:	
Detection Systems (EDS) .....	73
Trace Portals .....	96
Federal:	
Air Marshals .....	76
Emergency Management Agency .....	90
Law Enforcement Training Center .....	94
Protective Service .....	121
Administrative Support .....	88
Fees .....	88
Growth in Responsibility .....	85
Surge Capability .....	88
Fee-Funded Activities .....	118
FEMA Budget Priorities .....	90
First Responder Preparedness .....	23
Fiscal Year 2011 Budget Request .....	7
Flood Mapping .....	33
Floodplain Remapping, Levee Certification .....	130
Full-Time Equivalent (FTE) Increases/Decreases .....	61
Grants:	
Effectiveness .....	111
For Emergency Operations Centers .....	91
H&L Fraud .....	95
Haiti .....	54
Haitian Orphans .....	31
Hanson Dam .....	35
Human Portable Radiation Detection Systems .....	102
ICE .....	68
Immigration Enforcement .....	104
Impact of the Lack of a Confirmed CBP Commissioner .....	67
Intelligence Training .....	92
Interagency Operation Centers .....	80
Internal Affairs .....	61
International Airport Security .....	20
Journeyman Pay .....	66
Key Fiscal Year 2009 Accomplishments and Reforms .....	15
Layered Border Security .....	57
Loran-C .....	83
Management .....	119
Maritime Security:	
And Safety Teams (MSSTs) .....	82
Response Team (MSRT) .....	82
Measurable Outcomes and Investigative Statistics .....	55
Mexico .....	21
National:	
Automatic Identification System .....	79
Bio- and Agro-Defense Facility (NBAF) .....	32, 96, 129
Plum Island .....	129
Computer Forensics Institute .....	94
Protection and Programs Directorate .....	84
Security Cutter (NSC) .....	79
Special Security:	
Event State and Local Reimbursement Fund .....	54
Events .....	125
Strike Force Transition from Coordination Center .....	83
Northern Border Coordination Center .....	35

	Page
Office of:	
Health Affairs .....	89
Inspector General .....	54
The Federal Coordinator for Gulf Coast Rebuilding (OFCGCR) .....	104
Offshore Patrol Cutter .....	81
Olympics .....	35
On-Dock Rail .....	103
Overdue Reports and Expenditure Plans .....	45
Passenger:	
Name Record Data .....	64
Screening Technologies .....	71
Patrol Boat Sustainment .....	81
Performance Metrics .....	97
Port Security .....	34
Ports-of-Entry Modernization .....	123
Principal Federal Official (PFO)—Policy on the PFO Role .....	91
Program Integrity .....	76
Proposed:	
Border Patrol Construction Cancellations .....	58
Elimination of the Foreign Language Awards Program for CBP Employees .....	67
Reductions .....	95
RAD/NUC Transformational Research .....	96
Radiation:	
Detection Future Development .....	123
Portal Monitor (RPM) Program .....	100
Rail Inspections .....	57
Rainville Farm .....	26
REAL ID.....	95, 113
SBI.net .....	40
Science and Technology .....	95
Secret Service .....	84
Secure:	
Border Initiative (SBI) .....	68
Communities .....	70
Security Clearances .....	51
Selected DHS Priority Performance Goals .....	19
Small Boat Threat .....	53
Southwest Border:	
Enforcement .....	63
Fencing .....	61
Special Hiring Authorities .....	124
Stand-off Radiation Detection System (SORDS) Follow-on Program .....	103
State and Local Fusion Centers .....	123
Surface Transportation Security .....	75
Systems Development .....	102
Tactical Border Infrastructure .....	116
Tactical Communications .....	123
Technology Readiness Level .....	96
Terrorist Threat .....	48
Test-Beds .....	49
The American Recovery and Reinvestment Act (ARRA) .....	55
Training at the NDPC and CDP .....	92
Transportation:	
Security Administration (TSA) .....	71
Collective Bargaining .....	119
Worker ID Card .....	38
Treasury Forfeiture Fund .....	52
Unintended Loss of Critical Skillsets .....	77
United States-Mexico Border Security Cooperation .....	57
US-Visit.....	24, 88
USCG Oil/HAZMAT Response Capability .....	83
USCIS .....	94
Visa:	
Security .....	68
Waiver Program/Biometric Air Exit Implementation .....	113
Western Hemisphere Travel Initiative (WHTI) .....	64

	Page
Workforce .....	77
Balancing .....	51
Working Capital Fund .....	50
Worksite Enforcement.....	68, 115
And E-Verify .....	25
Sanctions .....	104

#### U.S. COAST GUARD

Additional Committee Questions .....	159
Budget:	
For Replacement Helicopter .....	158
Impact of Helicopter Crash (HH-60) .....	162
Coast Guard .....	133
C-130H vs. C-130J Aircraft .....	157
Decommissioning Maritime Safety and Security Teams .....	146
Deepwater .....	160
Delivering Value to the Nation .....	141
Expenditure Plans and Reports .....	162
Fiscal Year 2011 Budget Request .....	140, 142
Efficiencies, Reallocations, and Decommissionings .....	144
Initiatives and Enhancements .....	142
Haiti .....	159
Earthquake .....	122
Helicopter Coverage .....	148
Helicopters .....	156
High Endurance Cutter Sustainment .....	162
Icebreakers .....	156
Illegal Fishing .....	152
Modernization of Business Practices .....	141
National:	
Automatic Identification System .....	162
Security Cutter (NSC) .....	160
Program .....	152
Offshore Patrol Cutter .....	161
Operating With Fewer Cutters .....	145
Piracy .....	152
Priorities If Funding Were Available .....	145
Recapitalizing to Preserve Future Capability .....	140
Responding to Crises in Alaska .....	154
Response During Oil-Drilling Accidents .....	151
Savings and Decommissionings .....	141
Small Boat Threat .....	159
Unmanned Aerial Systems .....	154
Workforce:	
Optimization .....	141
Plan .....	161