

U.S. DEPARTMENT OF HOMELAND SECURITY  
HOMELAND SECURITY ADVISORY COUNCIL  
PUBLIC SESSION  
TUESDAY  
FEBRUARY 8, 2011  
Meeting Minutes

The meeting convened in the Capital Ballroom of the Embassy Suites - Convention Center, 900 10th Street, NW, Washington, DC, at 9:20 a.m., William Webster, HSAC Chair, presiding.

PRESENT:

WILLIAM WEBSTER, Chair  
BILL BRATTON, Vice Chair  
LEROY BACA, Member  
RICHARD CAÑAS, Member  
JARED COHON, Member  
MANNY DIAZ, Member  
MOHAMED ELIBIARY, Member  
CLARK ERVIN, Member  
JOHN MAGAW, Member  
BONNIE MICHELMAN, Member  
JEFF MOSS, Member  
MARTIN O'MALLEY, Member  
HAROLD SCHAITBERGER, Member  
LYDIA THOMAS, Member  
CHUCK WEXLER, Member  
JOHN "SKIP" WILLIAMS, Member

ALSO PRESENT:

JANET NAPOLITANO, Secretary, Department of Homeland Security  
BECCA SHARP, Executive Director, HSAC  
MICHAEL ALEXANDER, Democratic Staff Director, Senate Homeland Security and Governmental Affairs Committee Sen. Joseph I. Lieberman (I-CT), Chairman  
LANIER AVANT, Chief of Staff and Democratic Staff Director, House Committee on Homeland Security - Rep. Bennie G. Thompson (D-MS), Ranking Member  
DON DAIGLER, Director for Planning and CBRNE Programs, FEMA  
COREY GRUBER, Assistant Administrator, National Preparedness Directorate, FEMA  
SARA KUBAN, Director of External Engagement, Office of Public Affairs  
BRANDON MILHORN, Republican Staff Director and Chief Counsel, Senate Homeland Security and Governmental Affairs Committee - Sen. Susan M. Collins (R-ME), Ranking Member  
MICHAEL RUSSELL, Republican Staff Director and Chief Counsel, House Committee on Homeland Security - Rep. Peter T. King (R-NY), Chairman

1  
2  
3 JUDGE WEBSTER: Good morning. I'd like to call this meeting of the Homeland Security  
4 Advisory Council to order. I'm William Webster, the Chairman of the Homeland Security Advisory  
5 Council or HSAC for short. I'd like to welcome all of our members and our guests who are in  
6 attendance here this morning. For members of the public who are unfamiliar with the HSAC, this  
7 Council serves to provide independent advice to Secretary Janet Napolitano from across the  
8 spectrum of Homeland Security issues.  
9

10 On tap for today's session will be a briefing from Sara Kuban from the Office of Public Affairs; a  
11 question and answer session from top Hill staffers on their efforts during the new Congressional  
12 update for the new Congress; an update from FEMA Assistant Administrator Gruber on the  
13 Department's resilience efforts; followed by Secretary Napolitano who will swear in our newest  
14 HSAC member and give brief remarks.  
15

16 First, I'd like to turn it over to our Vice Chair Bill Bratton for his remarks. Chief.  
17

18 CHIEF BILL BRATTON: Thank you, Judge. It's a pleasure to be here with all of you this  
19 morning. I am a recent addition to this group. The appointments are for three years and that  
20 assures a continuing turnover of personnel on the Committee. It is a committee whose focus is  
21 really to advise Secretary Napolitano and her personnel on the best thinking from the various fields  
22 that we represent. Myself I have spent almost 40 years in the law enforcement community, most  
23 recently as police chief of the City of Los Angeles working with my good friend and colleague,  
24 Sheriff Lee Baca, the Sheriff of Los Angeles County.  
25

26 The meeting this morning is our first effort to ensure that the public has access, that there is  
27 transparency to this committee's work. And I think you will enjoy the presentations and the  
28 opportunity to participate in the discussions and deliberations as we go forward.  
29

30 Secretary Napolitano does use this group. We are not strictly a pro forma entity. It is an  
31 organization that she interacts with. It is very well staffed, in terms of a very capable staff support,  
32 Becca Sharp who chairs that group that works with us. And I think that as we move forward we  
33 will build on a past performance that has been very valuable to the Secretary.  
34

35 I think you will also understand that where we are as it relates to Homeland Security is not where  
36 we want to be. But we have come a long way as we move toward the 10th anniversary of the 9/11  
37 attack which basically changed all of our worlds forever. There has been great progress made, but  
38 there is so much more to do. And I think you will find that this Committee is committed to being  
39 part of that progress and part of that work that needs to be done. Judge, thank you.  
40

41 JUDGE WEBSTER: Thank you very much, Chief. At this point, I'd like everyone to rise while the  
42 Coast Guard Honor Guard posts the colors.  
43

44 (Color guard entry and posting of the colors.)  
45

46 Thank you. You may be seated. Next we will have Sara Kuban from the Office of Public Affairs

1 where Sara is the Director of Strategic Communications give us an update on "If You See  
2 Something, Say Something" Campaign. Sara.

3  
4 MS. KUBAN: Thank you very much. Thank you for having me here today. I'm going to give an  
5 update on our campaign. I'll start with a brief overview for those who may not be familiar, give  
6 you an update of where we are and then I'm happy to take any questions you may have.

7  
8 For those that are not familiar or you may not have heard about it for a little while, the Secretary  
9 charged us in mid May to look into adopting the New York Metropolitan Authority's "If You See  
10 Something, Say Something" Campaign. The goal of the campaign is to engage the public, to make  
11 them more aware and to encourage folks to if they see something that doesn't seem right to report it  
12 to local authorities, law enforcement, police, etc.

13  
14 We got the permission from MTA and we launched the program on July 1st with Amtrak. I should  
15 note that we are very closely tying the public awareness campaign with an operational side of things  
16 which is called "The Nationwide Suspicious Activity Reporting Initiative." It is run out of the  
17 Department of Justice and it trains law enforcement personnel and analysts and other frontline  
18 personnel how to do distinguish between what would be a credible suspicious activity report and  
19 what isn't and the necessary steps that need to be taken whether it is or it isn't.

20  
21 There's also privacy protections that are put into place. And this is important because when we  
22 were establishing the Nationwide Suspicious Activity Reporting Initiative (NSI) and the criteria  
23 that went into it to make either a fusion center or a state to be fully operational NSI-wise. We  
24 consulted privacy and civil liberties and civil rights groups as well as law enforcement to make sure  
25 proper protections were in place.

26  
27 We launched with Amtrak because they were already familiar with the campaign being that they're  
28 based in New York. And also their law enforcement were some of the first to be trained.

29  
30 From there we went on to launch with actually the District of Columbia with Chief Lanier and  
31 WMATA in Washington, DC on National Night Out. We have expanded that campaign into other  
32 areas, including general aviation. We launched with several of the Southern Shield states. We have  
33 also started partnering with a bunch of entities in the private sector, including the American Hotel  
34 and Lodging Association; Wal-Mart, where in 588 select stores throughout the country there is a  
35 public service announcement of the Secretary playing at checkout counters. We also launched the  
36 program at the Mall of America in Minnesota, where there are materials throughout the Mall, a 20  
37 second video that was running and posters.

38  
39 We don't have a lot of resources for this campaign. So a lot of what we're doing is either earned  
40 media or working with our partners on the campaign.

41  
42 We announced this campaign last week in Dallas with the NFL prior to the Super Bowl. And this  
43 was probably one of the more exciting launches we've had. We had on the backs of all 50,000  
44 credentials was our FUC -- message and the proper reporting mechanism as well in the program on  
45 the Game Day Map on that large JumboTron we had our big message, as well as TVs throughout  
46 the stadium.

1  
2 We have a lot of other exciting rollouts planned for the coming months. Our goal for this campaign  
3 is to engage the public, get the public interested and not being afraid. They know their  
4 communities best. We all know where we live best and where we go to work, where we run our  
5 errands, where we got out to eat and we know what seems right and what doesn't. And if  
6 something needs to be said, we should say something.  
7

8 I will say myself I actually saw something in a report of something. I was out at a shopping mall  
9 during the holidays. I saw a gentleman with his camera out taking pictures of the way the escalators  
10 were moving, the different levels of the mall, where the exits were located. And that's not  
11 something people usually take pictures of. And so I called that in.  
12

13 So it can be as simple as that. You don't have to be trained. Yes, I have received the SAR training,  
14 but you don't have to. You know what seems right and what doesn't.  
15

16 Like I said, we did consult civil rights and civil liberties groups when we were designing the criteria  
17 for the NSI. I should also point out that recently we met with 17 -- John Cohen met with 17  
18 religious leaders at the recommendation of the HSAC to also get their engagement and we have a  
19 lot of interest in the religious community to partner with them.  
20

21 The one thing I just want to point out is a lot questions potential partners have about the campaign  
22 is: what do we have to do? And there really isn't a whole lot you have to do. But the most  
23 important thing is we have to make sure that whatever reporting mechanism is on the materials,  
24 whether it's a phone number or a website or a text number, is that it is answered 24 hours a day or  
25 as long as the materials would be in view of the public.  
26

27 So, for example, some places, you know, at a stadium for game day they'll have a number. So it  
28 would be like a text number and then 911 or whatever the appropriate number is for that  
29 jurisdiction. So we want to make sure we have the appropriate reporting mechanism and we also  
30 want to make sure that the law enforcement are trained, that they understand how to handle this, the  
31 calls, and that they know what to do with them and that the other steps are taken as well. I'm happy  
32 to take questions.  
33

34 (Off the record comment.)  
35

36 MS. KUBAN: Yeah, I'm happy to take some questions. Yes.  
37

38 JUDGE WEBSTER: Members of the Council, any questions? Yes, Mr. Cohon.  
39

40 MR. COHON: Thank you, Sara. Have you thought about, talked about or written down even  
41 better what measures we'll use to gauge the success of the campaign?  
42

43 MS. KUBAN: That's an excellent question. We are starting to gather information as to the  
44 numbers of SARs that are called in and other success stories. One big success story that we point to  
45 is what happened in Spokane where the backpack was found along the MLK route and it was able  
46 to be diffused before it became a situation. So anything like that we consider a success story.

1  
2 As I'm sure you all understand, there are some that will never make the news due to the nature of  
3 what they are. But we are trying to do internal matrix whether it's through our fusion centers or  
4 others. And we're starting to pull those together. And so hopefully in the coming months we'll be  
5 able to talk about them more publicly and more generally.  
6

7 MR. COHON: One of the interesting challenges is it doesn't seem right to measure success simply  
8 by the number of reports because there might be a lot of false positives.  
9

10 MS. KUBAN: Credible reports, yes.  
11

12 MR. COHON: Right.  
13

14 MS. KUBAN: Or things that are forwarded.  
15

16 MR. COHON: So knowing whether or not saying something led to actions that stop something  
17 else from happening.  
18

19 MS. KUBAN: Yes.  
20

21 MR. COHON: I guess is the real measure here.  
22

23 MS. KUBAN: And that's what I mean. Not every call.  
24

25 MR. COHON: No.  
26

27 MS. KUBAN: Every call that comes in it is there's a certain procedure that has to be followed. So  
28 say it's here in D.C. Here in D.C. 911 works. In other places, in Colorado, there's the TIP line. In  
29 some states they want to use several different, you know, whatever the local law enforcement is.  
30 Once that TIP is called in, it's determined whether it's credible or not and whether it needs to move  
31 up the chain and be fed eventually into the NSI.  
32

33 I think what we'll look at is: Were things forwarded? Were things stopped from happening? I think  
34 there will be different levels of what are considered success stories. We do want the public to get  
35 more engaged. Yes, there will sometimes be things that are called in that are not SAR and  
36 obviously we're going to check to see how those two balance out.  
37

38 Our experience from talking with MTA in New York when we were looking at doing this campaign  
39 was that initially when they launched it in 2002 there was a slight uptick of people calling in  
40 reports. However, shortly over time that really has petered out and it really has -- they haven't  
41 experienced it over I'd say a large number of calls that aren't some sort of terrorism or crime related  
42 which is what again this campaign is focused on, just preventing terrorism and crime.  
43

44 MR. WILLIAMS: Sara, can you say a word about how you've worked with different community  
45 organizations, different communities, ethnic, cultural groups, to get this message across?  
46

1 MS. KUBAN: Yes. Like I said we're consulting very closely with our CRCL component at DHS  
2 as we design our materials. I actually have some materials that I can pass around and you'll see that  
3 what we're really working to do is to point at either behaviors or activities as opposed to what  
4 someone may look like or something like that.

5  
6 This is about looking for suspicious behaviors and suspicious activities. TSA and us, we've been  
7 able to do some very small advice. So I'll pass around some of the things. And what we tried to do  
8 is highlight items. So in some of these you will see a backpack. The ad will be in one color and  
9 then the item in the picture will be offset like a yellow or blue or something. So I'll just pass these  
10 around so you can see. But we're working very closely with our CRCL partners to make sure that  
11 the appropriate message is conveyed first and foremost.

12  
13 Second of all, we are working on getting materials translated into different languages. For mainly  
14 most recently with our HLA for the Hotel Lodging Association, we designed materials for them.  
15 And we have them translated into Spanish and they're in the process of talking to us about other  
16 languages that they would like us to be translated into as well.

17  
18 We are in conversations with several different religious communities about doing launches and  
19 partnerships with them. Again, it's just making sure there that we have the appropriate reporting  
20 mechanism in place. But we are very eager to partner with everyone because it really doesn't matter  
21 who you are or where you are. Terrorism and terrorism related crime affects everybody. So we are  
22 working with all entities on that.

23  
24 JUDGE WEBSTER: Sara, you mentioned the importance of making sure that any phone places to  
25 call, so forth, are fully manned. Are we doing anything to be sure that the people who are  
26 answering those telephones are instructed to be polite and to be appreciative and not to be  
27 dismissive of someone who calls? You get a lot of kooky calls. But I think it's important that the  
28 public not be dissuaded from turning the calls in by the treatment they receive from the people on  
29 the other end of the phone.

30  
31 MS. KUBAN: No, that's a very good question. Like I said when it comes to the NSI and the  
32 Nationwide Suspicious Activity Reporting Initiative one of the things, one of the parts, of that is  
33 making sure that the people who would be on the answering end of the call say or receiving a call  
34 that the proper training does go into place.

35  
36 And so the people that are taking the call are analysts. They have to go through a training as to how  
37 to respond, how to handle a call, what kind of questions to ask and what to go through. And not  
38 only are they required to go through I believe it's about a week long training, but their bosses are  
39 encouraged to go through that as well so that there is the sensitivity and the appropriate handling of  
40 those calls.

41  
42 JUDGE WEBSTER: Thank you.

43  
44 MR. ELIBIARY: I wanted to say I really appreciate it. You guys are doing a great job. But I  
45 wanted to -- I don't know (Feedback) having false or stereotyping, racial profiling, all those issues.  
46 One of the things that I think you've done well in the department is the rollout of the "If You See

1 Something, Say Something" Campaign. It happens in geographic regions that have stood up the  
2 functional standards that would require the NSI in that geographic region to be focused on  
3 behavioral indicators as opposed to identity based indicators.  
4

5 So this is something that has brought a lot of comfort in several entities that I've heard back and I  
6 think it is worthy to mention here that even if a kooky point is called in a suspicious activity on  
7 someone if it is racial or ethnic or religious, so identity based, that it wouldn't enter into the cloud of  
8 the NSI. Thank you.  
9

10 MS. KUBAN: That's a very important point to make. We actually sat down with a group of  
11 different civil rights and civil liberties groups from a variety backgrounds to discuss the campaign.  
12 Many of them were familiar with it, but to make sure that they understood where we were coming  
13 from and then also to hear from them about what they had to say and to get their input.  
14

15 We had a really productive conversation on both sides and we really enjoyed the feedback that we  
16 got. Some of it was positive and some of it was definitely other things that we can take in mind and  
17 we are already starting to implement those ideas. So we are very sensitive to those and we want to  
18 continue to hear those comments and recommendations.  
19

20 MR. MOSS: How long is the program expected to run? Is this a continuous operation now, just  
21 part of a function, or does it have a funding for a certain period of time and then you evaluate  
22 progress, make adjustments and continue? Like what would be considered a win?  
23

24 MS. KUBAN: For terrorism to go away. No, when I talk about the campaign and I do. I often say  
25 that currently I consider the campaign in its infancy. We launched it about seven months ago. And  
26 we're really getting into a good rhythm with it now.  
27

28 Like I mentioned before, we really don't have a budget for this. We were able to scrap together a  
29 very small, little bit of money at the end of last year that we're using. All of our creative is done in  
30 house. We have a graphic designer who is designing all of our materials and we're using our  
31 resources very wisely.  
32

33 We hope this campaign goes on I think indefinitely at this point. We liken it to Smokey the Bear  
34 and "only you can prevent forest fires." We really want that to become that much of a common,  
35 everyday saying amongst adults, children, you know, whatever.  
36

37 So we're constantly like I said meeting with groups to see what we can do better. We meet every  
38 week, if not more often, to discuss the campaign, where it's going. There's a lot of coordination  
39 that's happening amongst our intergovernmental, our intelligence, our private sector offices, you  
40 know, all working together on this.  
41

42 And every time we do a launch we learn what is going well and what we can do better and we try to  
43 make those adjustments accordingly. Hopefully, our appropriations bill will pass and maybe we'll  
44 get a little money for the program. As far as I know, this is going to go on for the foreseeable  
45 future.  
46

1 JUDGE WEBSTER: Please.

2 MS. MICHELMAN: Thank you, Sara. I just wondered if there's any publicized penalty for  
3 manipulation, intended manipulation, of purposeful prank calls, etc.  
4

5 MS. KUBAN: I don't have a law enforcement background. So this is maybe a little bit out of my  
6 league. But I'll check and see if there is anything. I would presume it would be under what RE is in  
7 existence if you call in something that is a false report. It very much is encouraged against it. We  
8 actually have disclaimer language that this is meant for credible, suspicious activity. But I'll check  
9 and see if there is anything. At this time, I don't know of anything else of false reporting to law  
10 enforcement, but I'll check.  
11

12 MS. SHARP: Sara, was there a strategy behind the Walmart stores that are running the campaign  
13 versus those which are not?  
14

15 MS. KUBAN: Yes, it's the ones that have the capabilities to do it. We started talking with  
16 Walmart back in the beginning of the fall or so. They had mentioned to us what they had available,  
17 the kinds of technology that they had available, to us or what they would like to do.  
18

19 Out of their 3,000 plus stores, 588 have this capability and I actually have driven out into Virginia  
20 in seek of these. So I have seen them firsthand. At some of the locations at the checkout counter  
21 when you're waiting in line there's a little TV monitor that is on that beam that kinda goes up to say  
22 what checkout counter you're at. And there's a little flat screen TV and on that TV rotates -- they're  
23 not ads, but different like little announcements for the store, you know, where you can get your  
24 blood pressure checked, where you can get your flu shot, that type of thing. And it's on that monitor  
25 where the Secretary's PSA is playing. So it was just at the stores that had the technology available.  
26

27 JUDGE WEBSTER: Any other questions? Yes, Jeff.  
28

29 MR. MOSS: So what has the feedback been from the participants? Does Walmart provide any  
30 feedback the way their customers are receiving it? Or is there like a continuing dialogue there?  
31

32 MS. KUBAN: Yes. I mean we check in with the people that we partner with to see how things are  
33 going. I don't want to call anybody out by name because I haven't really discussed that with them  
34 before I came here. But we have ongoing conversations to figure out what's working and what isn't.  
35 I can tell you just from my experience from talking with people that as the time rolls on and as we  
36 launch with different people as far as other people to call and want to get on board.  
37

38 And when we initially talked to the NFL, they were thrilled. They were excited. They're like what  
39 can we do and the amount of messaging that we have that we were able to partner with them and  
40 get out of the Super Bowl was really incredible. Everyone is very receptive to this because people  
41 acknowledge that terrorism, crime, terrorism related crime, doesn't really see boundaries and that it  
42 really could affect anywhere I think.  
43

44 You know, the December 25th attempt in 2009, the New York Times Square attempt last May and  
45 others just indicate that it really can happen anywhere. And I think people are realizing that more  
46 and more. So they are very much willing to bring this message.

1  
2 It's not a scare tactic. It's not a message to say beware. It's to say "Hey, you know what's right. You  
3 know what doesn't seem right and to say something." And I think because it is a very engaging and  
4 very encouraging message that I think it's very well received. And we work very closely with  
5 whoever we partner to make sure that the materials fit for them.  
6

7 You know, what we design, what Walmart asks us for is very different than what we did with the  
8 Super Bowl. And that's very different than what we did with Mall of America and these different  
9 entities. So we really work very hard to make sure that whatever we're doing works for them. And  
10 so far we've had very positive feedback.  
11

12 JUDGE WEBSTER: Do you know whether the Department is considering any kind of recognition  
13 awards to recognize in a public way outstanding contributions in the way of "Say Something" and  
14 to keep the public aware that this is a valued contribution?  
15

16 MS. KUBAN: To say recognize -- To make sure I understand what you were saying, to recognize  
17 someone who was courageous and stepped up and said something that really made a difference? I  
18 think that's an excellent idea and I will take that back to my group. I like that idea. Thank you.  
19

20 MR. MAGAW: I would just say that one of the side benefits for Malls of America and also  
21 Walmart is that when you come in the store the greeters bring it up. They'll mention it. And as you  
22 leave the store they'll mention it.  
23

24 But what's happening also is when you're saying "See something, say something" it's helping them  
25 with their shoplifting, with their theft, with all the fraud that they have. So it's a two-way street.  
26 And I don't see it diminishing at all as long as we can just keep it alive in the way that you have like  
27 moving it to baseball and basketball and onto the university campuses, the college campuses and  
28 things. Congratulations.  
29

30 MS. KUBAN: Thank you. We actually have done a few launches with the universities and we're  
31 continuing to expand there. It's a great opportunity because there are so many that gather together  
32 whether it's for sporting events or different activities. And at the universities that have been able to  
33 implement it so far they have found it to be very helpful and I know we're continuing to look for  
34 opportunities there as well.  
35

36 JUDGE WEBSTER: Any other comments?  
37

38 (No verbal response.)  
39

40 I might take this opportunity to recognize that there are many in the audience who participated in  
41 the programs yesterday which had to do with our task forces, one of which was our faith-based task  
42 force, another on the program on resilience about which we'll hear more later this morning. We're  
43 glad to have all of you with us and welcome the general public. Our next part of our program is to  
44 hear from the Hill and they should be arriving at any moment. So we'll take a brief break, invite  
45 you to stay in your seats or to be comfortable. We're going to try to start this as close to 10:00 a.m.  
46 as possible. That's just a few minutes away.

1  
2 (Whereupon, a short recess was taken.)  
3

4 JUDGE WEBSTER: On the record. We're ready to resume and our special guests from the Hill  
5 are here and will give us a view from there. From my right to left, on my right over here we have  
6 Michael Alexander, the Democratic Staff Director from the Senate Homeland Security and  
7 Governmental Affairs Committee, Mr. Lanier Avant who is the Chief of Staff for Congressman  
8 Bennie Thompson and Democratic Staff Director for the House Committee on Homeland Security,  
9 Brandon Milhorn who serves as the Chief Counsel and Republican Staff Director for the Senate  
10 Homeland Security and Governmental Affairs Committee and Michael Russell who serves as Chief  
11 Counsel and Republican Staff Director for the House Committee on Homeland Security. They'll be  
12 giving us a brief update followed by a question and answer session with the Homeland Security  
13 Advisory Council members. So, gentlemen, the floor is yours.  
14

15 MR. ALEXANDER: Okay. Good morning, Judge Webster. Thank you very much for giving us a  
16 chance to come. This is a great pleasure to be with such a distinguished group of Homeland  
17 Security and public servants here. And welcome to the folks in the audience. I'll just be very brief.  
18 It's a personal honor to be here. As you all know, I work for Senator Lieberman on the Homeland  
19 Security Committee. He has announced that he is retiring at the end of this term. So this is sort of  
20 our last two years to work together on some issues that have been obviously very important to him  
21 throughout his career with respect to our national security, our homeland security. So he's told us  
22 that the next two years we're going to have to work even harder on the Committee because he wants  
23 to continue the work that he's been doing with respect to our country.  
24

25 One of the key issues for us going forward will be cyber security. We work with our colleagues on  
26 the House and the Senate last year to work on a bill that did not quite get there because we ended up  
27 running out of time. But we feel very confident that this session we'll be able to get a joint Senate  
28 bill out hopefully. I know there is a bill in the House. Hopefully, we'll be able to get that done.  
29

30 Senator Reid has made that a top priority for the Senate and he's providing personal leadership to  
31 that effort. So we really hope to get something done on cyber security this Congress which I think  
32 Senator Lieberman feels that it's a very important and high priority.  
33

34 Just a couple of other issues. DHS authorization is something that our Committee has tried to do  
35 before but hasn't been able to get done. The Senator's told us he really wants to try and get an  
36 authorization bill done. The Department has matured tremendously since it was created several  
37 years ago. But we've never been able to do an authorization bill.  
38

39 The Senator sits on the Armed Services Committee and he sees the importance of doing an NDAA  
40 every year. And he thinks that we should try to establish a tradition of getting a DHS authorization  
41 bill as well to help the Department mature, help make sure that it continues to grow and do the great  
42 work that it's been doing.  
43

44 Just a couple other issues. Last week we issued, Senator Collins issued, our report on the Fort  
45 Hood case. It took us a long time to pull that together. I know, Judge Webster, you're continuing to  
46 work on that issue as well.

1  
2 We found a lot of good things obviously that the FBI has been doing, the DoD has been doing, to  
3 keep us safe. But we think in that particular case there were some pitfalls that we want to try and  
4 work to see those addressed. It's important to the Senators, Senator Lieberman and Senator Collins,  
5 to try and make sure that those issues continue to be addressed going forward so that we can  
6 prevent that type of event from happening in the case where we really had enough information to  
7 perhaps have prevented something very tragic from happening.  
8

9 Lastly I'll just say that we are very cognizant that this year is the 10th anniversary of 9/11 and pretty  
10 much everything that our Committee works on this year we'll have that in the back of our minds  
11 with respect to oversight and legislation. Ten years is a long time, but it's also a short time. A lot  
12 has been accomplished. But we think that there's probably a lot more that we need to do.  
13

14 The threats that we face have not diminished. They've morphed. They've changed. They've in a lot  
15 of ways gotten even more difficult. So we'll be spending a lot of time this year looking at the  
16 progress that we've made across a number of areas and trying to figure out what more should the  
17 country do to make us safe for going forward. With that, I'll turn it over to Lanier and then we can  
18 do some questions.  
19

20 MR. AVANT: Thank you, Judge Webster. And as Michael alluded to it's indeed an honor to be  
21 here today to present before the Council and the audience. As the Minority Staff Director in the  
22 Lower Chamber, I fully expected to be the last one to present this morning. But I guess having the  
23 last name that begins with the letter A helps. But as Mike mentioned cyber security is an issue  
24 that's going to receive a lot of attention this Congress. In the House, Ranking Member Thompson  
25 has already reintroduced a cyber security bill that's very similar to the one he introduced in  
26 September of last year. That bill is competing bill with a few other managers that have been  
27 introduced that were introduced last Congress. And we fully expect will receive a lot of attention  
28 this Congress that will in essence make the Department the central command if you will for what  
29 our Federal Government does to secure .gov domain space.  
30

31 Spectrum allocation will continue to receive a lot of attention. That's something that Ranking  
32 Member Thompson has been working on for the past few years. And with the mix of committees  
33 involved in it, we've been anxious to see some movement. We're now at a place where the public  
34 safety community as well as the Administration have taken what we think are positive steps and are  
35 now on the same page and hopefully that can translate into some momentum to get a legislative  
36 solution to that problem. And Ranking Member Thompson is looking forward to working with Mr.  
37 King and others in the House to make sure that it happens.  
38

39 Our oversight work, one issue we'll focus heavily on is the issue of collective bargaining rights  
40 within the Department particularly at TSA. We're interested in seeing how those rights that have  
41 been recently announced are administered and obviously placing a premium on making sure that  
42 security is not sacrificed in the process. And we believe that a worker union does not indeed  
43 sacrifice or compromise the safety and security of the public.  
44

45 We still have some unfinished business from the last Congress that we'll pay attention to. For the  
46 past four Congresses now, we've been working on this issue of chemical plant security and trying to

1 figure out how it is that we can better secure these facilities, not just chemical facilities but also  
2 water and wastewater facilities.

3  
4 We spent a lot of energy last Congress working with the then Chairman of Energy and Commerce  
5 Committee as well as the Transportation Infrastructure Committee to get a joint bill, a single bill,  
6 through the House and we were successful with that. And we will be looking forward to working  
7 with Mr. King and others to see if we can execute a similar kind of approach this year.

8  
9 FPS modernization of their workforce is an issue that Ranking Member Thompson has expressed a  
10 great interest. He has reintroduced a bill that will do that, that will help to show up that workforce  
11 and hopefully decrease the number of contractors that are required to provide security in many of  
12 the Federal buildings around the country. So those are the issues that I want to bring to your  
13 attention today.

14  
15 MR. MILHORN: Thank you, Lanier. First, I'd like to thank the Advisory Council for inviting us  
16 today. You all perform an invaluable service to the Department of Homeland Security. And as I  
17 was talking with my counterparts up here before we started, I'm looking around the table and I'm  
18 thinking we ought to be listening to you guys instead you guys listening to us. And really that's  
19 important for the Department in many ways.

20  
21 Homeland Security is not an enterprise that grows out of the Beltway. It is an enterprise that is  
22 where the rubber meets the road in state and local communities across the country. It's dependent  
23 upon first responders, state and local officials, experts from academia and that advice and assistance  
24 is absolutely critical for the Department of Homeland Security because it adds that vital perspective  
25 of those local and state officials.

26  
27 I'll start with homegrown terrorism because that has been a focus area of Senator Collins for the last  
28 four and a half years. We started an investigation with Senator Lieberman back in 2006 of  
29 homegrown terrorism, the potential for radicalization to violent Islamic extremism in the United  
30 States that has been a continued focus of the Committee over the last several years. We've become  
31 increasingly concerned about the number of attacks in the United States of either planned or  
32 executed by homegrown extremist. As Mike mentioned our report on Fort Hood, we are concerned  
33 about our nation's ability to effectively detect and respond and prevent those sorts of attacks.

34  
35 And I think one of the primary forces driving that concern is the type of attacks that we're seeing,  
36 the increased period or the decreased period within which radicalization can occur, the potential  
37 lack of contact between the violent radicalizer and traditional terrorist cells whether overseas or in  
38 the United States and the pace with which a potential violent extremist can go from radicalization to  
39 operations within such a small period of time. That creates intense pressure on our law  
40 enforcement community whether at the state and local levels or our intelligence and law  
41 enforcement officers of the Federal level to identify and respond to those threats.

42  
43 And as a nation it is incredibly important for us to understand that process of radicalization. There  
44 are going to be times when we don't see that overt step to criminalization, that overt act in  
45 furtherance of a terrorist attack. But we may see those steps toward radicalization, those overt  
46 utterances of violent extremism.

1  
2 And the question as a nation is are we effectively using all our tools not just law enforcement and  
3 intelligence tools to respond to that threat. How can we identify that violent radicalization and take  
4 steps to stop it perhaps in advance of law enforcement or intelligence intervention. And I think  
5 that's a question that we're going to continue to work on from the Committee.  
6

7 Both Mike and Lanier mentioned cyber security and chemical facility security. I want to take one  
8 step back from that and talk about the Department's role in infrastructure protection in general.  
9

10 As you all well know, the statistic 85 percent of our critical infrastructure is in the private sector.  
11 That underscores the vital nature of the partnership between DHS and the private sector to secure  
12 that infrastructure. And whether we're talking about cyber security or chemical facility security,  
13 security of other infrastructure like our ports and our Federal buildings it's vital that that partnership  
14 be effective.  
15

16 We will continue to look at the National Infrastructure Protection Plan, how effective that plan is,  
17 how effective the hard work of all the sectors has been as they come up with their plans, how is that  
18 being implemented. For cyber security, we'll continue to look at the need for additional authorities  
19 for the Department both within the Federal structure, within the .gov domain, and also to define  
20 how the Federal Government will interact with the private sector to secure our most critical or our  
21 most sensitive critical infrastructure.  
22

23 Obviously, Senator Collins is very invested in the Chemical Facility Security Program. It is a  
24 program that she worked very hard to get into law. She wants to see that successful program  
25 continue. And we need to provide some extended stability for that program to get back on its feet.  
26 That will take more than just an annual reauthorization of the program. We need to formally extend  
27 that program for an extended period of time. The Safe Port Act expired. And that's an area where  
28 we'll need to exert some legislative effort this year. The Senator is also working on an air cargo, a  
29 piece of legislation to address air cargo security. We're working with Senator Lieberman on that.  
30

31 I touched on the Federal Emergency Management Agency. After Hurricane Katrina, Senator  
32 Lieberman and Senator Collins passed important legislation to revise and enhance FEMA. And we  
33 think that good progress has been made. We're going to do increased -- We will continue our focus  
34 on catastrophic planning under the National Response framework, the effectiveness of exercises  
35 and training programs within FEMA. Grants are obviously a vital element of our Homeland  
36 Security for first responders. State and local officials, we need to make that they're being used  
37 effectively. And that is an effort that the Department will need to continue to focus on.  
38

39 DHS Management is the last issue that I'll talk about because it's absolutely critical as that  
40 Department comes together. In particular, we've seen some procurement failures in advanced  
41 technology at the Department that we will want to focus our attention on and not just to point out  
42 failures but to focus on best practices. What is the best way to develop advanced technology?  
43

44 We know that technology is going to be necessary to secure our borders. We can't put a border  
45 guard on every single foot of the border. We're going to have to rely on technology.  
46

1 And the question is how do we build that technology working with border protection,  
2 understanding the needs of operators in the field and how do we make those investments in a wise  
3 fashion where we're not committing ourselves to a technological solution that may be too risky to  
4 achieve and too expensive in the long run for taxpayers in a time of constrained budgets.  
5

6 I think that covers much of the issues we're going to talk about. We look forward to your questions.  
7

8 MR. RUSSELL: Thank you, Judge Webster, Chief Bratton. It's great to be back with the Advisory  
9 Committee since I was last with you in December of 2008. Thank you all for your service.  
10

11 This is the fourth Congress where Chairman King and Ranking Member Thompson will be  
12 working together leading the Committee. We are fortunate to have one of the most bipartisan  
13 committees in the House. And that was evidenced by our organization meeting two weeks ago  
14 where the Committee adopted a strong bipartisan oversight plan. At that organization meeting, we  
15 also welcomed 17 new members, just about half of our Committee membership with a number of  
16 new freshmen.  
17

18 We move into the 112th Congress as Mike mentioned with the 10th anniversary of 9/11 and having  
19 seen a number of domestic plots over the last two years from Times Square, Fort Hood, Little Rock  
20 Recruiting Center, New York Subway Bomber Zazi, the Mumbai Plotter, Jihad Jane and  
21 individuals disappearing from Minneapolis going to Somalia. The Committee is also looking at the  
22 evolving threat of Al Qaeda core and Al Qaeda affiliates overseas and the overseas threat to the  
23 homeland as we saw last fall with the air cargo plot. In light of this backdrop, Chairman King has  
24 taken a number of steps to focus the Committee on threats and initiatives to counter those threats.  
25

26 The members had a site visit to kick off the year to the National Counterterrorism Center to hear  
27 firsthand from Director Leiter about these threats. The other Committee priorities moving forward  
28 include looking at law enforcement tools to counter domestic radicalization, looking at ways to  
29 achieve operational control of the border, overseeing the Administration's plans regarding  
30 Guantanamo detainees, improving cargo security on passenger and cargo planes, chemical plant  
31 security that Lanier mentioned, cyber security that we've heard from our other colleagues,  
32 improving communications for first responders, reviewing Homeland Security grants to ensure that  
33 they are effective and risk-based, strengthening the country's defenses against weapons of mass  
34 destruction, conducting rigorous oversight of the Department of Homeland Security to ensure that it  
35 is operating effectively and cost efficiency and also working on a comprehensive Homeland  
36 Security authorization bill.  
37

38 To support these initiatives, Chairman King has initiated a number of changes organizationally  
39 within our Committee. He created a new Office of Counterterrorism where he has brought in  
40 outside experts with real world experience to marry with our policy staff. We are fortunate to have  
41 a senior inspector from the NYPD who chaired a joint terrorism task force. We're bringing on a  
42 supervisory special agent from the FBI. We have the former director of the Pennsylvania  
43 Homeland Security Office. So we're bringing together Federal, state and local officials within one  
44 office within our full Committee to provide that outside world, real world experience.  
45

46 The Chairman also hired a senior security director to run our security operations who is a career Air

1 Force individual with a lot of experience at the NRO.

2 The first hearing will set the tone for our two years on the 112th, which will be tomorrow with  
3 Secretary Napolitano and Director Leiter providing an overview of the landscape of terror threats  
4 against the homeland. Next week we will hear again from the Secretary on Thursday on the  
5 President's Budget Request that the President will submit to Congress on Monday, the 14th. In  
6 early March, we will begin a series of hearings on the growing threat of domestic radicalization.

7  
8 The Committee will also conduct a series of site visits and field hearings throughout the country  
9 looking at security along the southwest and northern borders, local emergency preparedness efforts,  
10 fusion centers and Homeland Security Training facilities. Our subcommittees are also launching  
11 this week, hearing from FEMA Administrator Fugate and TSA Administrator Pistole and  
12 conducting a site visit for members to the FEMA Operations Center.

13  
14 Some of the bills that Chairman King is moving include the "See Something, Say Something" Bill  
15 that provides immunity to those who report suspicious activities. He is preparing for reintroduction  
16 his D-block Bill working very closely with law enforcement and we anticipate that bill being  
17 introduced in the very near future and then as my colleagues mentioned preparing to move a  
18 comprehensive Homeland Security Authorization Bill.

19  
20 Because we have so many new members, we are working closely with the Department and its  
21 Office of Policy on scheduling a series of briefings on DHS broadly as well as specific target areas  
22 to delve into areas of substance.

23  
24 And also just a request to the Advisory Committee to we seek your support for the Securing The  
25 Cities Initiative. This is a program that started in New York a number of years ago to detect  
26 radiological and nuclear material being transported in Lower Manhattan. If such a device were  
27 detonated in Lower Manhattan, not only would it be devastating for the city but for the country as a  
28 whole.

29  
30 This program has bipartisan strong support in the House and the Senate. The House passed a bill  
31 that would expand the program given its success in New York to other cities. For example, they  
32 could be in California, Texas, Illinois. But these would be high risk cities that would be identified  
33 by the Secretary.

34  
35 When the bill came to the floor, Congressman McCaul from Texas and Congressman Lungren from  
36 California spoke in favor of it because the bill was broad, working with Ranking Member  
37 Thompson and his staff to broaden the bill and a committee markup to make this a national  
38 program for other high risk cities.

39  
40 President Obama's Nuclear Summit here in D.C. highlighted the concern about a nuclear device  
41 being transported into the homeland and this is a program that would go a long way to help prevent  
42 those catastrophic results. So again any support that we can get from the Advisory Committee  
43 would be greatly appreciated. Thank you for having us.

44  
45 JUDGE WEBSTER: Are you agreeable to taking some questions from the members of the  
46 Council? A lot of hands going up. Let's see.

1  
2 MR. ERVIN: Thank you, Judge. And thank all four of you for being here. I just had a question to  
3 follow up on your comment, Mike, and yours, Mike, that both Chairman Lieberman and Chairman  
4 King are interested in having ideally an authorization bill this year and I think all of us would  
5 support that. And I just note that this year is not just the 10th anniversary of 9/11 but also the 8th  
6 anniversary of the Department of Homeland Security's founding. So it would be a particularly  
7 opportune year for that. Could either of you give us a sense of what ideally you would like to see in  
8 that authorization bill and what you think are the prospects for success in that regard this year?  
9

10 JUDGE WEBSTER: Who wants to take Mr. Ervin's question?  
11

12 MR. RUSSELL: Sure. Last fall, Chairman King introduced an authorization bill that was  
13 comprehensive in nature. We would look forward to working with the Department, working with  
14 other committees in the House, because you all are fully aware of the jurisdictional challenges we  
15 have in the House on Homeland Security areas. We're also going to work closely with our Senate  
16 colleagues.  
17

18 But you're right. Between the anniversary and the Department is now eight years in its formation  
19 and it's an opportunity for Congress to provide a guidance to the Department, to authorize programs  
20 that the Department has created over the last number of years, to perhaps initiate new programs and  
21 reprioritize some of the resources so that they are more aligned with the threats that our country  
22 currently faces.  
23

24 We will begin hearing from the Department after the budget. So once we get through the budget  
25 season and we move into March and into the spring we will begin in earnest the compilation of that  
26 authorization bill.  
27

28 Our six subcommittees will be actively involved hearing from the components of DHS that those  
29 six subcommittees have jurisdiction over. And we've already engaged the Department to start  
30 providing us their input and what they would like to see in that authorization bill.  
31

32 MR. ALEXANDER: I think that for us a very similar approach to what Chairman King and Mike  
33 outlined on the House. We think that the Department obviously the whole goal was to create a  
34 more integrated department taking these 22 different entities and bringing them together to operate  
35 more as one. So we're very interested in looking at ways to give the Department more authority,  
36 more ability, to do that while restricting the Office of Policy, restricting some of the acquisition  
37 processes, that have been so problematic and troubling.  
38

39 Brandon mentioned our post-Katrina Bill and FEMA. We want to make sure that the Department  
40 continues to do work there with respect to planning and certainly getting ready for a catastrophe.  
41 So I think there will be some provisions there. And also just aligning the Department, the legal  
42 structure now, with the way the Department has evolved over these last few years because they  
43 have a lot of discrepancies between the original Homeland Security Act and what the Department  
44 has actually become. So we want to try to create more synergy between the statute and what the  
45 Department has actually become.  
46

1 We're also looking forward to working with the Department to get the ideas from the  
2 Administration about changes that they see are necessary. In terms of prospects for passage, it's  
3 always difficult to get a comprehensive bill through. Mike mentioned the jurisdictional issues on  
4 the House and Senate sides. But hopefully Senator Lieberman and Senator Collins and the Kings  
5 and the Thompsons are all working together and may be able to have some success.

6  
7 That would be a formidable group all with the same goal. We all think it's important that the  
8 Department have an authorization bill and maybe we can be working together to navigate a lot of  
9 the difficulties that will be there to get actually get something done.

10  
11 I don't -- Obviously, we never make promises. We just can only say we will work hard to make it  
12 happen. I think it's important for the Department. Hopefully, a majority of Senators and Members  
13 of the House will agree.

14  
15 MR. WILLIAMS: Again, thank you for being here and providing this opportunity for us. I have  
16 been fortunate enough to have served under all three secretaries and the current Secretary has  
17 echoed what previous secretaries have said, the amount of oversight that is coming from both the  
18 House and the Senate, the number of committees, just the sheer number of hours that the Secretary  
19 and senior staff have to go up to the Hill and testify. I'd like to get your thoughts on that because I  
20 believe that if that was streamlined further that this could be a much higher functioning department.  
21 Judge, how many committees?

22  
23 JUDGE WEBSTER: Eighty plus.

24  
25 MR. WILLIAMS: Eighty plus.

26  
27 MR. MILHORN: Do you want me to take a crack at that?

28 J  
29 UDG E WEBSTER: Somebody.

30  
31 MR. AVANT: Since we're in public.

32  
33 MR. MILHORN: Yes.

34  
35 JUDGE WEBSTER: What is the number? Eighty-eight was the last time I heard, but it's over 100  
36 I'm told now.

37  
38 MR. AVANT: It's a really big number.

39  
40 MR. MILHORN: It is a significant number. They spend a significant amount of time coming up  
41 for hearings and briefings. Obviously, Congressional oversight is vital to the effective and efficient  
42 operations of the Federal Government. But just as we expect economy and efficiency from the  
43 Executive branch, I understand the desire for the same from the Congress. That is not always the  
44 case. And on Homeland Security issues, the jurisdictional challenges are significant.

45  
46 As Senator Collins and Senator Lieberman both well know, when SRS 445 was debated after the

1 Intel Reform Act in 2004 that was supposed to streamline the Homeland Security jurisdiction  
2 within the United States Senate there was a steady trickle of death by 1,000 cuts from a  
3 jurisdictional standpoint and the prospects for rolling that back are dubious I think.

4  
5 Jurisdictional fights continue in the Senate and I think that's something we're going to have live  
6 with for some time. And it's incumbent upon the committees to try to accommodate the  
7 Department until we can reach a consensus on a consolidated Homeland Security jurisdiction in the  
8 Senate. And I'll let Mike. I'll defer to Mike and Lanier as it relates to the House.

9  
10 MR. AVANT: I think some of the challenges particularly that we have in the House really go back  
11 to the formation of the Committee and the Committee was never set up to be a standing, permanent  
12 committee. It was set up a select committee that would only survive for the span of time of less  
13 than one full Congress.

14  
15 Later it obviously became a full committee, a standing committee. And even now the challenges  
16 that we have with other committees really relate to how Homeland Security issues are evolving  
17 every day so to the extent that we identified new challenges in the Homeland Security space on a  
18 case-by-case basis almost. Unfortunate as that is, that's how the Congress ends up having to deal  
19 with them particularly on the House side.

20  
21 The other point which is the elephant in the room is that nobody wants to give up power. So if you  
22 were to get all the relevant chairmen in a room and not just for the 112th Congress -- we dealt with  
23 it in the 111th, 110th Congress when we were in the majority -- it was tough. It didn't happen.

24  
25 So we made some small changes, but they weren't improvements to the degree that were necessary  
26 to streamline that jurisdiction over the Department. But we do recognize that it's a huge drain on  
27 the Department resources, scarce as they are, to have to come before some 108 different committees  
28 and subcommittees. The man hours that it takes to prepare testimony for a hearing or prepare  
29 briefing materials for a briefing are enormous. But I think the institution itself has so much inertia  
30 within it that it just makes it a long-term process.

31  
32 MR. RUSSELL: At the organization meeting last month, there was bipartisan agreement that the  
33 Chairman and Ranking Member and the members of the Committee would continue to work on  
34 this issue and continue to move forward. There's agreement that the number of oversight  
35 committees has to be streamlined.

36  
37 The 9/11 Commission Report had the number at 88. At one point, a few years later it dropped to  
38 86. And then a few years ago, it went up to 108. Out of the 108, two of those are two commissions  
39 that have no authorizing jurisdiction whatsoever but they are writing to the Department exerting  
40 oversight in some of the Department's activities.

41  
42 Having been on the Senate floor back in the fall of 2004, the debate was quite acrimonious on a  
43 number of sides on the Senate floor in creating the jurisdiction and renaming the Homeland  
44 Security and Governmental Affairs Committee. And then moving to House side in 2005, it's a  
45 much more challenging environment in the House because of the different committees, the different  
46 jurisdictions, working with the parliamentarians. Because the Committee on Homeland Security is

1 new, the parliamentarians did not have precedent. And so many of the referrals of bills is based on  
2 precedent that that has been a challenge for us over a number of years making our case and our  
3 arguments whether it's the Democrats or the Republicans that have the gavel to the parliamentarians  
4 that certain bills should be referred to our Committee.

5  
6 We've seen some bills that directly affect a component within the Department. But the  
7 parliamentarians rule that it did not come to our committee because it never had before. And then  
8 we'd have to say, "Well, the Committee and the Department didn't exist before and this Agency  
9 hadn't been in DHS." So those are the types of arguments we were making a few years ago and  
10 we're still making arguments to get primary or sequential referrals of legislation. And we will  
11 continue that effort.

12  
13 JUDGE WEBSTER: Mr. Russell, just to pursue this a bit further. We're very conscious of this  
14 problem and we can count. One hundred eight is a lot. But I don't think we have any  
15 understanding of what the process is by which you could reduce or consolidate the oversight  
16 function. Could you explain that a little better if it is explainable?

17  
18 MR. MILHORN: Well, on the Senate side, there was an effort to amend the Senate rules to address  
19 the jurisdictional issues associated with Homeland Security in 2004. As Mike mentioned SRes.  
20 445, there would have to be a resolution. That would have to be debated on the floor. It would be  
21 subject to vote. But I think the prospects for that are as I said dubious because of the entrenched  
22 jurisdictional interest at stake. The Department working with Congress is going to have to reach  
23 some accommodation on those issues until Congress can get together and change that jurisdiction.  
24 There is a process by which it could occur. But the prospects of that process occurring are just  
25 farfetched I think.

26  
27 JUDGE WEBSTER: Just a moment.

28  
29 MR. ALEXANDER: Just briefly to add. I mean it's really a numbers game. I mean if you all were  
30 the chairman of the existing committees and we're the chairman of the new committees and don't  
31 want to consolidate jurisdiction. And we've all got to vote. I mean which way are you all voting?

32  
33 So you had only a few senators voting with the new Homeland Security committees to give them  
34 more jurisdiction. But most of the Senators were on other committees who stand to lose  
35 jurisdiction. Therefore, the prospects of that resolution passing as it came from the Majority Leader  
36 and the Ranking Member at the time and the Minority Leader was very slim.

37  
38 And we ended up fortunate that the original proposal was not further eroded by amendments on the  
39 floor as people sort of chopped away at that resolution. So everybody else sort of teamed up against  
40 the Homeland Security committees in the Senate and I don't see prospects for that changing soon.

41  
42 I also would like to think that the Department has to itself not complain about this as much as push  
43 back on some of what they see as some unreasonable demands from some of the committees that  
44 don't necessarily have Homeland Security as the forefront of their concerns. And obviously that's  
45 risky for the Department to do, but the Department has to take that step to get a better situation than  
46 what it has now.

1  
2 MR. MILHORN: And I don't mean to interrupt, Judge. But this is not just about coming up to the  
3 committee and testifying. The legislation that Congress passes because of the jurisdictional  
4 challenges has operational effects on the Department.

5  
6 Look at the differences in CFATS from CFATS to MTSA, water/waste water and track the  
7 jurisdictional challenges of that. In 2007, when we tried to reform the way the Undersecretary for  
8 Intelligence and Analysis related to the other components of the Department and the Secret Service  
9 and the Coast Guard raised concerns about I&A and the responsibilities of the Undersecretary and  
10 look at the ability of those other committees to come in and say, "You need to carve out the Secret  
11 Service. We need to reach an accommodation on the Coast Guard."

12  
13 All that has is an operational effect. This is not just about congressional oversight and having to go  
14 to a lot of hearings. There could be operational effects on the Department. And I think that's  
15 something that we will continue to be concerned about.

16  
17 JUDGE WEBSTER: Governor O'Malley.

18  
19 **GOV. O'MALLEY: Mr. Chairman, might we go on record and urge this? I'm not sure that**  
20 **we've ever as the --**

21  
22 **(Off the record comments.)**

23  
24 **We have?**

25  
26 **(Off the record comments.)**

27  
28 **Should we buy a billboard?**

29  
30 **(Laughter.)**

31  
32 **JUDGE WEBSTER: See something, say something.**

33  
34 **(Laughter.)**

35  
36 PARTICIPANT: Very good, Judge.

37  
38 MR. COHON: If I could weigh in on this. As Lydia said, we have conveyed our views on this  
39 before. Let me say, the four of you have been wonderfully open and perceptive in your comments.  
40 And I especially appreciate this last one by Mr. Milhorn that this is not just about wheels spinning  
41 and testifying, it's got real consequences.

42  
43 The Department is necessarily constrained in what they can say to Congress or not. Well, we are  
44 advisory to the Secretary after all. But if we yell loud enough, maybe it will even be heard over at  
45 the Hill.  
46

1 So I'm with the Governor. Let's try it again and let's keep going until we can get some rationality in  
2 this process because it's not good and the really frustrating thing is we all acknowledge it's not  
3 good. We can't seem to get out of our own way.

4  
5 MS. SHARP: Thank you for that clarification.

6  
7 MR. COHON: The Council is in a unique position to be obnoxious and loud about this. I think we  
8 ought to do that.

9  
10 MS. SHARP: And under this Administration, we have not yet made that recommendation.

11  
12 MR. COHON: Good. So it's time to do it again.

13  
14 (Off the record comments.)

15  
16 MR. MAGAW: We're all public servants, you like us. I've never seen in over 40 years a  
17 continuing resolution going beyond Christmas. And all of our organizations under DHS with all of  
18 the things that now they're being asked to do and the increase in -- I don't have to go on. You  
19 understand what I'm talking about. What's your views? Is this continuing resolution likely to  
20 continue the rest of the fiscal year?

21  
22 MR. MILHORN: Since the House is going to light the fuse on the CR next week.

23  
24 MR. RUSSELL: We're not appropriators.

25  
26 (Laughter.)

27  
28 Because the CR expires on March 4, the House must take it up immediately. So it's scheduled for  
29 floor actually next week. As you've seen, the funding levels for the rest of fiscal year '11 have  
30 protected the Defense accounts. So Homeland Security, DoD and other Defense related accounts  
31 have not been subjected as deep reductions as other Federal programs.

32  
33 The House will move a bill next week and then we'll see what the Senate does with it. But  
34 everyone is mindful of the looming deadline of when the CR expires. You're absolutely right. This  
35 is quite unusual. I don't remember in 25 years one going this late. Sometimes they go into early in  
36 the year, but to accommodate a new president, for example, but never this late. We're almost  
37 halfway through the fiscal year. So the impact on programs, contracts, is difficult. If the last  
38 Congress had finished its business, we would not be in this predicament at this point. And there's  
39 also a keen interest in Congress on both sides to move to reduce the growing deficit in spending.  
40 So all that will be in the balance and debated next week on the House floor.

41  
42 (Off the record comments.)

43  
44 MR. BACA: Mr. Chair. Yes. While we're busy trying to support some of the concerns that have  
45 been raised particularly regarding the subcommittees and there are so many of them, it was asked  
46 by Mr. Milhorn to support the Radiological Secure Cities Initiative that he announced as part of the

1 priorities of the subcommittee that he's basically supporting and staffing and so forth.  
2 I'd like to support that. I think that Secure Cities is a big issue in Los Angeles and New York and  
3 D.C. And the idea of this Committee offering support in relationship to that particular initiative I  
4 think should come forward.

5  
6 MR. RUSSELL: Well, thank you. We appreciate that very much. It's helpful, too, for Congress  
7 and the Administration to hear from localities, local jurisdictions, about the importance of securing  
8 cities. Certainly it has again bicameral, bipartisan recognition and support on the Hill. Our goal is  
9 to have it institutionalized at the Department and within the Administration. So thank you very  
10 much for your support.

11  
12 GOV. O'MALLEY: May I ask what "it" is? I mean, like in English like if I'm a mayor.

13  
14 MR. RUSSELL: Sure. Securing the Cities. Deployed in Lower Manhattan is a series of radiation  
15 detectors that can be either handheld, deployed on vehicles or on boats to detect any radiological or  
16 nuclear device coming in from the cities.

17  
18 The perceived threat is if there were an attack in the city. It could be planned and implemented  
19 from the suburbs and then brought into the city. So a few years ago in Lower Manhattan there is a  
20 ring of detectors at key entry points coming into Lower Manhattan and it has been a great success.  
21 We have seen it firsthand especially on police boats to go up along side the shores, the buttresses of  
22 bridges. For special events, they are deployed in critical spots.

23  
24 GOV. O'MALLEY: So it's a capital investment in radiological detectors.

25  
26 MR. RUSSELL: Yes.

27  
28 GOV. O'MALLEY: Some of them mounted in strategic points of entry? Some of them handheld  
29 like first responders?

30  
31 MR. RUSSELL: On vans. That's correct.

32  
33 GOV. O'MALLEY: So that they alert when you're near something radiological.

34  
35 MR. RUSSELL: Yes. And, of course, because of their mobile capability they can be deployed to  
36 high risk events in the city and it has proven success and the House passed the bill to expand it to  
37 other cities.

38  
39 GOV. O'MALLEY: Great. Thank you.

40  
41 MR. MILHORN: I'll just say on the continuing resolution issue because it is incredibly important  
42 the prospects for passing appropriations bills over the next -- not just the next year but the next  
43 Congress is really going to be challenging. I mean we could not get it done. The Senate and House  
44 could not get it done last year when it was Democrats in the White House, Democrats in the House  
45 and the Senate.

46

1 Now with the divided Congress, that is even going to be more challenging. And I think it increases  
2 the pressure on the authorizers. I think budgets are going to be constrained regardless. Even if we  
3 passed appropriations bills, budgets are going to be constrained. But because of the importance of  
4 new starts and new initiatives, it's incumbent upon the Department and the authorizing committees  
5 to work together so that if there are -- even if we don't pass appropriations bills, if new authorizing  
6 language is necessary, we can get that passed somehow whether in a CR/OMNI like we tried. I  
7 think it was tried at the end of last year or in some other mechanism. Because otherwise we can't  
8 stand still on Homeland Security. While our budgets are going to be constrained, we can't stand  
9 still operationally. And if that takes authorizing language with the committees, that's going to be  
10 something that we have to work on.

11  
12 JUDGE WEBSTER: Thank you. Lydia Thomas.

13  
14 MS. THOMAS: I was heartened to hear that in addition to the emphasis on cyber security that I  
15 think all of you mentioned there was also the mention of the Department's role in infrastructure  
16 protection and I think Mr. Milhorn mentioned ports and Federal buildings.

17  
18 I was wondering if there would also be some emphasis on significant roads, bridges, our water  
19 supply and water systems in conjunction obviously with agencies that also have some purview over  
20 those entities. But I view those as potential vulnerabilities that we're all very concerned about.

21  
22 MR. MILHORN: I can talk a little bit about it. Obviously, our focus, when we look at the  
23 Department and the National Infrastructure Protection Plan I think one of the questions that we  
24 have from an oversight standpoint is how effective does that partnership work.

25  
26 There is a significant investment of time by the private sector and the sector counsel process in the  
27 development of sector plans. The question is how effective has that been in increasing  
28 preparedness and resiliency across the infrastructure in any of those sectors. That's going to be a  
29 focus of some attention for the Committee over the next little bit.

30  
31 MR. ALEXANDER: I just want to make a quick comment on the budget situation. I totally agree  
32 with Brandon. I'm very pessimistic about getting appropriations bills and I think we'll be on the  
33 CRs for quite some time unfortunately. And that will create tremendous challenges certainly for the  
34 Department as any new initiatives, even some existing initiatives.

35  
36 So I think one of the things that this Council can do is certainly make sure that we in the Congress  
37 who are making these decisions understand fully the impact of these proposed freezes or cuts that  
38 will happen with Homeland Security on our security.

39  
40 I think no one wants to hurt our security or take us backwards. But at the same time the pressure on  
41 budgets is tremendous. And I hope that the Council will be very outspoken in helping the  
42 Department, helping the Congress, understand these cuts have real consequences on the border,  
43 protecting infrastructure, dealing with cyber. All of the various efforts that the Department makes  
44 will be hurt if we don't get that message across.

45  
46 JUDGE WEBSTER: I think we have to thank you. I think we have time for one more question.

1 Dr. Cohon.

2 MR. COHON: I think it was Mr. Milhorn --

3  
4 JUDGE WEBSTER: Or maybe we can make two out of this.

5  
6 MR. COHON: All right, Judge. I think it was Mr. Milhorn who made reference to technology  
7 procurement as an issue. I'm very interested in this. If you or anybody is willing to elaborate on  
8 that as an issue and as part of that start getting a Hill view of how the Department's Science and  
9 Technology Directorate is doing and your sense of that would be valuable to this Council. Thanks.

10  
11 MR. MILHORN: So I'll just focus initially on the question of technology procurements. We have  
12 been concerned particularly with several of the projects that have come up whether it be SBInet or  
13 CARS or any other significant technological programs in the manner in which the Department has  
14 set requirements for those programs, has gone into sort of approach the initiatives from a  
15 procurement standpoint and sort of buying the whole block instead of breaking down the  
16 procurement in discrete chunks. Sort of understanding the risks associated not just from a  
17 technology standpoint but from a schedule and call standpoint and making sure that the investments  
18 are not made by a component, not made by any, you know, just by the S&T but are working with  
19 the operational components of the Department, the people that are going to be relying on the  
20 technology. The first responders that are going to be relying on this technology to understand what  
21 is actually needed.

22  
23 I mean we can buy the fanciest gizmo, you know, spend billions of dollars on it. But if it's not  
24 effective for the first responders and the border region agents that have to use it then it's a waste of  
25 tax dollars. In this fiscal environment it's something that we just can't afford.

26  
27 What we're looking for is how is the Department arrayed to set those requirements, how are they  
28 structured to make investment decisions for technology. And that's something that we are going to  
29 have to increase our focus on as we look at SBInet and what's next for SBInet, what's next from a  
30 cargo security radiation monitoring standpoint. That's I think going to be our focus from a  
31 technological standpoint.

32  
33 There's been a lot of changes I think in the S&T Directorate over the last few years, the way they've  
34 structured their programs, the way they've set them up. I'm not prepared to go into great detail on  
35 all those programs. But the effectiveness of the S&T and their cooperation with first responders  
36 and the operational components is something that I think merits additional attention.

37  
38 JUDGE WEBSTER: Chuck Wexler.

39  
40 MR. WEXLER: Yes. Thank you all and it's great.

41  
42 MR. ALEXANDER: I just want to quickly add to what Brandon said with respect to the S&T  
43 Directorate. We would like to see strategic plans for the investments that S&T plans have made  
44 because I don't think we have those yet. We'd like to see performance evaluations after the  
45 investments are done because we're very concerned about what are we getting for the investments  
46 that we do make.

1  
2 Those are two issues that we will be focusing on probably in the authorization bill and working  
3 with the Department going forward. The strategic plans for the investments and how do we  
4 measure performance of those investments are important issues for us.  
5

6 MR. MILHORN: Let me just add one more thing because I think it's important, not that that  
7 matters, but I think it's important. But technology is a critical enabler for Homeland Security. We  
8 need to pursue advanced technologies that are risky, that are going to be risky. But it's important  
9 for the Department to convey that risk to Congress, you know, when you step in and we need to  
10 understand how much resources we're spending for that.  
11

12 We need a DARPA. We need a HSARPA. We need an intelligence community advanced  
13 research. We need that capability within the Department of Homeland Security and we need to  
14 examine. We need to make those risky investments. But we also need to make sure our baseline  
15 technological investments are there. And we understand when we're signing up for a radiation  
16 portal monitor that what are those risks of those investments. And I think that's an area where the  
17 Department can certainly improve.  
18

19 MR. RUSSELL: And just briefly from the House perspective, last Congress the Committee and the  
20 full House passed a strong bipartisan S&T authorization bill. We will be drawing from that bill in  
21 crafting this year's DHS authorization bill.  
22

23 In the realignment of the subcommittees, security technology is specifically identified as a priority  
24 in one of the six subcommittees chaired by Dan Lungren from California. And so there will be a  
25 comprehensive review of the S&T Directorate.  
26

27 JUDGE WEBSTER: Thank you. We're about out of time. Do you have a short question? I'm  
28 sorry. Mr. Wexler.  
29

30 MR. WEXLER: Okay. Well, it's great to hear bipartisan support and specifically with D-block,  
31 too. So on behalf of the law enforcement people around this table, thank you for that. Now here's a  
32 tough question. Are you willing to support it financially with what it will take to build out the D-  
33 block?  
34

35 MR. RUSSELL: I am not going to get ahead of my boss on this one. But the a lot of work has  
36 gone into this year's bill working with law enforcement, looking at a number of different  
37 mechanisms. So you will see some significant differences in this year's version of the bill and  
38 hopefully that will be rolled out very soon.  
39

40 MR. ALEXANDER: Well, I think obviously step one is to get the spectrum out of the community  
41 for public safety and that obviously is a huge fight, a huge battle, and Senator Lieberman will be  
42 engaged in that as well. So if we get that, certainly we will do what we can to support building it  
43 out. We've got to get it. I think that's still undecided for sure.  
44

45 JUDGE WEBSTER: This will be the last question.  
46

1 MR. ELIBIARY: All right. So thanks for your coming. This has been very enjoyable and  
2 informative. I would like to echo Sheriff Baca's suggestion earlier. I think we should probably  
3 consider an -- take a look at secure cities. I wanted to just say that I share the concern about the  
4 shrinking radicalization window that was brought up by Mr. Milhorn. And I think that one of the  
5 lessons that we've learned over the past several years is that we shouldn't put the whole  
6 responsibility on law enforcement's shoulders. The collaboration between law enforcement  
7 communities in trust-building and coordination is how we're going to actually keep our homeland  
8 safe and get more preemptive upstream before we have to deal with criminal violent extremism.  
9

10 So if I could just make a suggestion in a couple of things upcoming that we take those lessons  
11 learned over the past several years of looking holistically because there's no real reason for us to  
12 divide amongst ourselves as Americans on the need for security and having a tradeoff for domestic  
13 freedoms that when --

14  
15 I support the immunity bill idea for the "If You See Something, Say Something" that Mr. Russell  
16 mentioned. But the second part of that is earning the trust and confidence of the American people  
17 that we're not necessarily just growing the HSAC or we're going to have bias tips in the system.  
18

19 So I would encourage you to consider adding strengthening the guidelines that we've created at the  
20 Federal Government level for the Nationwide Suspicious Activity Reporting Initiative so that the  
21 public can actually feel more confidence and robustness in the system. And then I'll just leave you  
22 with if you have time and would like to elaborate, Mr. Russell, about the upcoming hearing that you  
23 mentioned on looking at expanding law enforcement tools to counter domestic radicalization. If  
24 you could give us an idea on any of that, I'd appreciate it. Thank you very much. And thank you all  
25 for coming.  
26

27 MR. RUSSELL: Great. Thank you for your comments. The Committee will be looking at or  
28 holding a series of hearings on domestic radicalization. We're taking a close look at the Fort Hood  
29 report that the Senate Homeland Security Committee issued. And the first of the series would be  
30 sometime in early March at this point.  
31

32 Research is currently underway and we are hearing from groups with different views. And we are  
33 identifying, in the process of identifying, witnesses and conducting research and hearing from a  
34 wide range of groups with different views. So that's where we are at this point.  
35

36 And again we would welcome views, anyone who wants to approach us and provide their input.  
37 And we'll have more. As we get closer to the hearing day, the focus will become more clear.  
38

39 MR. MILHORN: Thank you for your comments. Senator Collins and Senator Lieberman have  
40 been very concerned with the lack of forthrightness as it relates to violent Islamic extremism in  
41 Administration policies. If you look at the Department of Defense activities following the Fort  
42 Hood attack, good progress on workplace issues. But they don't address the concerns regarding  
43 violent Islamic extremism directly.  
44

45 And the concern is that if you at a policymaker level if you aren't distinguishing between violent  
46 Islamic extremism and the peaceful practice of Islam they're not -- terrorism and Islam are not the

1 same. And if you're not distinguishing between the two you're putting the burden on law  
2 enforcement officers and intelligence officers at the operational level to make that distinction and  
3 that's an incredible burden.

4  
5 And the tendency will be to either under include as we saw in the Fort Hood attacks where clear  
6 signs of radicalization were sort of pushed aside or ignored or explained away. Or over inclusion  
7 which would subject lawful Muslim Americans to inappropriate intrusions on privacy and civil  
8 liberties.

9  
10 Senator Collins at least is incumbent that the Administration, the Department of Defense, the FBI,  
11 the Department of Homeland Security in its policy guidance clearly give clear guidance on what is  
12 violent radicalization, what are the steps in violent radicalization, what are the actions toward  
13 violent radicalization that we should be looking for. Because if we're not taking that guidance at a  
14 policy level, we're asking operational officials to make that distinction and that's simply negligent  
15 policymaking.

16  
17 JUDGE WEBSTER: Thank you very much and thanks to all of you gentlemen for coming down  
18 and discussing these issues with us and enlightening us on where you are in a difficult and  
19 challenging period. We want to be as helpful as we can. I think the Q&A period here has been  
20 very helpful in identifying areas that we need to pay more attention to and to be as helpful to you as  
21 we can through the Department and the Secretary. Thank you, gentlemen. We're ready for the next  
22 part of our program.

23  
24 MR. MILHORN: Thank you all for having us.

25  
26 JUDGE WEBSTER: Thank you.

27  
28 (Off the record comments.)

29  
30 MR. GRUBER: Should we get started, sir?

31  
32 JUDGE WEBSTER: Just a moment. I just wanted to announce to the public members who are  
33 here that we're very pleased to have with us the Assistant Administrator of FEMA Corey Gruber  
34 who will give us an update on the Department's Resilience Efforts which were under study  
35 considerably yesterday at yesterday's task force meeting. We'll turn it over to you. Thank you very  
36 much, Mr. Gruber.

37  
38 MR. GRUBER: Thank you, sir. And thank you to all the members for having us this morning.  
39 We're here to describe essentially is a strategic initiative on the part of the Administrator and FEMA  
40 that supports both the national security strategy and particularly mission number five in the  
41 Quadrennial Homeland Security Review.

42  
43 And it's really comprised of three components. One is a very significant paradigm shift in the  
44 doctrine and practice of emergency management and we'll talk in some detail about that. Secondly,  
45 it's the adoption of a planning methodology based on a meta-scenario that has the characteristics of  
46 catastrophic incidents that we planned against for a considerable amount of time. And then the

1 third point is to talk specifically about a set of core capabilities, those things that are essential and  
2 indispensable to our success in terms of responding to a disaster.

3  
4 I know of your report when the Council reviewed the Quadrennial Homeland Security Review.  
5 One of the points that were made was to make sure that we took the missions. We translated those  
6 into specific objectives with specific targets. And we'll talk about some examples of how we're  
7 doing exactly that for Mission Number five in the Quadrennial Homeland Security Review. I think  
8 if I was going to sum this up in one word what the Administrator's guidance to us was to look at all  
9 means of leveraging the full capacity of the nation.

10  
11 The simple reality is that for small and medium-scaled disasters we know that government and its  
12 partners across the private sector and in nongovernmental organizations can expand to deal with  
13 disasters of a small or medium scale. But for catastrophic events of a large scale we know that the  
14 needs of disaster survivors are going to outweigh the capacity of governments at all levels and that  
15 we've got to look at anew about how we can leverage the intrinsic mass that this nation has and its  
16 resources to apply against those particular problems.

17  
18 One of the challenges I think we've had candidly is that in our planning processes in the past we've  
19 adopted what really amounts to a government-centric approach. And if you'll allow me to use one  
20 example of that. In 2004, we published the National Response Plan. And if you look at the  
21 National Response Plan, the ratio of the word "coordination" to "survivor" or "victim" in that report  
22 is about 20 to 1.

23  
24 In 2008, we published the National Response Framework. The ratio in that report is about 2 to 1 in  
25 terms of "coordination" to "disaster survivor." The reason I point that out is that coordination in our  
26 plans I think often is euphemism for where we worry more about dealing with our partners in  
27 emergency services than we do about the individual. It is more about incidents than the individual  
28 and processes as opposed to the people. In addition, that's the shift that the Administrator's  
29 applying to the Emergency Management Enterprise.

30  
31 We can't get there simply by improving what we're doing today. The Administrator says we just  
32 cannot pedal this bicycle faster and deliver what we need to do for significantly catastrophic events.

33  
34 And there are really three important points here. One is to make sure we understand the true needs  
35 of disaster survivors across all the demographics of our population. In the past, we've tended to use  
36 generic population models. And we know that children aren't small adults. And we know that there  
37 are people with access challenges. But when in the past that we've used in our plans more generic  
38 approaches to that, it's gotten us into trouble in an appropriate response.

39  
40 We've got to engage all aspects of the community. Every member of the community has to be able  
41 to help us define those needs so that we understand the unique requirements of each community.

42  
43 And then third, we've got to strengthen institutions and assets, most importantly, the things we do  
44 every day in a community that we can leverage and capitalize when it comes to disaster response.

45  
46 The critical component of this is that the Administrator's guidance to us is very much focused on

1 concrete outcomes. A clearly defined set of goals that we're going to achieve that are characterized  
2 in 13 core capabilities. It's not about diminishing the Federal Government's role in this. It's really  
3 about determining who the best providers are, where the best resources are that we can achieve to  
4 deliver those core capabilities and to do those in very specific time lots.

5  
6 The Administrator right now we're focused on the first 72 hours of a catastrophe. How can we  
7 deliver those core capabilities and stabilize an incident in 72 hours? The next phase we're looking at  
8 roughly 60 days. How can we restore community functionality in 60 days? And then over the  
9 longer term, how can we ensure that we can recover more effectively than we have in the past and  
10 restore the quality of life and the complete functionality of a community?

11  
12 In order to do that, again I mention that part of this is a paradigm shift. So the second slide and the  
13 slide that you're looking at that simply talks about again how we're embracing this change. And it's  
14 not enough just to preach to ourselves. One of the things we're doing is we're reaching out to  
15 hundreds of academic institutions not only to solicit ideas but to make sure that we're changing the  
16 core curriculum, to make sure that we're changing the way the trajectory of professional  
17 development for emergency management and other disciplines so that we can incorporate this  
18 approach.

19  
20 Again, this first effort is very much concentrating on our ability to stabilize an incident in 72 hours.  
21 And we'll give some examples about how we're going to achieve those outcomes.

22  
23 If you move to the second slide which entitled "Whole Community Principles" again I'll point out  
24 there. Again, in the past, one of the things we've tended to do is concentrate more on the incident  
25 and not the individual. We have to recognize as many of you have reminded us and the  
26 Administrator reminds us constantly that the public is an asset. It's a force multiplier. It is not a  
27 liability. And all too often in our plans we treat the public as victims and not survivors and without  
28 a capacity to provide self-aid and self-help and to self organize as we see them do time and time  
29 again in disasters.

30  
31 We also know that one of the things we need to look at is whether we have to ask for relief in some  
32 of the policies, the practices, the legislative requirements that we have in the Stafford Act if it's too  
33 constricted for us to be able to provide the kind of outcomes that we want and we've talked about.

34  
35 We have, for example, almost 240 prescribed mission assignments that we've developed since  
36 roughly Hurricane Katrina to frontload for success. We need to do more of that prescribing to  
37 make sure that we can deliver the resources and materials and supplies in that timely manner  
38 without waiting for the poll process, without waiting for incident action plans and all of the  
39 collection that occurs to be able to push resources out quickly and again to stabilize that incident.

40  
41 If you look at the slide that is entitled "The Meta-Scenario," when we talk about this maximum  
42 concept essentially what we've done is we've done the analysis of national planning scenarios, of  
43 using the national labs and other resources to help us draw a composite of what the most severe  
44 characteristics of catastrophic events would be. And that meta-scenario is what we're using to drive  
45 our planning efforts and to establish these core capabilities and how we would deliver those.

46

1 And what this means is again this is; what this is is a projection of a surprise-free event, a not  
2 implausible event. We would not be astonished to think if any of these occurred because in our  
3 national planning scenarios and in our risk calculus we've certainly entertained incidents that may  
4 very well create or in the real world create characteristics like this.

5  
6 I brought with me Don Daigler. Don runs our planning division at FEMA. And what I'd like Don  
7 to do if you look at the next slide there is to talk about our core capabilities and describe these and  
8 explain how we've established clear objectives, tasks and specific targets to accomplish these  
9 capabilities.

10  
11 MR. DAIGLER: As the Assistant Administrator said, I'm the Response Planning Director for  
12 FEMA and we were charged from the Administrator to look at the first 72 hours saving and  
13 sustaining lives and stabilize the emergency and focusing our attention on what are the essential  
14 functions. I mean really everything that we do to provide support to the effected population is  
15 important, but not everything is essential. So our goal was to look at a handful, no more than 15,  
16 but we came up with 13 essential functions that we believe need to be done during the first 72 hours  
17 to be able to save and sustain lives and stabilize the emergency.

18  
19 So what you see captured here is the list of those core capabilities. These are not quantitative in and  
20 by themselves. So if we move onto the next slide, what we've done for each one of these core  
21 capabilities now is we've gone and we've developed a set of objectives. It has contextual  
22 information to sort of size out and scope out what the problem is within each one of the core  
23 capabilities.

24  
25 There are no numbers associated with it. So we took it one step farther. So now we have  
26 quantifiable what we're calling stretch goals. If you look at the magnitude of meta-scenario and  
27 then you pair that up with these stretch goals that we've got listed here the challenges are daunting.  
28 And quite frankly we don't believe we can reach these today. That's why we referred to these as  
29 stretch goals.

30  
31 However, we need to put something in the sand, a line in the sand, and say this is the direction we  
32 want to move in and help drive our investment strategies and how we interface with atypical  
33 partners in the public to move us towards these ultimate goals. So we've got a tangible set of  
34 objectives, specific tasks and then goals associated with each one of these 13 core capabilities that  
35 you see listed here.

36  
37 Moving onto the next slide, we also recognize that the things that we're talking about doing are not  
38 going to happen overnight. So we're putting on the table some short-term goals and we're targeting  
39 the upcoming National Level Exercise which is scheduled for May of this year as a gauge to how  
40 successfully we are moving forward in trying to address these core capabilities that I just talked  
41 about.

42  
43 However, we also recognize that to fundamentally change the way we deal with emergency  
44 management in these large catastrophic events is literally going to take us a couple of years to do. I  
45 mean we're talking about changing course curriculum on how we teach emergency management  
46 across the country which is not going to happen overnight. So this is an ongoing effort. Short-term

1 goal really is 2011. But we recognize that we're going to have to move this out beyond that into the  
2 next couple of years.

3  
4 MR. GRUBER: I want to add that we know we're in an environment of constrained resources.  
5 One of the things that our Administrator has done and something I know Governor O'Malley is  
6 familiar with is we've implemented in FEMA what we call "FEMA STAT." One of the things that  
7 the Administrator is making us do is we're reviewing every program, every service and every  
8 activity that we've delivered in FEMA to make sure that they're in alignment with this initiative and  
9 that we can trace from our strategic plan to my operating plan down to my delivery of programs and  
10 activities. And we'll do that.

11  
12 I was the first volunteer to go through that FEMA STAT process. Every one of our directorates is  
13 doing the same thing to make sure all our programs are all aligned to this initiative.

14  
15 MR. DAIGLER: Continuing on with the slides, the next slide I want to point out right from the  
16 get-go that this is not a mathematical model. So when you look at the distribution of the  
17 communities that are listed in this slide, I'm not suggesting for a second that any one of those  
18 communities would own an equal share or a part of this responsibility. Everybody would  
19 contribute.

20  
21 But really this is the goal of our effort. It's the Administrator's view that if you look at this large  
22 catastrophic event that we just described in this meta-scenario and we took everything that we got  
23 across the country today and threw it at this problem, we don't believe it's enough. And so that's  
24 really what this whole initiative is about is how do we then close the gap.

25  
26 So if you look at this slide, there's a delta off to the righthand side. We're calling the whole  
27 community deltas. What we're trying to do right now is figure out what that delta is and then how  
28 do we fill it. And it ain't by just going out and buying more things and doing business the way we  
29 do it today. We've got time constraints that we're trying to deal with here and quite frankly we're  
30 dealing with a fiscally-constrained environment. And so just buying more of the same stuff is not  
31 going to ultimately get us there.

32  
33 So we've got a set of working groups right now focusing specifically on each one of those 13 core  
34 capabilities to try to define what those deltas are going to be and come up with courses of action on  
35 how to shrink that goal.

36  
37 MR. GRUBER: In the interest of time, I know the Secretary is here. I just wanted to finish up by  
38 just giving one example. In the Annalee (phonetic) for example we have 28 heavy search and  
39 rescue teams, about 31 specialists, 4 K9s, a cash of equipment. We know from the experience of  
40 many of FEMA personnel and others that supported USAID in Haiti that that's not going to get us  
41 very far when we look at a New Madrid Seismic Zone incident.

42  
43 So we're looking at how we could break up those heavy teams. How could we take a cohort or a  
44 squad from one of those teams and use a sort of Special Forces' approach where that element would  
45 fall in on construction personnel. It would fall on a mine rescue personnel. Would fall on Reserve  
46 or National Guard personnel. And how could we expand the capacity to increase our capability to

1 do search and rescue not increasing the number of teams but using the teams in a different way to  
2 meet these kind of core capabilities? And I think in the interest of time, Judge Webster, we'll end  
3 there and maybe take a question or two if you'd like.

4  
5 JUDGE WEBSTER: Thank you very much, Corey. Questions? The Governor.

6  
7 GOV. O'MALLEY: Mr. Chairman, I just wanted to compliment.

8  
9 (Off the record comments.)

10  
11 Madam Secretary and Mr. Chairman, I was just going to compliment both of you on your  
12 presentation and especially FEMA and the Secretary for the first time in my following of this and I  
13 used to sit at the Conference of Mayors with Mayor Diaz year after year and we never saw this sort  
14 of articulation of objectives and goals.

15  
16 And I just want to applaud you for moving out and engaging in this process and encourage you to  
17 sit down with groups of mayors as you move forward and implement this. And I also wanted to  
18 highlight and applaud something in your speedy and efficient delivery here and that is the common  
19 operational picture that is so very, very important to this. We might be years from achieving  
20 interoperable communications, but tomorrow we could have a common operating platform.

21  
22 And there is no one in our country who understands the effectiveness of this and the importance of  
23 it better than our Vice Chair, Chief Bratton. And I just want to encourage you to keep moving as  
24 fast as you can in that direction. If we have the map, all of our efforts can be coordinated by the  
25 map. All of these disparate silos, if they have to land on the map, become coordinated in that  
26 common operating platform. And I just want to applaud you for the direction, Madam Secretary,  
27 that this is headed.

28  
29 (Off the record comments.)

30  
31 JUDGE WEBSTER: Skip Williams.

32  
33 MR. WILLIAMS: Yes. Corey, I just have one question or a comment. I have my confidence back  
34 with FEMA and that's saying a lot. But the question I have is how is the organization connecting  
35 with the first responders and as importantly the hospitals and healthcare facilities. Because once  
36 FEMA acts and of course you don't have enough boots on the ground, it's going to be up to those  
37 individuals that are going to make this 72 hours work.

38  
39 MR. GRUBER: Yes, sir. Well, first of all, we don't get a chance to talk about it. But obviously  
40 one of the core capabilities addresses the specific requirements for our medical and public health  
41 capacity. And we have a working group with our interagency partners, Health and Human Services  
42 and others, that are working with that.

43  
44 We obviously have our regional infrastructure that's engaged with our states and our community  
45 partners. We have the instrumentality of our grant programs. So all of those things together again  
46 helping the core responsibilities of states and communities to deliver those is what the

1 Administrator is directing us to deliver.

2 JUDGE WEBSTER: An interest of our time we'll hear from the Secretary. Becca is going to  
3 collect any questions you have and she'll get answers to you. Thank you very much, Corey, for a  
4 very interesting report and we hope we'll be working with you again. Thank you for coming both of  
5 you.

6  
7 MR. GRUBER: Yes, sir.

8  
9 JUDGE WEBSTER: We're honored to have Secretary Napolitano with us this morning. We've  
10 had a very lively discussion and interplay between the presenters and the members of the Advisory  
11 Council. I'll fill you in on that later. Before we hear from you and we're looking forward to that,  
12 might we ask that you swear in our new member, Ms. Bonnie Michelman?

13  
14 SECRETARY NAPOLITANO: Absolutely.

15  
16 JUDGE WEBSTER: Who is over here.

17  
18 (Swearing in of Bonnie Michelman.)

19  
20 (Applause.)

21  
22 JUDGE WEBSTER: Thank you, Bonnie. And welcome aboard. Many of you, several of you at  
23 least, had the opportunity to hear Secretary Napolitano's State of Homeland Security Address at  
24 George Washington University a week or so ago. And I welcome you to our meeting and we may  
25 hear from you on anything you'd like to tell us.

26  
27 SECRETARY NAPOLITANO: Thank you, Mr. Chairman. And it's a pleasure to be here. And I  
28 want to thank the members of the Homeland Security Advisory Council. It's been truly a pleasure  
29 of a very active and very helpful in really doing what it's supposed to do which is to bring outside  
30 voices and wisdom to the work of the Department. As you've heard this morning, the Department  
31 has a full plate. I'd like to especially thank our guest from Capitol Hill who joined us to give us  
32 some perspective on the 112th Congress.

33  
34 I have my first hearing tomorrow at 10:00 a.m. before the House Homeland Security Committee.  
35 I'll be testifying with Mike Leiter, the head of the NCTC, on basically the state of the terrorist threat  
36 to the United States today. So I've been busy preparing for that and about the kinds of threats we're  
37 facing and their constant evolution.

38  
39 As you've heard this morning from Sara Kuban and Assistant Administrator Gruber, a major thrust  
40 of our work is getting information and tools and resources out of Washington, D.C. into the hands  
41 of men and women on the front line, so to speak, local law enforcement, first responders, as you  
42 mentioned, Skip, the health community, the private sector, to communities and citizens indeed.  
43 After this meeting, I'm heading over to the Department of Education to meet with Secretary Duncan  
44 on disaster planning in the school setting, in the education setting. We want to make sure that that  
45 is as tight as possible.

46

1 One of the things that I am undertaking this year is a series of addresses about different aspects of  
2 Homeland Security that I will be delivering at colleges and universities around the country. So I  
3 began with an overall State of Homeland Security Address at George Washington. Some of you  
4 were there. Copies are available online, free-of-charge. That was a joke.

5  
6 (Laughter.)  
7

8 A week ago Monday at the University of Texas El Paso I gave an address on the state of security at  
9 the southwest border and, with that, provided some I think correction of some of the inaccurate  
10 portrayals that have been made about what's going on at the southwest border.

11  
12 And I have other addresses coming up. I think the next one is at MIT and we will be doing another  
13 one I believe at Cal Berkeley. In addition, those will cover things like cyber and the role of science  
14 and technology in getting ahead and being proactive in terms of our security planning.

15  
16 We will have several priorities moving into this year. One is again a continued focus on the  
17 southwest border where we've had a historic deployment of resources, personnel and technology  
18 that really began a build-up in 2009.

19  
20 There's more technology and manpower at the southwest border than ever before in our country's  
21 history. And it's producing results. I mean it's not just having it there. It's producing results. But in  
22 terms of very metric the numbers that need to go down are really going down. The numbers that  
23 need to go up are really going up.

24  
25 We are continuing our efforts to secure the International Aviation System following up on the work  
26 we did with the International Civil Aviation Organization last year which culminated in the ICAO  
27 General Assembly in October, agreeing really to a historic set of principles and resolutions on  
28 aviation security. That was the first part. Now we're in the second part which is implementation,  
29 really working on capacity building particularly in some areas of the world.

30  
31 We are adding to that a new initiative which is to increase the security of the global supply chain.  
32 So if you think of the first as focused on passengers, this is now focused on cargo. We actually had  
33 begun this work prior to October. But again in October we saw the attempt to put an explosive  
34 device in cargo on planes bound for the United States. And I think that emphasized again that  
35 aviation remains a constant target.

36  
37 We now have an initiative underway that includes the International Maritime Organization because  
38 of seabound cargo into ports like Baltimore, the International Civil Aviation Organization because  
39 of the aviation part and the World Customs Organization. And the idea is to finally knit security  
40 and customs together so we get a streamlined process from product into the commerce line to actual  
41 delivery where there are security checkpoints and a security stream even as we do the customs  
42 processes that need to happen.

43  
44 So it's the first time ever that those things have ever been knit together. And indeed when I started  
45 convening conference calls, I think it was the first time the Secretary Generals of those  
46 organizations had ever spoken with each other. So knitting that process together over the next year

1 is a key initiative.

2  
3 Because we believe in addition that Homeland Security begins with hometown security, we will  
4 continue the expansion of programs like the Nationwide Suspicious Activities Reporting Initiative  
5 or SARs, like the Secure Communities Program particularly in our jails and our prisons and, of  
6 course, the program that's really aimed at the citizenry at large, "If You See Something, Say  
7 SomethingJ."

8  
9 Indeed at the Super Bowl on Sunday, the NFL is now a partner in that campaign. And the stadium  
10 in Dallas has this huge JumboTron screen in the middle of the stadium. I don't know quite what  
11 you call it, but the NFL contributed "If You See Something, Say Something" time on that as well as  
12 distributing materials and other things at the Super Bowl itself.

13  
14 Now with respect to this committee, as I mentioned, you have been very helpful over the last two  
15 years. You may have noticed that based on recommendations from one of the subcommittees we  
16 have now announced the end to the color code, the coded system. Say good-bye to orange.

17  
18 (Laughter.)

19  
20 And it will be replaced by the National Terrorism Advisory System the NTAS. We are in the 90  
21 day implementation phase of that. What that is designed to be is our specific information based  
22 alerts when we have credible information to share. It might be focused on a particular area of the  
23 country. It might be focused on a particular mode of transportation, rail or air. It might be focused  
24 on a particular type of device or package that we want people to be watching out for. It might be  
25 focused in a way where we have something that's a more generalized threat where we're telling  
26 people to be careful or telling them even as extremist saying you need to seek shelter or shelter in  
27 place, what have you. So it can have a variety of forms, but the principle is that we provide actual  
28 information to people along with what they are supposed to do with it.

29  
30 So I think that will be a significant improvement. And it's really not to be critical of the color  
31 codes. I think at the time it made sense to start with something. But as we evolve, as the threats  
32 evolve, as Homeland Security evolves, we can also evolve those systems that were put in place  
33 initially.

34  
35 We are also putting into place now and Sara may have talked about this with you the  
36 recommendations that we focus on, community policing strategies to bear on the problem of  
37 countering violent extremist. In other words, if we want to really prevent CVO from actually  
38 culminating in acts of violence, we ought to rely on police techniques that have been demonstrated  
39 to work in the past and then insert into that technique training, information and the like that police,  
40 sheriffs, local law enforcement can utilize. And we are beginning to put together that training  
41 curriculum actually this week. I think they're down at FLETC doing the focus group on the training  
42 this week for CVE.

43  
44 We also have announced the formation of a community resilience task force meeting now. And we  
45 will be looking at their recommendations. That is designed. You know we are not ever going to be  
46 in a position to prevent all acts from occurring nor should we assume that we are. Maybe that's a

1 better way to put it.  
2

3 Plus as you know from our FEMA representatives we also have Mother Nature to deal with in  
4 different iterations. And so the ability to respond, the ability to be resilient, the ability to get back to  
5 work, get communities back together, that's also a part of Homeland Security because it gives  
6 people confidence about what the country is about and what we're doing.  
7

8 And so they can be on alert, but they don't need to be alarmed or fearful. They know we are strong.  
9 We're resilient as a country. And we want to make we're working with different communities to  
10 make sure that that is a true statement. Hence my meeting with the Secretary of Education later  
11 today. Hence other things that this group will be looking at.  
12

13 So it's been an active few months. I anticipate a very, very active spring. We have a number of  
14 hearings coming up. In addition to the House Homeland Security hearing tomorrow, I think on the  
15 17th we begin budget hearings for Homeland Security and there will be two that day and then I  
16 think two ten days or so after that. So tis' the season. Very active and again very appreciative for  
17 the time you spend. And that is my report to the Committee. Thank you.  
18

19 JUDGE WEBSTER: Thank you very much, Madam Secretary. It's very helpful. And I asked  
20 Becca Sharp and she confirmed that those of you who are interested in an even more fulsome  
21 exposition of where we've been and where we're going I invite you to check out her address which  
22 is on the website of the Department of Homeland Security and is available. And I recommend it. I  
23 read it carefully. I think we're at a point where the public session can be brought to a close. We are  
24 constituted under the Federal Advisory Council Act and certain procedures are required of us and  
25 you've been very patient with those. Members of the public who would like to provide comment to  
26 the Homeland Security Advisory Council may do so by writing to Homeland Security Advisory  
27 Council, U.S. Department of Homeland Security, Washington, D.C. 20528. You can also mail us  
28 at [hsac@dhs.gov](mailto:hsac@dhs.gov). If you didn't get this outside the meeting, someone will be glad to give this to  
29 you. The HSAC information and minutes of the meeting may be found at [www.dhs.gov/hsac](http://www.dhs.gov/hsac). Our  
30 meeting notices are posted in the Federal Register in compliance with the Federal Advisory  
31 Committee Act. I understand the Coast Guard will post its colors, remove its colors. Thank you  
32 very much all of those of you who were here as our guests. Members, we will reconvene promptly  
33 at 12:00 noon in closed session. Stand for the retirement of the colors.  
34

35 (Coast Guard retires colors.)  
36

37 JUDGE WEBSTER: Thank you very much.  
38

39 (Whereupon, at 11:46 a.m., the above-entitled matter was concluded.)  
40  
41  
42  
43  
44  
45  
46