

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire for the
Nomination of Janet A. Napolitano to be
Secretary of Homeland Security**

I. Nomination Process and Conflicts of Interest

1. Why do you believe the President-elect intends to nominate you to serve as Secretary of Homeland Security?

I believe President-Elect Obama nominated me for the reasons stated by him at the National Security Press Conference on December 1, 2008:

Janet Napolitano offers the experience and executive skill that we need in the next Secretary of Homeland Security. She has spent her career protecting people - as a US Attorney, an Attorney General, and as Governor of Arizona. She understands the need for a Department of Homeland Security that has the capacity to help prevent terrorist attacks and respond to catastrophe - be it manmade or natural.

Janet assumes this critical role having learned the lessons - some of them painful - of the last several years, from 9/11 to Katrina. She insists on competence and accountability. She knows firsthand the need to have a partner in Washington that works well with state and local governments. She understands as well as anyone the danger of an unsecure border. And she will be a leader who can reform a sprawling Department while safeguarding our homeland.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

No.

3. What specific background and experience affirmatively qualifies you to be Secretary of Homeland Security?

As Governor of Arizona, I have been responsible for prevention, protection, response and recovery in the state. As Governor of a border state, I am intimately familiar with border security and immigration policy. I have served as Commander of the Arizona National Guard and lead the state's disaster response efforts. Specific experiences include:

Emergency Response

Arizona has been no stranger to disasters and emergencies since I took office in 2003. During

that time, and under my leadership, Arizona has seen:

Lewis Prison Hostage Crisis: *It was the longest prison standoff in U.S. history, and one of the few that was resolved without loss of life.*

Kinder-Morgan pipeline break: *A major disruption to a pipeline supplying gasoline to the Phoenix area ultimately resulted in systemic changes and new procedures to ensure continuity of critical service.*

Forest Fires: *Like the rest of the Western United States, Arizona faced numerous forest fires during the summer dry seasons, including the dangerous Rodeo-Chediski and Aspen fires, which became the driving force behind new, more effective forest management and enhanced fire and disaster response.*

AZ 211 online: *The AZ 2-1-1 system allows Arizonans to access critical information in an emergency. The 2-1-1 system is available online at www.az211.gov and has a live dial-in component during emergencies.*

Hurricane response: *Arizona was one of the states that mobilized quickly to assist in recovery efforts from Hurricane Katrina.*

Flood: *Much of Arizona is prone to flash flooding. I led Arizona's emergency response to serious floods, including recent floods at Havasupai Canyon and on the international border.*

Drought: *Arizona is a leader in drought preparedness and action.*

Communications: *At my direction, Arizona created an emergency communication system to enable public safety officials and first responders to communicate with one another during emergencies by using pre-positioned mobile communications vans across the state to address radio interoperability.*

US Centers of Disease Control Emergency Preparedness. *In February 2008, the US Center for Disease Control measured Arizona's emergency preparedness and determined Arizona meets 21 of the 22 criteria the CDC uses to measure good emergency preparedness. Since the February assessment, Arizona has met all criteria.*

Secure Border, Safe Communities

Arizona is the leader among states in tackling the consequences of our broken borders and in employing innovative homeland security measures.

Increased Resources at the Border: *I was the first governor to deploy the National Guard at the border at federal expense. I declared a state of emergency along the international border to increase patrols in the most highly trafficked areas*

and to provide critical assistance to border cities and towns.

Implemented High-tech Tools: *Based on my policy initiative to focus on the use of technology to secure our borders, Arizona State police now use state-of-the-art technology to crack down on border-related crime.*

Strengthened the Fraudulent ID Task force: *I expanded the task force's duties to include catching criminals who create and use fraudulent documents to facilitate illegal immigration.*

Utilized "Damming" Warrants: *While I was the Attorney General, I started the lawsuits that made use of this innovative investigative technique that has helped law enforcement crack down on money laundering associated with border crime.*

Cracked Down on Drop Houses: *I passed a law to catch companies and individuals who lease buildings to be used to hide illegal immigrants in squalid conditions.*

Implemented Tougher Penalties on Employers who Engage in Illegal Hiring: *I signed an employer sanctions law that punishes businesses from knowingly and intentionally hiring illegal labor by recalling the businesses' state-issued licenses. The law mandated the use of E-Verify to check a potential worker's legal status. I also signed into law changes that provided those who smuggle humans in to the United States with longer sentences.*

Secure Ports of Entry and Expedited Legal Commerce: *Under my leadership, Arizona redesigned our ports of entry to better detect illegal cross-border activity and to expedite inspection at the border. I also opened new corridors at Arizona's ports of entry to increase security and expedite legal cross-border commerce.*

Targeted Law Enforcement: *I created the Illegal Immigration Prevention and Apprehension Co-Opt Team (IIMPACT) to dismantle and deter criminal organizations profiting from illegal immigration, and deployed Gang Intelligence and Immigration Team Enforcement Missions (GIITEMs), to deter violent gang- and border-related crimes.*

Secured Critical Infrastructure: *I created the first cabinet-level state Department of Homeland Security and the first state-level homeland security strategy in the nation. That state agency created the nationally recognized Arizona Counter-Terrorism Information Center (ACTIC).*

Enhanced International Communication and Coordination: *At my direction Arizona law enforcement has forged unprecedented partnerships with the Mexican state of Sonora to exchange information about stolen vehicles, warrants, weapons, and amber alerts.*

Created a Terrorism Liaison Program: Under my administration, we created protocols that ensure the flow of information from state, local, county and tribal law enforcement agencies to intelligence and information fusion centers.

Forged Mutual Aid Compacts: I worked with other border state governors to set up agreements to share resources and intelligence to provide mutual aid in our border security efforts.

Prepared for Pandemic Flu: I served as co-lead on a National Governors Association committee to prepare for pandemic and avian flu. In Arizona, my administration led regional and bi-national training exercises on pandemic flu response and preparedness and drew together government, business, community and health leaders for one of the first Pandemic Influenza Preparedness Summits in the nation.

Crime fighting with results: During my six years as Governor of Arizona, crime, as measured by the Arizona Department of Public Safety from 2002 to 2007, is down in nearly every category.

Tougher criminal penalties: As Governor, I signed a "three strikes" criminal sentencing bill intended to keep violent repeat offenders behind bars. I also signed into law a bill that increased by five years the sentence for a felony in association with a criminal street gang and strengthened resources for gang enforcement and intelligence.

New Crime Fighting Technology: Under my administration, Arizona implemented a system that enables police to pinpoint the exact location of calls made from cellular phones, enabling law enforcement to provide help more quickly.

DNA: During my administration, Arizona formally partnered with the FBI to become one of four states nationally to develop a mitochondrial DNA (MtDNA) laboratory to better capture and incarcerate criminal suspects.

Cracking Down on Sex Offenders: As both Attorney General and Governor, I have taken a number of tough, new approaches to dealing with these criminals.

4. Have you made any commitments with respect to the policies and principles you will attempt to implement as Secretary of Homeland Security? If so, what are they and to whom have the commitments been made?

I have committed to President-elect Obama to uphold the law and uphold Congress' intent in creating the Department, while I work with all of my abilities toward the president-elect's goals of protecting the American people from terrorist threats and preparing for any disaster.

5. If confirmed, are there any issues from which you may have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so,

please explain what procedures you will use to carry out such a recusal or disqualification.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department of Homeland Security's designated agency ethic official.

II. Role and Responsibilities of Secretary of Homeland Security

6. A number of the Homeland Security Presidential Directives (HSPDs) issued by President Bush implement or elaborate on the responsibilities given the Secretary of Homeland Security under the Homeland Security Act of 2002.

- a. Have you reviewed the existing HSPDs?

I have been briefed and have undertaken a preliminary review of them. Upon confirmation, I will complete a wider inter-agency review.

- b. Are the roles and responsibilities of the Secretary of Homeland Security described by these HSPDs consistent with your view of the appropriate role of the Secretary of Homeland Security?

I will look at that as part of the review.

- c. What HSPDs, if any, would you recommend be modified or rescinded?

My recommendations will come after the appropriate review.

- d. What additional topics do you believe it would be useful for HSPDs to address?

The immediate challenge is to make sure that the existing HSPDs reflect the right mission priorities and support the needs of the Department and policies of the incoming Obama administration. They will certainly evolve over time, and if confirmed, I would use the outputs of the QHSR and work closely with the Executive Office of the President, the Federal interagency process, and the Department's career Senior Executives to develop and evaluate recommendations, as necessary, for additional topics to address with HSPDs.

7. In many areas, the responsibilities of the Department of Homeland Security (DHS or the Department) intersect with those of other cabinet departments. For example, work on biodefense and threats to public health may have to be coordinated with the Department of Health and Human Services; intelligence analysis may have to be coordinated with other members of the intelligence community; critical infrastructure protection involves working with other agencies that may be leads for particular infrastructure sectors;

disaster response often requires calling on the assets of a range of other agencies; agrosecurity involves coordination with the Department of Agriculture; matters implicating issues of national defense and law enforcement, respectively, may require the involvement of the Departments of Defense and Justice; and the efforts of the Department's Domestic Nuclear Detection Office to prevent a nuclear terrorist attack involves the coordination of the work of several federal agencies.

- a. How do you view the role of DHS vis-à-vis other cabinet departments?

The Homeland Security Act of 2002, as amended, and numerous Homeland Security Presidential Directives (HSPDs) define the role of DHS and its Secretary. In sum, the Department was created to lead the national effort to secure the homeland through a risk-based, well-coordinated approach to aviation, border, maritime, and transportation system security, immigration and customs enforcement, emergency management, and the missions of the United States Secret Service.

The Secretary of Homeland Security leads the Federal Government's efforts for a variety of homeland security activities, including domestic incident management, national preparedness, critical infrastructure protection, and national continuity programs, and serves as a primary entity with respect to maritime security, aviation security, biosecurity, and other efforts. In leading these efforts, the Secretary of Homeland Security works with Federal departments and agencies with a role in homeland security to develop strategy, set doctrine, and coordinate activities. The Secretary of Homeland Security serves as the President's agent, leading the efforts of the entire Federal Government while leveraging the strengths and expertise of each Federal department and agency with a role in homeland security. It is important to continue to improve interagency planning as well as build capacity within DHS commensurate with these responsibilities.

The results of the QHSR will give me an opportunity to review the role of DHS vis-à-vis other cabinet departments and to make recommendations to the President if warranted.

- b. As a relatively new agency, DHS faces challenges not only in establishing its own internal cultural identity but also in forging its role externally and defining its place among executive branch agencies. If confirmed, what will you do to ensure that DHS not only carries out its own departmental responsibilities under the Homeland Security Act of 2002, and other statutes, but that it is able both to provide and receive cooperation from other, more established departments and, where appropriate, successfully coordinate efforts across agencies?

If confirmed as Secretary of DHS, I will work with the Executive Office of the President, the Cabinet, Federal departments and agencies with a role in homeland security, and Congress to develop and expand productive working relationships with all of the Department's internal and external stakeholders, and to ensure that DHS

develops and deploys the necessary capabilities and resources in support of its mission.

8. Several recent think tank and commission reports, such as the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the Project on National Security Reform, have called for merging the White House Homeland Security and National Security Councils. Advocates for a merger of the National Security Council and Homeland Security Council contend that the separation between them limits the White House's ability to integrate domestic and international counter-terrorism policies and to comprehensively plan for and execute catastrophic incident management, while those opposed to a merger argue that a National Security Advisor would not be able to devote enough time to homeland security issues, and thus, interagency conflicts over counter-terrorism and disaster management programs would remain unresolved and homeland security matters would be underfunded.

- a. Would you recommend that the Homeland Security Council and National Security Council be merged?

We have not made final determinations with respect to the best structure for the Homeland Security Council and its important functions. However, as General Jones has said I believe it is premature to offer a recommendation regarding the Homeland Security Council. However as General Jones has said publicly, "homeland security is national security." Homeland security intersects traditional national security roles in many areas. At the same time there are domestic aspects of homeland security that deserve a singular focus. If confirmed, I look forward to working with the Executive Office of the President and my Cabinet colleagues to determine the appropriate structure for the Administration's homeland security policy development processes.

- b. Were the Homeland Security Council and National Security Council to be merged, what do you believe should be done to ensure that homeland security concerns receive appropriate attention in the White House?

I expect homeland security to be a priority regardless.

9. What are the highest priority items you intend to focus on if confirmed as Secretary of Homeland Security? What do you hope to accomplish during your tenure as Secretary?

If confirmed, my highest priorities as Secretary will be to prevent terrorist attacks on the American people, to prepare and plan for emergencies and natural disasters, and to build strong response and recovery capabilities. At the same time, we must ensure that we allow our economy to thrive, that we continue to be a welcoming nation, and that we protect individual rights.

10. As Governor of Arizona, what do you believe your most significant accomplishments have been in the area of homeland security?

Over the past six years, Arizona has been a national leader in homeland security. We implemented the first state homeland security strategy in the nation and opened the first state counter-terrorism center to keep our communities safe. We've forged unprecedented partnerships among federal, state, local and bi-national law enforcement and first responders and presided over large scale disaster preparedness exercises to ensure that our communities have well-crafted and functional emergency plans.

For more information about specific programs, please refer to question #3.

III. Policy Questions

Integration and Management of the Department

11. One of the daunting challenges that DHS faced at its inception was the integration of some 22 agencies and almost 200,000 people into a single, new, cohesive Department. Five years later, DHS has made progress with the integration of its component agencies and its workforce, but much more must be done. If confirmed as Secretary, what specific steps would you take to improve the integration and cohesiveness of the Department, promote a common culture at DHS, and ensure that component agencies are working together toward common goals?

By all accounts, the creation of the Department of Homeland Security was one of the most significant and challenging mergers to ever be undertaken by our government. In fact, GAO has repeatedly placed the implementation and transformation of the DHS on its list of "high risk" activities for the Federal government. Progress has been made in addressing major management and transformational issues in the past five years. However, more needs to be done. If confirmed, assuring integration to advance the operational capabilities, performance and accountability of DHS will be a major priority. There are a number of initiatives that are underway that could certainly yield results. In particular, I would note the Quadrennial Homeland Security Review, which if I am confirmed, will be a major activity for my first year as Secretary.

Any effective organization must have financial, budgetary, acquisitions, and workforce management processes and systems to promote organizational governance and support efficient operations and accountability. Today, many of the components operate in a nearly autonomous manner when it comes to making decisions about these key management functions. If confirmed, I intend to review the processes in place in these key areas and work to promote integration among and between DHS and the components.

I will work to achieve:

- *Clear accountability, including roles and responsibilities of key personnel leading integrating initiatives within the Department;*
- *Improved execution of management strategic objectives;*

- *Established guidelines and processes for DHS to integrate risk assessment into other management systems, such as program and budget reviews;*
- *Prompt and proper resolution of identified material weaknesses, reportable conditions, and non-conformance conditions;*
- *Assurance that performance plans of DHS officials directly link to and support achieving our mission outcomes and are effective in overcoming challenges to the cohesiveness of the Department; and*
- *Execution of a framework that supports a commitment for continuous improvement and best practice implementation.*

12. One of the challenges facing the head of a Department where more than 95% of the employees and resources reside within the Department's operating components is determining to what degree processes and decision-making should be centrally managed and coordinated. If confirmed, how would you approach the management of DHS to ensure that there are consistent, coherent policies across the Department while avoiding the potential costs of decreased flexibility and additional layers of bureaucracy that excessive centralization can bring?

If confirmed as Secretary, I will work to transform the Department of Homeland Security into a more unified force. This effort requires the effective and efficient use of financial and human resources, enabling technology, strong processes, and good management. I intend to implement a fully integrated strategy throughout the Department. I will ensure the success of this effort by bringing together a team with the right knowledge, skills, and abilities to transform the Department and hold it accountable. .

I will manage efforts using a focused approach that does the following:

- *Provides structure to strengthen unified organizational governance and enhance Department-wide communication, decision making, and oversight;*
- *Optimizes processes and systems to integrate functional operations and facilitate cross-component collaboration, and streamline coordination to ensure reliable and efficient support of mission objectives;*
- *Fosters leadership that adheres to the core values and guiding principles of DHS in performing duties, effecting progress, and leading with commitment for the mission; and*
- *Leverages culture and the benefits of commonalities and differences across components to promote cooperative intra and inter-agency networks and implement best practices.*

13. The nation faces a wide range of potential threats and events and DHS has finite resources to address them.
- a. What principles will guide your decision-making regarding the use of risk-analysis and risk-based resource allocation to set priorities within the Department?

I support the Department's efforts to use risk management as a basis for decisionmaking. The fact is that we cannot be everywhere and protect everything at all times. We have to use risk analysis to set priorities and guide resource allocation. We have to continue to develop better tools to suggest how to best reduce threats, close vulnerabilities and mitigate the most serious consequences. My job, if confirmed, is to constantly look at how we can deploy resources more intelligently to get the most security for our investment.

- b. The threats facing the nation vary from higher consequence/lower probability events to lower consequence/higher probability events. How will you prioritize within this range of threats and balance the DHS investment in protecting against and responding to them? How will you determine if some threats or events require enhanced emphasis and investment or have already received sufficient focus?

The 15 national planning scenarios are sufficiently representative of the range of threats we may confront. The challenge is finding the right balance, dealing with "the here and now" as well as risks that will emerge over time. The key is to plan effectively, set clear goals, and establish mechanisms to measure success. It is also important to be honest about limitations in resources and capabilities. For instance, I am greatly concerned about the growing threat to our cyber networks. The United States is now being attacked every day. We need to improve the security of both government and private sector networks. Another serious concern is the potential emergence of a bio-weapon and whether our ability to prevent, detect and respond will keep pace with the advance of scientific knowledge.

14. The Department's headquarters are currently spread throughout 70 buildings and 40 sites across the National Capital Region making communication, coordination, and cooperation among DHS components a significant challenge. To address this problem, DHS plans to begin consolidating the majority of these offices at the St. Elizabeth's Hospital Campus in Washington, DC in 2009. Do you believe consolidating the headquarters of the Department is integral to addressing the integration and management challenges the Department currently faces?

DHS's mission demands an integrated approach to protecting our homeland. The dispersion of the Department's components across the national capital region has the potential to impose significant inefficiencies in operations. Consolidating the headquarters of the Department could be very important to addressing these challenges. I have been briefed on the process of establishing DHS headquarters at the St. Elizabeth's Campus, which seeks to locate together Component leadership, operations coordination, policy, and program management. While it is impossible to locate every agency on the same campus, in any case, reducing the DHS outlying elements could enhance functional integration. I support this process inasmuch as it increases efficiency, enhances communication, and continues to foster a "one-DHS" culture that optimizes the Department's capabilities.

15. Section 2401 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Recommendations Act) established the Quadrennial Homeland Security Review (QHSR), and requires the Department to complete the first QHSR by no later than December 1, 2009. This review is intended to help focus the new Administration's strategic intent with respect to homeland security, and ensure that strategies are clearly linked to plans, mission requirements, and budgeting activities.
- a. What specific homeland security issues do you believe require a close and careful examination in the context of the Quadrennial Homeland Security Review?

The Quadrennial Homeland Security Review (QHSR) is an opportunity for the Department to complete a measured examination of major strategic issues before making key strategic decisions. DHS has developed a proposed four-part Study Plan for the QHSR that links the key areas for review as described in the legislation with specific homeland security issues that require close examination. Currently, the four proposed major study areas are: (1) Strategic Assessment; (2) Capabilities Assessment; (3) DHS Decision Management Structure and Process; and (4) DHS Issue Assessment.

- b. In leading the QHSR process, what would you do to ensure that it does not become simply a paper exercise, but has a meaningful and potentially transformative impact on the Department's strategic direction and operational effectiveness?

As Secretary, one of my primary tasks will be to define the scope of the QHSR, including the issues to be considered and the structure through which the review will be conducted. I will use the work done to date by DHS but also conduct my own initial review of major strategic homeland security issues to ensure appropriate scope and structure. This will need to be a priority both within the Department and across the federal government.

16. The DHS Chief Information Officer's (CIO) annual budget exceeds \$5 billion for its IT programs. A recent DHS Inspector General report highlighted a number of areas of continuing concern, such as staffing shortages, inconsistent component level IT budgetary practices, and a lack of management capability to exclude the new authorities.
- a. What role does the CIO play in the Arizona state government?

The State Chief Information Officer serves in a dual capacity of CIO and Director of the Government Information Technology Agency (GITA). The CIO is responsible for statewide strategic information technology planning, project oversight for 115 state agencies and management of the State web portal. GITA develops the statewide information technology plan, approves and oversees all information technology projects, and develops applications for the az.gov State Web portal. In addition, the CIO oversees the Statewide Information Security and Privacy Office and the Public Safety Interoperable Communications Office for the State. The State CIO is also charged with

advancing executive, enterprise-wide innovation initiatives. Some of the strategic initiatives managed by the State CIO have included the development of:

- *Arizona 2-1-1 – The state’s official database of health, human service, emergency response and preparedness information*
- *Arizona Health-e Connection – The State’s roadmap and nonprofit governance organization to encourage the development of electronic health records*
- *Arizona 3D – The statewide visualization platform for geospatial information to be used by public safety organizations*

b. As Secretary of DHS, how would you see the role of the DHS CIO?

The Chief Information Officer (CIO) is a key member of the Secretary’s Executive Management Team. The DHS CIO has departmental authority over IT Policy, Investments, Acquisitions, and Program Evaluations and Reviews. The CIO’s responsibility exists through existing governance boards and processes such as Capital Planning and Investment Control, Enterprise Architecture, the Acquisition Review Board, and the CIO Council. CIO authority is outlined in DHS Management Directive 0007.1. DHS Component CIOs have a solid-line reporting relationship to the Component head and a dotted-line reporting relationship to the DHS CIO. I will modify these processes as I find necessary once I have operated with them.

c. How will you ensure that the CIO has sufficient resources to adequately manage the Department’s IT infrastructure?

The information technology infrastructure will be successfully managed through continued collaboration between the Chief Information Officer, the Chief Financial Officer, and the Chief Procurement Officer to ensure that adequate funding and acquisition vehicles are in place through effective governance mechanisms and maintaining consistent priorities. If confirmed, my priorities for this organization will be to improve the Department’s information technology infrastructure while developing a strong relationship with Federal partners such as the Office of Management and Budget and Congress. These relationships will be fostered to ensure that departmental information technology infrastructure priorities are adequately resourced to meet mission needs.

17. DHS either has committed or plans to commit itself to major information technology investments which total more than a billion dollars, including United States Citizenship and Immigration Services’ (USCIS) business transformation project and the Department-wide financial information technology consolidation. The Government Accountability Office (GAO) has found that USCIS’s efforts “have been unfocused, conducted in an ad hoc and decentralized manner, and, in certain instances, duplicative.”¹ The Department is

¹ U.S. Government Accountability Office. “USCIS Transformation: Improvements to Performance, Human Capital, and Information Technology Management Needed as Modernization Proceeds,” pg.2 (July 17, 2008). <http://www.gao.gov/new.items/d071013r.pdf>

also in the process of entering into a procurement to conduct its Transformation and Systems Consolidation initiative, which is intended to migrate and consolidate the financial systems of all of its components so they are all operating on common platforms using commercially available software. The Department previously attempted this same mission through the eMerge2 project, spending about \$52 million before cancelling the project due to a lack of adequate planning and progress.

- a. If confirmed, will you make these, and other major information technology investments, a priority for the Department?

Yes

- b. How will you oversee all of the Department's major information technology investments?

I will use the policies and processes developed by the Department to oversee all of the Department's major information technology programs. I will modify these processes as I find necessary once I have operated with them.

- c. What steps will you take to ensure that requirements for major information technology investments are set early in the procurement process and that procurement contracts are fixed price to the maximum extent practicable?

The success of the contracting process lies to a large extent in the ability of the agency to set clear, meaningful, and specific requirements for each contract. If confirmed, I intend to emphasize setting requirements early in the acquisition life cycle, well in advance of procurement (contracting) actions and with clarity and specificity. This will allow me to ensure that DHS program requirements are well defined, as well as allowing time for these requirements to be "flowed down" into proper definition of cost, schedule and performance boundaries for program execution, including contract development.

With respect to use of procurement contract types, I appreciate the value of using fixed price contracts to the maximum extent practicable. With that goal in mind, I intend to use the contract type that best serves the American taxpayer for both effectiveness and efficiency.

- d. What steps will you take to ensure that these initiatives stay on time, on budget, and achieve the planned objectives?

As I mentioned above, use of the existing oversight forums will be my primary method for overseeing these initiatives. Metrics on initiatives are key to real-time oversight – I will use the existing Departmental acquisition metrics systems, and improve them if

I find that to be necessary. I will continue to strengthen the Departmental acquisition communities, particularly in program management, systems engineering, logistics, and test and evaluation, to ensure that DHS has knowledgeable personnel in these key acquisition disciplines assigned to major programs across the Department and its Components.

18. DHS has a significant international role and is a key American representative abroad. Currently, DHS has nearly 2,000 staff based in 79 countries, a number exceeded only by the State Department. In addition to these permanent positions, multiple DHS components have hundreds of staff visiting locations abroad. DHS has attempted to coordinate all of these activities through its Office of International Affairs (OIA). However, OIA has had trouble fulfilling its mission. A June 2008 DHS Inspector General report found that OIA was not meeting the majority of its core mission responsibilities. What will you do to strengthen OIA, address the Inspector General's recommendations, and improve coordination of DHS's international mission?

It is my understanding that the Department has invested considerable effort during the past few months to develop the policies, plans, instructions, directives, and processes required to address the recommendations presented in the Inspector General's June 2008 report. While the Department has built strong relationships with key allies around the world, it is not clear if our assets overseas are structured effectively. I plan to review this closely if confirmed.

19. In 2007, the Bush Administration announced the Merida Initiative – a multi-year, multi-billion dollar international counter-drug and judicial-system-building initiative with Mexico and Central American countries. Although the Administration designated the State Department as the lead federal agency, a majority of program responsibilities were assigned to DHS and the Department of Justice (DOJ). In fact, initial program funding allocations show that DHS will be responsible for overseeing the spending of the greatest amount of money under the initiative. As this Committee investigated the Merida Initiative's planning and development, a number of concerns arose: (1) program experts within DHS and DOJ were being left out of the initial planning; (2) the State Department had not made provisions to backfill positions of employees who would be sent to work with officials of the foreign governments, which is critical in order to avoid taxing DHS' limited domestic program resources; (3) and there were no program metrics by which to evaluate the initiative's success. What will you do as Secretary to ensure that these concerns are addressed and that DHS components are not only successful, but equal partners in the Merida Initiative?

As Governor of Arizona, I am keenly aware of the violence drug cartels and other criminal organizations have brought to our border. We cannot be secure if these criminals are allowed to threaten the stability and welfare of our neighbors.

The Merida Initiative is a multi-year program that will provide equipment and training to

support law enforcement operations and technical assistance for long-term reform and oversight of security agencies in Mexico and Central America.

As Secretary, I will work to improve internal DHS program management as well as interagency understanding of and appreciation for DHS's role and concerns, especially with regard to the State Department. .

As to metrics, I am aware of the State Department's efforts to generate them, and I will work to ensure that DHS projects and initiatives bring meaningful results to secure this country and to rid Mexico and our other Central American neighbors of the organized criminal gangs that threaten them.

Federal Emergency Management Agency

20. In the wake of the failed response to Hurricane Katrina, the Committee conducted a far-reaching investigation and issued a resulting report entitled, "Hurricane Katrina: A Nation Still Unprepared." In its investigation, the Committee found that the Federal Emergency Management Agency (FEMA) was unprepared – and never had been prepared – for a catastrophic event. In addition to a lack of basic capabilities and resources at FEMA, the Committee found other key failures by the Department as a whole and its leadership, such as a failure to timely employ the substantial resources of the components of DHS, the lack of effective communication between the Secretary of Homeland Security and the then-Director of FEMA, and the lack of situational awareness both at FEMA and DHS. The Committee recommended replacing FEMA with a new, stronger, more robust federal preparedness and response agency. In September 2006, Congress passed the Post-Katrina Emergency Management Reform Act of 2006 ("the Post-Katrina Act") to do just that.

The Post-Katrina Act, which implemented many of the recommendations from the Committee's investigation, created a new FEMA – with responsibilities, missions, capabilities, and resources far exceeding those of FEMA at the time of Hurricane Katrina. The Post-Katrina Act also requires the President to appoint a qualified individual as FEMA Administrator, clarifies that the FEMA Administrator shall serve as the President's and Homeland Security Secretary's principal advisor on emergency management issues, elevates the FEMA Administrator to the level of Deputy Secretary of the Department, permits the President to elevate the FEMA Administrator to cabinet level status during disasters, and preserves FEMA as a distinct entity within the Department.

In testimony before the Committee in April 2008, DHS Inspector General (IG) Richard Skinner concluded that FEMA was better prepared for a catastrophe now than it was in 2005 and found that in the nine areas reviewed by the IG's Office, FEMA had made moderate progress in five areas, modest progress in three areas, and limited progress in only one area. In a report released on December 8, 2008, GAO similarly found that DHS and FEMA had taken action to implement many of the Post-Katrina Act's requirements, but that there was still significant work to be done in a number of areas. If confirmed,

what will you do to ensure the new, enhanced FEMA, as envisioned by the Post-Katrina Act, continues to be strengthened?

The Post-Katrina Emergency Management Reform Act (PKEMRA) and other Congressional initiatives have provided DHS and FEMA with a valuable roadmap and additional resources to ensure FEMA's future success. As a Governor and a stakeholder, I can assure you that progress made in improving both FEMA's and the Nation's preparedness will be of the highest priority. FEMA is a critical agency in our Nation's ability to prepare for, respond to, and recover from disasters and emergencies and it is important to continue to improve upon its performance and its capabilities.

As the question notes, much improvement has been made over the past two years and I understand that significant investments have been made in funding, personnel, equipment, and business practices. It is important to continue to improve upon all of those areas. It is my goal to strengthen FEMA further and to have a FEMA Administrator who will be by my side in making the additional reforms necessary to make even greater improvements on services to disaster victims, achieve an even greater level of preparedness across the Nation, and mitigate the effects of future disasters. By accomplishing these responsibilities, FEMA provides greater tools to its State and local partners, builds stronger State and local response capacity, and properly places Federal resources where they are needed most in a timely and effective manner. My commitment is to work diligently to continue the efforts to improve FEMA so that our Nation knows that when disasters or emergencies strike, the Federal Government is there.

21. In passing the Post-Katrina Act, Congress decided to strengthen FEMA within the Department of Homeland Security rather than remove it from the Department. The Post-Katrina Act recognizes that the kinds of catastrophic disasters for which the nation must prepare require resources far beyond what FEMA can effectively marshal standing alone, and the federal preparations for and response to Hurricanes Ike and Gustav earlier this year suggests that the Post-Katrina Act's goal of giving FEMA the tools to be able to effectively coordinate DHS's substantial assets has been met: in Ike and Gustav, the new FEMA successfully drew on resources from other components of the Department, such as the U.S. Coast Guard, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection, to support its response. The coordination in Hurricanes Ike and Gustav stands in sharp contrast to the response to Hurricane Katrina in which the Department's considerable law enforcement and communications assets went largely unused in the days leading up to and immediately following landfall.

In addition to the expanded resources that DHS contributes to FEMA's response capabilities, FEMA is an essential part of DHS. Through its new grants authority and preparedness activities as well as through its newly strengthened regional offices, FEMA serves as one of the principal conduits through which the Department interacts with state and local officials. Most significantly, of course, FEMA houses most of the Department's response capabilities, which are integral to the mission of the Department. Indeed, when President-elect Obama introduced you in a press conference on December 1, 2008, as his nominee for Secretary of the Department of Homeland Security, he noted that you

“underst[ood] the need for a Department of Homeland Security that has the capacity to help prevent terrorist attacks and respond to catastrophe be it manmade or natural.”

Can you elaborate on this issue, particularly in light of the fact that some have called for FEMA to be removed from DHS?

I understand that there is considerable debate on this subject, with strong advocates on both sides. The advocates on both sides of this debate all share the desire for the nation to have an effective, strong and coordinated preparedness, response and recovery effort whether the disaster is caused by nature or man.

The issue of FEMA's status is not a simple one and does not lend itself to short answers or merely reactive measures. As long as FEMA remains in DHS, I will work to incorporate FEMA within DHS so that it achieves maximum effectiveness.

In the coming months I will review in depth the issues surrounding FEMA's roles and responsibilities as outlined in law, in doctrine and within the Department's management and coordination structures. I recognize that the issues of roles and responsibilities are ones that need to be addressed and I am committed to doing so. I would note that the effectiveness of FEMA and DHS are more closely tied to the qualities of focused leadership, clear roles and responsibilities, and synergies between emergency management and other aspects of homeland security, than they are to organizational charts.

22. The Committee's report into the failed response to Hurricane Katrina found that FEMA lacked the resources needed to accomplish its mission and that resource shortages contributed to FEMA's failures in responding to Katrina. For the past two fiscal years, the Bush Administration has asked for increases in FEMA's budget, but some believe FEMA's budget is still not adequate to accomplish its mission. Do you believe there is a need for additional increases to FEMA's budget? If so, please identify where such increases should be made.

I have reviewed the FEMA budget provided to me by the Department. It appears the increases in funding and staffing have gone a long way toward solving significant problems within FEMA. I wish to take time to review the Department's proposed FY10-14 budget submission and FEMA Vision documents before I can definitively answer this question. It is important that we make the right investments in FEMA and understand the strategic ends we are trying to achieve. All of this needs to be balanced within the ever tightening requirements that we will face across government as we address the national financial crisis.

23. Although Hurricane Katrina made landfall over three years ago, the recovery and rebuilding process is far from complete and much work remains to be done.
- a. What is your vision of the role of the federal government in the recovery and

rebuilding process in the Gulf Coast and what should the Obama Administration do to support those recovery and rebuilding efforts?

The Federal Government, working together with impacted state and local governments, non-governmental organizations, and the private sector, must continue the recovery and rebuilding process in the Gulf Coast. If I am confirmed as Secretary, I will work with leadership at FEMA as well as elected leadership along the Gulf Coast to assess rebuilding efforts to date and determine what additional steps are necessary to ensure a return to normalcy for the residents of the Gulf Coast.

- b. In your view, what can be done to improve the ability of FEMA and DHS to provide more effective assistance with recovery efforts if and when future catastrophes occur?

Recovery from disaster can and should be continually improved. FEMA and DHS play an important role in coordinating Federal departments and agencies to support state and local governments. FEMA has developed a concept paper addressing future improvements to the disaster recovery process. I look forward to reviewing the work that FEMA has done in this area and to working with FEMA and DHS, other Federal departments and agencies with a role in disaster recovery, and the Department's state, local, tribal, non-governmental, and tribal partners to explore how best to enhance future disaster recovery activities.

24. Providing long-term disaster housing for victims of Hurricanes Katrina and Rita has been difficult. What thoughts do you have on how the federal government should provide long-term disaster housing to disaster victims? What do you believe the role of the Department of Housing and Urban Development should be in providing long-term housing to disaster victims?

There are a number of Federal departments and agencies that have authorities to support disaster-housing efforts when the recovery is beyond the resources of local and state governments. These programs are often delivered in coordination with state and local governments, and for major disasters Congress sometimes provides supplemental appropriations. Federal departments and agencies with significant roles in providing permanent housing include the Department of Housing and Urban Development (HUD), the Department of Agriculture (USDA) and the Small Business Administration (SBA).

HUD provides annual funding to state and local governments through the Community Development Block Grant (CDBG) and HOME Investment Partnership Program. USDA also has a variety of grant and loan programs that can aid recovery of housing, and SBA offers disaster home loans directly to disaster victims for refinancing, rebuilding, mitigation improvements to property, and personal property loss following a disaster.

HUD is the Federal expert on providing permanent housing assistance for low-income families and thus is uniquely positioned to assist those affected by a disaster. HUD is a partner with DHS/FEMA in meeting the housing needs of disaster victim through Emergency Support Function #14 – Long-Term Community Recovery. HUD has a

network of programs and partners nationwide that allow it to provide a wide variety of services to disaster victims.

FEMA, working with HUD and other Federal departments and agencies with a role in disaster recovery, has developed a draft National Disaster Housing Strategy. I look forward to reviewing the work done to date on this Strategy.

25. In the event of a catastrophic incident, the Department of Defense will play a critical role in supporting the national response. However, this past year, the Commission on the National Guard and Reserves criticized DHS for failing to inform the Department of Defense (DoD) of which capabilities it will be expected to provide in response to a catastrophe. How will you better integrate planning to ensure these plans can be executed in a single coordinated effort between DoD and DHS?

DHS and the Department of Defense have undertaken a number of activities to improve coordination and joint planning for more effective use of Defense Department assets in disaster response in support of state, local, and tribal governments. As Secretary, I will examine efforts to date to determine requirements for DOD support to civil authorities for disaster response, ensure that integrated planning as well as exercises and analysis inform the identification and validation of civil support requirements, and enhance the ability of DHS and DOD to execute coordinated disaster response efforts.

26. The National Guard is a critical component of our nation's response to a natural disaster and terrorist attacks. However, the dual nature of the Guard's mission can place significant strain on personnel and resources. How will lessons that you learned as commander of the Arizona National Guard affect DHS-led planning that relies upon the Guard and other DoD components in response to a natural disaster or a terrorist attack?

We are safer as a nation when we all work and plan together. This is really a two-step process. First, there needs to be even greater coordination among the various components in the Federal government. For example, DHS, DoD, the component led by the Assistant Secretary for Homeland Defense, the National Guard Bureau, Northern Command, the Department of Justice, the Department of Health and Human Services, and the Department of Energy--to name just a few--must work in a fully integrated and strategic manner in planning for these type of events. Second, the Federal government needs to increase our efforts to communicate and consult with the relevant Federal, state, local, and tribal entities. The goal should be to create a true partnership that can improve our homeland security.

27. In the wake of Hurricane Katrina, the Committee found that in FEMA's rush to meet the needs of thousands of victims, FEMA often failed to implement or follow basic measures to prevent fraud, waste and abuse. To fix these failures, Congress included several measures in the Post-Katrina Act to control waste, fraud, and abuse, which FEMA is implementing. How will you ensure that FEMA is able to lean forward and meet the needs of victims overwhelmed by disasters while also maintaining appropriate controls to prevent fraud, waste and abuse of taxpayer dollars?

As has been described to me by current FEMA leadership, FEMA's traditional system of controls for waste, fraud and abuse was not up to the challenge of disasters of the magnitude of Hurricanes Katrina and Rita. FEMA identified many shortcomings in its system of controls as a result of those disasters. While work remains to be done, DHS and FEMA have already taken steps to implement new controls to improve FEMA's ability to serve disaster victims while also limiting fraud and abuse. These steps include evaluating and strengthening controls pertaining to identity, residence type, and cross-disaster applicant checking. As Secretary, I will work closely with the FEMA Administrator to evaluate the efficacy of these steps and determine what additional actions are necessary to prevent fraud, waste and abuse while meeting the needs of disaster victims.

Planning

28. Planning for catastrophic events is one of the most important functions of the Department.
- a. What steps will you take to ensure FEMA completes planning for catastrophic events and that the plans incorporate input from across the federal government?

Planning and the planning process are among the most important functions of not only FEMA and DHS but all Federal departments and agencies with a role in homeland security. It is also important that FEMA's state, local, and tribal government partners have the capacity and the tools they need to plan for the hazards they face. FEMA and DHS's Office of Operations Coordination and Planning are currently working on a series of plans for the 15 National Planning Scenarios. FEMA is also engaged in efforts to plan for other specific catastrophic scenarios, and to enhance and improve the Catastrophic Incident Annex and Catastrophic Incident Supplement for general catastrophic preparedness. As Secretary, I will work to ensure that Federal planning activities are effectively integrated with state, local and tribal planning through FEMA's regional offices and review the efficacy to current planning systems and processes. I will also continue efforts between the DOD and DHS to support military integration into catastrophic planning, such as the Task Force for Emergency Response (TFER) program for which I understand Congress is considering legislation to expand TFER to all 50 states.

- b. How can DHS best integrate state, local, and tribal governments into this planning process to ensure that plans among all levels of government are coordinated?

As explained to me by current FEMA leadership, FEMA's regional offices, working closely with the other components of DHS and other Federal departments and agencies with a role in homeland security, are the nexus of planning coordination at the state, local, and tribal levels. Utilizing the tenets of the Integrated Planning System (IPS) and Comprehensive Planning Guide 101 (CPG 101) the FEMA regions will be actively engaged in working with the states to integrate planning based on the

hazards those states face. FEMA has directed grant funds towards state and local planning efforts for the past two years. As Secretary, I will assess these efforts to integrate state, local, and tribal governments into the planning process and take whatever steps are necessary to ensure this integration. As a Governor, I know that state and DHS relations have been strained at times, and I am committed to ensuring that DHS listen and adapt to state needs, while still ensuring integrated and unified planning. I want the whole process to be more user-friendly so that in a time of limited resources, we can focus our efforts without compromising security.

29. What do you believe should be DHS's approach to planning in order to ensure that the nation is prepared for a wide range of catastrophic incidents? How would you prioritize planning efforts?

Planning is indispensable to unity of effort. There is no preparedness without planning. Therefore planning is part of the broad context of incident management and an essential activity of homeland security. I believe that it is important to prioritize planning on the basis of risk, understanding that the risks we face as a nation must be balanced with the specific risks faced by state, local, and tribal governments. As Secretary, I will review DHS's approach to planning and ensure that it meets the nation's requirements to ensure preparedness for a wide range of catastrophic incidents.

30. In an October 2005 hearing before the House Committee on Homeland Security, you stated in testimony that the federal government must work with states to accredit state emergency preparedness plans. As you know, there is a great deal of work underway with regard to federal, state and local preparedness planning, but state and local governments are concerned with the federal government being too heavy handed in working with them during this process. Do you believe that it is possible to develop an effective evaluation, assessment, and accreditation process akin to the federal government "grading" states that still respects the authorities and prerogatives of state governments?

I believe it is possible to effectively evaluate, assess, and accredit elements of preparedness, including plans, while respecting the authorities and prerogatives of state, local, tribal, and territorial officials. The key to such a process is to establish an early and effective consensus process involving all levels of government to determine agreed upon outcomes and objectives. Further, by including state, local, and tribal officials in the development of planning guidance, I understand FEMA can engender buy-in with the basic documents that guide national planning efforts. By obtaining feedback and input into the design of assessment and evaluation tools, FEMA can assess the status of national preparedness while providing feedback that is useful to jurisdictions, without overly burdening state, local, and tribal governments. Finally, by working with existing accreditation bodies – such as the Emergency Management Accreditation Program and the American National Standards Institute, among others – FEMA can leverage these entities to enhance the nation's preparedness. This type of consensus building advances the nation's interest in homeland security while ensuring that the authorities and prerogatives of state, local, and tribal officials are not negatively affected.

31. As you are aware, DHS has developed the Integrated Planning System as a planning guide for federal departments and agencies to conduct homeland security preparedness planning. At the same time, FEMA has revised its Comprehensive Preparedness Guide 101, or CPG-101, to assist state and local governments with the planning process. While the two documents are remarkably similar in certain areas, they do differ in others, leading many to conclude that it will be extremely difficult to develop a truly “national” planning system when different levels of government are using different planning guides.

- a. Do you have any concerns about having two components of DHS – FEMA and the Office of Operations Coordination – engaging in such similar planning efforts?

To my understanding, FEMA and the Office of Operations Coordination and Planning have been working collaboratively on the planning efforts to date. As explained to me by current leadership of both FEMA and the Office of Operations Coordination and Planning, the Integrated Planning System (IPS) is designed to provide a uniform federal planning process to address key significant scenarios that could be catastrophic in nature. CPG 101 is designed to provide state and local governments with the planning tools they need to address the hazards they face. As Secretary, working in conjunction with the FEMA Administrator, I will review both the IPS and CPG 101 and ensure that planning processes and activities at the Federal, state, local, and tribal levels are synchronized and harmonized.

- b. Do you believe it is worthwhile, or even realistic, to develop a single planning guide for use at all levels of government?

No single planning process is likely to serve all levels of government with the varied levels of resources, capabilities and risks they all face. What is possible is to develop a flexible planning process that can synchronize planning across the Federal, state, and local spectrum. As described to me, IPS and its companion document CPG 101 are designed to provide that flexible framework. As Secretary, working in conjunction with the FEMA Administrator, I will review the planning processes currently in use and ensure that they constitute this kind of flexible planning process.

Homeland Security Grants

32. State and local first responders are on the front lines of our national effort to prevent, prepare for, respond to, and recover from acts of terrorism and natural disasters. For this reason, Congress has restored some or all of the funding that the Bush Administration proposed be cut from the budget for DHS’s state and local homeland security grants each of the last five years. Do you believe that federal homeland security funding for states and localities should be kept the same, increased, or decreased?

As a Governor, I understand that one of the most critical aspects to building and sustaining state and local, and first responder capabilities is predictability of funding support, whether that be state and local funding or Federal grant support. While the Congress and the prior administration have actively debated the appropriate funding levels, what is needed is a better understanding of what support is needed in order to build necessary capabilities and sustain them over time, and what portion of this burden should be borne by the Federal Government, states, and local governments, respectively. As Secretary, I will review preparedness grant funding to date and support efforts to establish what level of support is necessary to build and sustain necessary capabilities. Until that is done, it would be premature for me to give an opinion on homeland security grant funding.

33. The FIRE Act is due to be reauthorized in 2009. FIRE Act grants are a vitally important resource for thousands of fire departments across the nation. Last year, the Administration attempted to cut this program by hundreds of millions of dollars. The funding that was proposed to be cut was later restored by Congress. As a governor familiar with the ever increasing demands being placed on our nation's firefighters, will you advocate for maintaining sufficient funding for this grant program?

Our Nation's firefighters are an essential front line asset in responding to emergencies and disasters of all kinds. They have my deepest respect and admiration. According to FEMA, the Assistance to Firefighters Grant Program, funded under the FIRE Act, has provided billions in grants to support their needs for equipment, training, planning, prevention and health and safety. I support the program and will work with the committee to continue the program's great work.

34. After years of debate, Congress, as part of the 9/11 Commission Recommendations Act, enacted amendments to the Homeland Security Act governing the distribution of grants under two of the major homeland security grant programs, the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI). The grant provisions guarantee each state a minimum allocation under SHSGP, but otherwise largely leave to the Secretary's discretion the allocation of grant funds to states and high-risk urban areas based on a jurisdiction's relative threat, vulnerability and consequences faced from acts of terrorism and on the anticipated effectiveness of the proposed use of the grant, provided that certain basic risk factors are taken into account.

To help it allocate grants and for other purposes, DHS has developed (or contracted with others to develop) a terrorism risk model. Reflecting the difficulties in determining the true risk of terrorism, however, the model in past years has been incomplete, depended on subjective weighting and has been difficult if not impossible to externally validate. Given the uncertainties inherent in measuring the risk of terrorism, how, if confirmed, would you approach the issue of risk analysis and what criteria would you use to evaluate whether a proposed method for allocating grants is appropriate and adequately reflects the likely risk of terrorism?

I strongly support the idea that homeland security grants must be allocated in a manner informed by risk. I understand that there are inherent uncertainties in measuring terrorism risk and in comparing risks across a variety of naturally occurring and human-caused threats. As Secretary, I will evaluate the Department's current methodology for applying risk to homeland security grant allocations and will ensure that the Department allocates grants in a manner best suited to addressing the homeland security-related risks faced by the nation.

35. The RAND Corporation noted in a 2004 report, "When Terrorism Hits Home: How Prepared are State and Local Law Enforcement," that "[h]omeland-security experts and first-responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of smaller communities or rural areas, noting that much of our critical infrastructure and some potential high value targets (nuclear power plants, military installations, agriculture facilities, etc.) are located in less-populated areas." Moreover, we know that al Qaeda attackers lived, trained, transited, hid, and otherwise used smaller communities and rural areas as a staging ground for the September 11, 2001 attacks. What steps will you take to ensure that smaller communities and rural states and localities receive adequate federal assistance to prevent, prepare for, respond to, and recover from terrorist attacks?

It is important that DHS balance its investments based on risk, and provide adequate support to address those risks. Small and rural areas have risks, and select DHS grant programs, including SHSGP, the Emergency Management Performance Grant program, and the Assistance to Firefighters Grant program, have elements which provide funding to support the efforts of smaller communities. However, DHS must also be aware of the need to maintain our focused efforts in our higher risk areas with large populations and significant critical infrastructure. DHS currently provides training, planning and exercise resources to support both large communities and small and rural communities. This support is on-line, through training academies and partners. As Secretary, working with the FEMA Administrator, I will examine these efforts and determine what additional actions are necessary.

36. The Department was created to prevent, prepare for, respond to, and recover from terrorist attacks and natural disasters – what is commonly referred to as all hazards – and the 9/11 Commission Recommendations Act that we authored required the Department to develop an all-hazards risk formula for awarding certain grants, such as the Interoperable Emergency Communications Grant Program (IECGP). The Department, however, has not fully embraced this task. For example, the current formula used for IECGP is simply a modified version of the same terrorism-based formula used for the State Homeland Security Grant Program. This modified formula fails to take into account any readily available data regarding natural-disaster risk. It disadvantages many states that routinely experiences significant and damaging natural disasters. What steps will you take to ensure that the Department complies with the law and develops an all-hazards risk formula?

I strongly support the idea of all-hazards preparedness as advanced by this Committee in

the Post-Katrina Emergency Management Reform Act, which acknowledges that certain capabilities are applicable across a range of potential hazards, while others are specific to particular threats and risks. As Secretary, I will examine the Department's methodologies for allocation grant funding, and make adjustments as necessary to protect the American public while meeting the intent of the Department's governing statutes. One of my earliest deadlines will be to examine the guidance for grants for FY2010.

37. The Post-Katrina Emergency Management and Reform Act of 2006 and amendments made by the 9/11 Commission Recommendations Act require that DHS report annually on the extent to which the homeland security grants administered by the Department have assisted states and localities in achieving target capabilities for preparedness and led to a reduction in the risks faced from natural disasters, acts of terrorism and other man-made disasters. Yet DHS is still in the process of developing systems that can effectively track and analyze how such grant funds have been used.

- a. If confirmed, what steps will you take to improve the Department's systems for monitoring and evaluating state and local use of homeland security grants?

As explained to me by current Department leadership, DHS has improved its oversight for its grant programs through annual monitoring visits on both the financial and programmatic aspects of the grants. In addition to this oversight, the Department has developed several new initiatives designed to measure the effectiveness of the grant dollars. The Department is also continuing its work to move towards a consolidated grants management platform, which should streamline the application and reporting processes for all Departmental grants. If confirmed, I will review these programs.

- b. As Governor, what measures, if any, did you use to track homeland security grant funds to localities within the State and to ensure that those funds were being used effectively?

The Arizona Department of Homeland Security (AZDOHS) has implemented a variety of measures to track grant funding and improve accountability and transparency of the policies, programs and procedures associated with the federal homeland security grant programs.

Such measures include:

- *Utilizing the Grant Information Management System (GIMS) computer software application to better manage the accounts payable process. This system was recently further refined to automate and integrate a very cumbersome, difficult paper grant application process.*

- *Ensuring expenditures mirror the federal Authorized Equipment List (AEL). Only those items explicitly outlined in this federally approved list are even considered by AZDOHS for grant projects.*
- *Eliminating verbal approval for contract changes. There is a strict, documented policy for all requests to approved projects that requires written documentation from more than one person.*

From involving stakeholders and subject matter experts to surveying the strengths and needs of the State, AZDOHS makes a continued and concerted effort to further refine processes to ensure that grant funds are maximized.

Community Preparedness

38. What do you see as DHS's role in promoting individual and community preparedness for all hazards? Do you believe that DHS's Ready campaign has been effective? If not, how would you change it?

Individual and community preparedness is a necessary pre-condition for national preparedness. As a result, DHS must play a major role in promoting individual and community preparedness through development of relevant national policy and funding sources that support individual and community preparedness and research on individual and community preparedness issues. DHS should provide a national voice on the importance of individual and community preparedness, and should partner with other Federal agencies, non-profits, the private sector, faith-based organizations, and state, local and tribal governments. The Department also collaborates with other Federal agencies and non-profits on community safety and disaster response volunteer programs, to include Fire Corps, Medical Reserve Corps (MRC), Neighborhood Watch, and Volunteers in Police Service (VIPS). As Secretary, I will review these efforts, as well as DHS's Ready campaign, to ensure that DHS's citizen and community preparedness efforts are as effective as possible.

39. In the event of a major natural disaster or terrorist attack, effective public communication will be critical to saving lives. However, in a May 2008 hearing before the Committee on the nation's preparedness to respond to a terrorist nuclear detonation in a major American city, witnesses raised concerns that it was not clear which – if any – DHS official was responsible for planning the communications response to a catastrophic incident, and as a result, there were not adequate communications plans for these incidents.
- a. If confirmed, what will you do to develop an effective public communications strategy to be used in the event of a terrorist attack or natural disaster?

Crisis communications are an essential element of any response, providing information that fosters trust and credibility and empowering the public to make the

best decisions about their wellbeing. As described to me by current DHS and FEMA officials, DHS and FEMA utilize the National Response Framework's Emergency Support Function 15 construct to execute the Department's crisis communications effort. As Secretary, I will review the current communications approach, and I will ensure that this strategy effectively provides incident communications in a clear and concise manner to the public.

- b. Will you designate a specific office within the Department to lead this effort?

I am concerned by even the perception that DHS does not have a single crises communication lead. I will examine the understandings between the offices and make changes if necessary.

Communications Interoperability

40. Communications interoperability problems often create chaos when different units and levels of governments simultaneously respond to a crisis. Over the past several years, Congress has enacted legislation intended to strengthen DHS's leadership role in solving these problems. In 2006, Congress established the Office of Emergency Communications to coordinate DHS's responsibilities on interoperability, develop a National Emergency Communications Plan, and conduct national outreach to foster interoperability among State, local, regional, and tribal governments. In 2007, Congress established the Interoperable Emergency Communications Grant Program. While DHS has met certain milestones, including the issuance of the National Emergency Communications Plan, DHS has been slow to stand up the Office of Emergency Communications, and the Bush Administration requested no funds for the grant program in its first two years of existence.

- a. Based on your experience as a Governor, in what ways do you think DHS can most effectively provide leadership to assist State and local governments in achieving interoperability?

1. *Technical Assistance Awards and Policy Academies to states (see details below) from DHS OEC are valuable and should be expanded, coordinated and continued.*
2. *Template or model policies, standards and procedures, memoranda of understanding (MOUs), standard operating procedures (SOPs), operational governance structures, best practice recommendations and performance measures should be provided by OEC to the states.*
3. *Interoperable Emergency Communications Grant Program (IECGP) should be continued and funding should be increased. [Note: For non-equipment grants,*

limitations on staffing costs should be re-calibrated as governance, planning and related activities require a high level of staffing and more senior personnel.]

4. *Future interoperability grants for equipment should require that:*
 - a. *State Interoperability Standards are developed and will be complied with in regard to the projects to be awarded equipment funding.*
 - b. *DHS should confer with Statewide Interoperability Coordinators regarding funding decisions before they are made.*
5. *Infrastructure investments in interoperability should be considered as part of the stimulus package to states and also as a way to address increasing levels of unemployment.*
- b. *Are there specific experiences in addressing interoperability at the State level that will influence how you view this issue? If so, please explain.*

1. Technical Assistance Awards and Policy Academies

OEC recently approved three of Arizona's Technical Assistance requests as part of the Interoperable Communications Technical Assistance Program (ICTAP). Technical Assistance is to be provided to Arizona in 2009 in the areas of Governance, Statewide SOP Development and Training.

The National Governor's Association Center for Best Practices recently issued, "Interoperability: Focus on Governance Policy Academy" to States. The project is being supported by DHS' OEC and the Office for Interoperability and Compatibility (OIC). Arizona was one of six recipients of this grant. The Academy will take place in early January 2009. The concept behind the grant program and the Academy is to support States to improve their governance structures that oversee statewide communications interoperability planning and implementation is sorely needed.

2. Templates and models

As part of the National Governor's Association Center for Best Practices Interoperability: Focus on Governance Policy Academy, participants will receive a governance toolkit with template and model documents. Such guidance is essential to states not re-inventing the wheel.

3. Interoperable Emergency Communications Grant Program (IECGP)

Arizona and other States have received small IECGP grants. This grant program is essential to realizing the promise of interoperability and must be continued and expanded. One of the goals of this grant is to align State SCIPs with the NECP, which is an essential next step.

4. Conditions on Future Interoperability Grants

In developing Arizona's Statewide Communications Interoperability Plan (SCIP) in 2008, it became evident that making production of an actionable SCIP plan by states a condition of federal funding was an excellent strategy to focus state efforts and support them in moving forward. Providing technical assistance and grant support to states in essential areas of need and then requiring progress in the funded areas in future grants is an essential strategy for supporting states in moving forward.

5. Interoperability an Essential Infrastructure Project

I support President-elect Obama's plans for infrastructure projects. Based on my experience in Arizona and the experience of my NGA colleagues in other states, it is clear that communications interoperability is an area ripe for such federal investments.

- c. The Integrated Wireless Network (IWN) project began in 2003 to create a nationwide, consolidated, interoperable wireless communications system for employees of DHS, the Department of Justice, and the Treasury Department. Despite the hundreds of millions of dollars spent, a December 2008 GAO report found that the program had failed due to a lack of leadership within the participating agencies. What are your plans for pursuing interagency coordination to ensure that employees of federal agencies are able to communicate with each other during a disaster?

If confirmed as Secretary, I will examine the history of the IWN program and the circumstances described in the December 2008 GAO report and take whatever actions are necessary and appropriate to ensure that employees of Federal agencies are able to communicate with each other during a disaster, consistent with DHS's statutory and regulatory authorities.

Intelligence and Information Sharing

41. The DHS Office of Intelligence and Analysis is a critical part of DHS, serving as the Department's primary interface with the broader Intelligence Community, supporting state and local fusion centers, and integrating the intelligence-related activities of the DHS component agencies.
 - a. What would be your key near-term priorities to improve the effectiveness of the Office of Intelligence and Analysis?

If confirmed as Secretary, I intend to strengthen I&A's cadre of all-source analysts. These analysts are needed to focus on the homeland security mission and to support I&A's customers within DHS, in the Intelligence Community, and at state, local, and tribal levels. I also intend to be vigilant to protect civil rights, civil liberties, and privacy of U.S. citizens in all of DHS's intelligence-related activities.

I would also work with my Under Secretary of Intelligence and Analysis and my team to understand the information needs of our many partners to ensure that the right information, tailored as necessary, gets where it needs to be, when it is needed. I will also work to educate DHS's partners on the kinds of information that DHS needs for its mission.

- b. The fusion center in the state of Arizona, ACTIC, has won praise from the National Governors Association and the Council of State Governments. What experiences from the development of ACTIC might inform your efforts at DHS to improve Departmental support to state and local fusion centers?

The Arizona Counter Terrorism Center (ACTIC) is a first-of-its kind state-level, 24/7 intelligence fusion center, staffed with more than 157 detectives, special agents, and analysts representing more than 44 state, local and federal agencies. ACTIC programs promote interaction, training, and communication among multi-agency, multi-discipline teams to maximize efficiency among existing programs.

ACTIC and fusion centers like it across the country provide an important opportunity to share intelligence and resources between national, state and local law enforcement, but are often dependent on limited local resources to function. To be a true federal/ state partnership, strong federal support and comprehensive information sharing must be prioritized.

DHS recently permitted states to start spending SHSGP grant money on personnel at places like fusion centers. This is a step in the right direction to ensure that a state's fiscal situation does not deplete critical human capital these fusion centers are built upon.

- c. As a governor, what is your perspective on the importance of fusion centers in ensuring state and local cooperation with DHS and other federal agencies?

Fusion centers play an important role in ensuring the right information reaches the right level in time for it to be useful in protecting Americans. Fusion centers need an appropriate level of resources to make sure they can carry out this mission, given the strains on state, local, and tribal budgets in the present environment.

42. One program within the Office of Intelligence and Analysis is the National Applications Office (NAO), which is intended to facilitate the use of intelligence community technical assets for domestic civil, homeland security, and law enforcement purposes, including by state and local customers. The NAO is not yet fully operational due at least in part, to privacy, civil liberties, and legal concerns, and Congress has reduced its funding for FY2009. As Secretary, what approach will you take to address these privacy, civil liberties, and legal concerns, but still ensure that domestic customers are able to

appropriately utilize intelligence community technical assets?

If confirmed as Secretary, I will be vigilant in protecting the civil rights, civil liberties, and privacy of all American citizens.

It is my understanding that the National Applications Office (NAO) was established as the successor to the Civil Applications Committee to provide an integrated, multi-agency approach to facilitate access to Intelligence Community capabilities by civil agencies. The NAO charter requires it to comply with all existing laws, including privacy and civil liberties standards. In the DHS Appropriations Act of 2009, Congress put limits on the funding for NAO until the Secretary of Homeland Security certifies that NAO programs comply with all existing laws, including applicable privacy and civil liberties standards, and that clear definitions all proposed domains in which NAO will operate are established and auditable. The Comptroller General must then notify the House and Senate Committees on Appropriations that the Comptroller has reviewed this certification, and the Secretary of Homeland Security notifies the Committees on Appropriations of any funds to be expended to support the NAO. If confirmed as Secretary, I intend to follow these procedures.

43. The Homeland Security Act of 2002, the Intelligence Reform and Terrorism Prevention Act of 2004, and the 9/11 Commission Recommendations Act all included provisions directed at improving homeland security information sharing by the federal government among federal agencies and with state and local officials. Although there has been marked improvement in many areas, the creation of this new culture of information sharing is a work in progress that requires close attention.
- a. As a governor, what do you believe are the primary impediments to effective information sharing among DHS, other federal agencies, and state and local officials?

The 9/11 Commission concluded that a failure to "connect the dots" contributed to the devastating attacks on our nation over seven years ago. Section 201(d)(1) of the Homeland Security Act of 2002 makes it clear that DHS is the agency that is supposed to connect the dots when it comes to Federal, state, local, and tribal law enforcement and other information that might help prevent the next attack. There are several key impediments to more effective DHS information sharing with its partners at all levels of government.

DHS needs to understand the intelligence and other information needs of police and sheriffs' officers nationwide -- our nation's "first preventers" in the field who know their communities best and consequently are among the best-positioned to stop a terrorist plot in its tracks. What these partners need are intelligence products that "speak their language." Specifically, those products must provide law enforcement officers with situational awareness about evolving terrorist activities, threats and techniques -- and, importantly, the kinds of crimes that terrorists commit in support of their nefarious plans. Armed with that information on a consistent basis, patrol

officers on the beat would be able to connect the "intelligence dots" when they notice things out of place and take appropriate action to save lives and protect property. In so doing, they could finally become the homeland security "force multipliers" that we need to make America safer.

DHS accordingly would benefit by bringing into its Office of Intelligence and Analysis seasoned state, local and tribal law enforcement executives with intelligence experience to direct the office's information collection, analysis, and intelligence production. With this kind of on-site expertise, DHS would be in an improved position to create a new kind of "homeland security intelligence" that would meet the needs of these critical stakeholders.

With regard to information sharing with its Federal partners, much remains to be done to ensure the best possible flow of information. I intend to prioritize this critical effort.

- b. Please describe Arizona's experience with information sharing with DHS and other federal agencies during your tenure as governor

Since its inception, DHS has been moving forward with intelligence sharing with state partners. While we have seen progress in Arizona, improvements are needed to ensure state and local partners are receiving intelligence information in a timely manner. As a result of the current DHS intelligence process, Homeland Security in Arizona has had to look to other federal partners such as the FBI and DEA for direct intelligence sharing.

- c. If confirmed, what steps would you take to improve the two-way flow of information between DHS and state and local officials and first responders?

If confirmed, I would strengthen the Department's efforts to facilitate the two-way flow of information between DHS and state and local stakeholders by supporting (and, if necessary, enhancing) a number of ongoing efforts. I would also engage state and local leaders and first responders to solicit their views on how fusion centers can be made more effective. DHS is able to serve state and local fusion centers by providing them access to unclassified and classified information, and is best positioned to listen and to act upon the needs of state, local and tribal law enforcement officials and first responders.

- d. What, if anything, do you believe should be done to improve information sharing with private sector entities?

Sharing information with the private sector is a particularly important aspect of the Department's efforts. Much of the work of securing the homeland depends on the cooperation of private sector partners such as industries that own or maintain critical infrastructure or the travel industry. I am aware that DHS has several existing

initiatives for sharing information with private sector entities. If confirmed, my Department will continue efforts to foster relationships with private sector stakeholders, including non-governmental organizations, private companies, industry representatives, and industry-related associations. I would work to ensure that private sector entities are an integral part of our efforts to secure the homeland through enhanced information and intelligence sharing as permitted by law.

DHS's Relationship with State and Local Governments

44. The Homeland Security Act of 2002 expressly gives the Secretary of Homeland Security responsibility for coordinating with state, local, and tribal governments on a wide range of matters including information sharing and preparedness activities. How would you assess the current relationship between DHS and state, local, and tribal governments? If confirmed, what specific steps would you take to improve the relationship between the Department and state, local, and tribal officials?

The Department of Homeland Security has perhaps the broadest stakeholder base of any Federal department or agency. The Department manages its responsibility to coordinate with state, local, and tribal governments in a number of ways. For example, DHS maintains an Office of Intergovernmental Programs, which is led by an Assistant Secretary, to ensure coordination with state, local, and tribal chief executives and homeland security advisors. The DHS Office of Intelligence & Analysis administers the National Fusion Center network, which ensures information sharing with state, local, and tribal governments. FEMA and its network of regional offices ensure coordination with state, local, and tribal governments for preparedness activities. The U.S. Coast Guard coordinates with state, local, and tribal governments engaged in port administration and security activities through its Captains of the Port, Sector and District offices, and the Area Maritime Security Councils.

DHS also maintains a number of external advisory committees for the express purpose of coordinating with external stakeholders, including the Homeland Security Advisory Council and its senior advisory committees, the FEMA National Advisory Council, the Critical Infrastructure Protection Advisory Council administered by the Office of Infrastructure Protection, and the Commercial Operations Advisory Council administered by U.S. Customs and Border Protection.

As Secretary, I would consult with each of the offices within DHS responsible for coordinating with the Department's state, local, and tribal government partners as well as DHS's external advisory committees. I would also consult with Governors and Mayors, as well as associations such as the National Governor's Association, U.S. Conference of Mayors, National Congress of American Indians, and other associations representing state, local, and tribal governments, in order to determine where and how the Department's coordination with state, local, and tribal government partners can be improved.

Finally, I would also work with the DHS Inspector General and the Government Accountability Office to ensure that DHS is addressing their respective concerns.

Border Security

45. In a February 2007 address to the National Press Club, you said that “border enforcement designed to stop drugs and other contraband should not hinder the flow of legitimate travel and commerce,” and that more can and should be done to ensure that trade and goods travel quickly and safely through our land border ports of entry.

- a. What more should be done to better facilitate legitimate travel and commerce without reducing the ability of border security personnel to stem the flow of illegal drugs into the United States?

CBP has put in place a number of programs designed to facilitate the flow of legitimate trade and travel through the land border ports of entry, while ensuring that border security efforts are not compromised.

My experience as Governor of Arizona, however, indicates that inadequate infrastructure of our land border ports of entry and the roads leading to them continue to pose significant challenges to border operations and the surrounding border communities. Some land ports of entry are more than 70 years old and are unable to meet today’s volume of cross-border traffic – much less that of the future. About 57 percent of the land port of entry sites are functioning over capacity with configurations that constrict traffic flow or limit the ability to deploy optimal inspection technology. In addition, roughly 67 percent of land port of entry buildings are staffed over capacity, with outdated configurations, and require replacement or renovation.

If confirmed as Secretary, I look forward to working with Congress, GSA, Customs and Border Protection, the border states, and my counterparts in Mexico and Canada to develop a plan and funding stream for better funding and coordination of land border port of entry modernization projects.

- b. Customs and Border Protection (CBP) is responsible for the dual missions of safeguarding borders against the illegal entry of goods and people and regulating and facilitating legitimate international trade and foreign travel. These missions frequently conflict. What do you see as the major challenge(s) with CBP’s dual role?

Both aspects of CBP’s dual role are critical to our nation’s security and failure in carrying out either role could have devastating effects on the safety and economic viability of our country’s citizens and industries. As such, CBP’s greatest challenge is striking the appropriate balance between preventing the entry of persons and goods that could harm our citizens and critical infrastructure while facilitating the flow of legitimate trade and travel across our borders that is essential to our economic stability and a hallmark of our nation’s welcoming spirit. Meeting this challenge is intensified by the massive volume of trade and travelers that CBP must process annually – almost 400

million travelers; more than 120 million cars, trucks, buses, trains, vessels and aircraft; and more than 25 million truck, rail and sea containers. CBP has been using an approach that includes the use of several tools: overseas screening, advanced information, targeting, trusted traveler programs, and partnerships with industry and foreign governments. It is my sense that, overall, this is a good approach and one that I would build upon if confirmed as Secretary.

46. As Governor of Arizona you confronted directly the security challenges on our southwestern border. At various times, you called for the deployment and maintenance of National Guard troops on the border, a substantial increase in the number of Border Patrol agents, and the more effective utilization of technology along the border. You also questioned the effectiveness of the Department's plans to construct fencing and vehicle barriers along the border.

a. Looking forward, what do you believe to be the most effective mix of personnel, infrastructure, technology, and other strategies to secure our land borders?

DHS utilizes a mix of personnel, infrastructure, technology and other strategies to secure our nation's border. For instance, the Border Patrol has implemented a standardized national planning process that assesses the control level of every mile of the border, and directly links its resource requests (BP agents, air support, fencing, radars, cameras, ground sensors, etc.) with the operational requirements needed to ultimately gain control of the border.

The deployment of resources must be based on the operational assessments of the threats and vulnerabilities to the Nation's border. As Secretary, I would consult with the operational experts to identify requirements and ensure funding is allocated to the highest priority needs. With respect to determining the most effective mix of resources to address law enforcement operational needs, many factors need to be taken into account, including threat, terrain, waterways, cultural sites, cost, migration patterns, and other important geographical and environmental concerns. Balancing operational priorities with local interests, I will ensure that DHS also obtains input from stakeholders, including landowners, residents, state and local officials, tribal communities, and the private sector.

b. Please discuss your understanding of any shortfalls within DHS that hinder its ability to effectively secure our land borders against illegal entry. How would you address any such shortfalls and gaps?

I believe it is only in the last several years that we have, as a federal government, become serious about a problem that has been decades in the making and for the first time are making the serious investments required to make our land borders more secure. In Arizona, I have witnessed first hand the consequences of both decades of neglected border security and the lack of a workable immigration policy. There is a large gap between the resources necessary to secure the border and those currently deployed.

There is also an understanding gap on the issue of immigration. There are no simple or inexpensive solutions. If confirmed, part of my role will be to develop and implement a comprehensive policy on border security and immigration.

- c. In recent years the hiring of Border Patrol agents has increased substantially – whereas the number of CBP officers has increased less rapidly. Do you believe additional hiring of Border Patrol agents and CBP officers is necessary?

I believe that DHS does need additional focus on, and more resources for, our nation's ports of entry. The growth in Border Patrol agents has been important in gaining additional control of the border between our ports of entry. CBP Officers and Agriculture Specialists have a very difficult job of facilitating hundreds of millions of legal entries of people and commerce while finding amongst those legitimate travelers and shipments the small percentage that would do us harm. If confirmed, I will work with the Commissioner of CBP to assess resources and develop a staffing plan. I support additional resources at the Ports of Entry to include staffing and improved facilities, because resources at the ports of entry have not kept pace with the growth in volume. I will also work with the Commissioner to assess how the deployment of additional technology will impact Border Patrol agent and CBP officer staffing requirements.

- d. According to a recent DHS report required by Section 2(c) of the Secure Fence Act, in October 2005, the U.S. Border Patrol had 11,264 agents. As of September 2008, the Border Patrol had 17,499 agents, which represents a 55 percent increase in a period of three years. With this unprecedented growth, the experience level in the ranks of Border Patrol Agents is rapidly decreasing. How do you plan to retain experienced agents and what specific steps do you think are needed to maintain the standards for background checks, academy training, post-academy training and continuing on-the-job training for these new, inexperienced agents?

Retaining experienced employees is important in every area. If confirmed, I will consult with the Commissioner of Customs and Border Protection and the Chief of the Border Patrol regarding their thoughts on what measures would be most appropriate to retain experienced Agents. DHS is better off in terms of border security with more Agents, rather than fewer. But DHS also needs to ensure they are getting the best post-academy training that can be provided, including mentoring from seasoned Agents. I am aware Members of Congress have looked at various incentives to retain agents including improving benefits and altering the status of agents, and I look forward to hearing from Congress any insights on what may be the best solutions.

- e. The National Guard just ended a two-year deployment on the southern border to support the U.S. Border Patrol. Known as Operation Jump Start, the deployment provided a short-term bridge to supplement the Border Patrol with National Guard personnel while CBP hired more Border Patrol agents. In that time period, the Border Patrol hired close to 4,700 additional agents, many of whom have been or will be deployed to the southern border. With the increase of agents, do you see a need for another National Guard deployment to the southern border?

I have continued to believe in the use of the National Guard in its support capacity to secure the border. In fact, I proposed their use prior to the announcement of Operation Jump Start. Since the end of Operation Jump Start, the National Guard has continued to support the Border Patrol in a limited way through counter-drug missions and participation in annual training projects. However, if confirmed as Secretary, I will consult with the Commissioner of Customs and Border Protection to determine whether there is a need for expanded National Guard support to the Border Patrol in the areas of surveillance, engineering, administrative or mechanical support. If there is such a continuing need, I will advocate for their deployment with the Secretary of Defense and the President.

- f. The communications infrastructure available to CBP officers and Border Patrol agents in the field is severely outdated and, in many areas of the border, there is no radio coverage at all. This is a serious officer safety issue. To address the problem, CBP has drafted plans by which all Border Patrol sectors could be upgraded by 2017. Will you commit to making the improvement of CBP tactical communications a priority with appropriate budget requests?

I fully recognize the need for reliable communications among law enforcement personnel. If confirmed, I will discuss CBP's plan for upgrading all sectors by 2017 with the Commissioner of U.S. Customs and Border Protection and determine the best path forward in meeting this priority operational requirement.

- g. Given the serious problems encountered in the Department's development of the SBInet program, do you believe current initiatives to deploy virtual technologies at the border should be re-assessed?

CBP has had significant challenges in the development of the SBInet program. I believe that the appropriate deployment of technology along the border enhances Border Patrol agents' ability to secure our borders and that the development of such tools is an important priority. It must, however, be done in a manner that is responsible and yields demonstrable benefits. If confirmed as Secretary, I will ensure the continued assessment of the effectiveness of SBInet as a part of CBP's overall investment in border security technology. Where these assessments indicate adjustments are prudent, I will be prepared to make the appropriate changes to the program.

47. There are vast stretches of northern border that are guarded by few Border Patrol agents and portions of the Great Lakes that have a limited maritime border security presence. The 9/11 Commission Recommendations Act required the Secretary of Homeland Security to submit a report to Congress identifying vulnerabilities along the northern border and providing recommendations to address them. A recent GAO report on Northern Border Security (GAO-09-093 DHS's Report Could Better Inform Congress by Identifying Actions, Resources, and Time Frames Needed to Address Vulnerabilities) recommended that the Secretary provide more specific information in future reports on the actions and resources needed to achieve northern border security, and in what time frame they are needed. DHS continues to lack an over-arching northern border strategy

that incorporates all of its components' resources, threat analyses, and capabilities. The Department has focused most of its technological efforts on the southern border, with only a few "pilot projects" planned for the northern border.

- a. What actions would you take to provide technology, infrastructure, and personnel where needed to the northern border in a timely manner and, if confirmed, when will you provide to Congress a northern border strategy?

As the sitting Governor of a southwestern border state, I am particularly sensitive to the need to leverage people, tactical infrastructure and technology as part of a coordinated border security strategy. I am also sensitive to the intrinsic differences in length, topography, climate, immigration, and trade issues between the United States' northern and southern borders. I am told the DHS Deputy Secretary recently directed a small task force of DHS, US Government, and Canadian representatives to develop a technological baseline that is to become part of a more comprehensive northern border security strategy that builds upon not only the Department's capabilities and resources, but also those of other US Government and Canadian partners. I support such a collaborative approach, and if confirmed as Secretary, I will reinforce the need to work across all components of the Department, throughout the Federal interagency, and with our Canadian partners to guide the design, development and deployment of the people, technology and tactical infrastructure required to gain operational control of the Northern border. In doing so, I will endeavor to use a risk-based, intelligence-driven approach that leverages the resources and capabilities of all involved without creating unnecessary redundancies. I look forward to sharing the resulting northern border strategy with the Congress as soon as it is available.

- b. Because of the lack of technology on the northern border, DHS relies heavily on intelligence and partnerships with state and local agencies within the U.S. and Canada, including the Royal Canadian Mounted Police, provincial and city police, and Canadian border agencies. Integrated Border Enforcement Teams (IBETs), which have participants from both Canada and the U.S., are an integral part of this international partnership. Would you consider enhancing and expanding IBETs if confirmed?

If confirmed as Secretary, I will look forward to working with the Department's senior leaders, our Canadian partners, and Congress to determine the optimal role, resource requirements, and staffing plans for Integrated Border Enforcement Teams.

- c. The Department has had some difficulty increasing the number of Border Patrol agents along the northern border. One tool that the Border Patrol has successfully used to increase the number of Border Patrol agents along the northern border is the voluntary relocation program (VRP), which allows agents to receive an estimated lump-sum payment to cover moving expenses and to pay for the move themselves, rather than having the government plan and pay for their relocation. This Committee authored the legislation that authorizes this program in 2006. During 2007-2008, CBP used the program extensively by moving over 700 agents with a cost savings of

approximately \$57.2 million. DHS continues to utilize VRP as a cost saving mechanism to move agents around the country. Do you support a continuing authorization for the VRP, which will otherwise expire at the end of 2009?

Though I understand the voluntary relocation program (VRP) remains the subject of ongoing negotiations between the Border Patrol union and CBP, I am also told the Department has generally found the VRP to be an efficient and effective tool to increase the number of Border Patrol agents along the Northern Border. If confirmed, I look forward to working with the Commissioner of CBP, the Chief of the Border Patrol and other interested parties to determine how best to continue providing them with the resources required to sustain their missions.

48. Recently, prompted by a congressional mandate, the Department has committed to building 670 miles of pedestrian and vehicle fencing along the southern border by the end of 2008. Opinions on the construction of border fencing and vehicle barriers have varied widely. Proponents argue that fencing already introduced in some of the larger cities on the southwest border have proven effective in reducing illegal entry. However some border communities have protested that they were not properly consulted about fencing placement decisions, and landowners have complained about the effects of fencing that cuts through their properties. Environmentalists have expressed concerns about threatened species and habitat affected by the construction, and Secretary Chertoff has exercised his statutory authority to waive a variety of environmental protection and other laws in order to facilitate fence construction.
- a. How should border fencing and vehicle barriers be used as part of a border security strategy, and how would you modify existing plans to construct primary border fence and vehicle barriers, if at all?

Pedestrian and vehicle fencing play a key role in Border Patrol's strategy for securing our land borders between the Ports of Entry in that they provide a persistent capability to delay or impede illegal incursions across our border. In more remote areas, where Border Patrol has more time to respond to border incursions, fencing is not always necessary or appropriate. In those areas, technological tools, such as radars, video surveillance cameras, underground sensors, and aircraft, are more critical to detect, classify and track border incursions leading to a successful apprehension.

It is my understanding that the significant majority of priority fencing projects have been completed or are already under construction. Going forward, any future plans for additional fencing should continue to be based on an analysis of the operational needs of the Border Patrol, and also take into account other enforcement resources, input from stakeholders and landowners, and environmental and engineering considerations. Fencing, by itself, provides little protection. Our strategy must be multi-pronged to focus on manpower and technology.

- b. What modifications, if any, to current law would you seek?

The current language provides the Secretary with the discretion to determine the “other mileage where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain entry into the United States.” I will work with the Commissioner of Customs and Border Protection to determine where operational assessments indicate that fencing may still be needed to accomplish our goal of securing the border. I will also insure that the Department continues to consult with Congress as well as state, local and tribal stakeholders and with other federal agencies, pursuant to current law, during the development of any fencing plans.

- c. How should the Department take into account the concerns of affected communities and land-owners, and possible adverse impacts on the environment, in making decisions about fence and vehicle barrier construction?

Stakeholder input and environmental impacts should continue to be assessed as part of the planning process for any future fencing projects. However, stakeholder input should continue to be only one element of the decision-making process and consultation should not mean stakeholders will have veto power over operational assessments.

I also believe the Department should pursue a comprehensive effort to address potential environmental impacts associated with fencing along the southwest border. The Department should continue to use a transparent environmental assessment and planning process and should continue to coordinate closely with Federal and state resource agencies, tribes, and other stakeholders.

- d. Under what circumstances would you exercise the Secretary’s authority to waive laws to expedite fence construction?

As you know, the state of Arizona has seen more fence constructed along its border than any other state, most of it on federal lands. I fully recognize the significance of the very broad authority, set out in Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act, as amended, for the Secretary of Homeland Security to waive any legal requirement necessary to ensure expeditious construction of border barriers and roads. I also recognize the Congressional intent behind that grant of authority. In general, I believe the authority should be used judiciously and it should be absolutely necessary for the security of a particular area of our borders. I would plan to make any such decision based on the specific circumstances on a case-by-case basis. I firmly believe that even where this authority is exercised, the Department has a responsibility to be a good steward of the environment and our cultural heritage.

49. The Department has encountered serious challenges in developing and deploying two travel security systems mandated by Congress. The Department has announced that foreign nationals traveling to the U.S. under the Visa Waiver Program (VWP) will be required to use the Electronic System for Travel Authorization as of mid-January, but Department officials have acknowledged that they will not require the airlines by that time to revise their computer systems to confirm that a traveler has obtained an electronic authorization. In addition, the Department is required to implement a biometric exit

system for travelers departing the U.S. from airports, but an initial proposal to require airlines to collect fingerprints has been controversial, prompting Congress to delay the rule's implementation. The Department is also required to secure agreements from VWP countries to share information on their citizens who may pose a threat to the United States. However, the Department has reached agreements with only a few program countries to share this important information.

- a. What approach would you take to reviewing and deploying these programs?

I understand the Visa Waiver Program has raised concerns with Members of Congress. The Department has established several measures to increase security checks and the exchange of information with its VWP partners, and it will soon deploy three pilot projects to test different methods for capturing biometric information on foreign citizens leaving the United States by air. If confirmed, I would work closely with the Executive Office of the President, with other agency and Department heads, with Congress, and with the Department's senior officials and other interested parties, public and private, to review the Visa Waiver, ESTA, and biometric airport exit programs.

- b. What specific plans, if any, do you have for improving or modifying the programs?

If confirmed, I look forward to working with the Executive Office of the President with other agency and Department heads, Congress, and with the Department's senior officials and other interested parties, public and private, to determine what, if any, modifications are required for these programs.

- c. Secretary Chertoff and some terrorism experts, pointing to the plot that originated in the United Kingdom to destroy U.S. airlines over the Atlantic Ocean, have raised concerns about the risks posed by travelers from European countries. Almost all of these travelers would be eligible for the Visa Waiver Program. As Secretary, how would you address the tension between legitimate travel and security within the VWP?

As Secretary, I will continue to work with our international partners to ensure that an appropriate balance is achieved between security and facilitation of legitimate travel. I will also work with the travel industry to ensure that ESTA and biometric exit are implemented in a way that improves security but does not unnecessarily impede travel or place undue burdens on the traveling public or industry. I will reach out to Congress to discuss what lessons can be learned from previous years and the recent expansion of the program. Finally, I will ensure that DHS has appropriate outreach and education programs to prepare the travel industry and potential travelers for changes in the VWP Program and for implementation of ESTA.

50. Congress has directed agencies to coordinate with each other and through the National Counterterrorism Center to develop and implement strategies to track and disrupt terrorist travel. Many of the Department's programs and agencies focus on preventing terrorists

from entering the country, but it is not as clear that the Department has formulated a coherent terrorist travel program and strategy, as required by Congress. What steps should the Department take in this area?

DHS has worked to support the overall U.S. Government strategy to combat terrorist travel by focusing on three elements: (1) who is traveling to the United States; (2) identifying which travelers present higher risk; and (3) confirming travelers' identities. DHS carries out a number of programs in support of this strategy, including collecting and analyzing Advance Passenger Information and Passenger Name Record data and operating Visa Security Units in key embassies such as Riyadh, Saudi Arabia. DHS also operates the US-VISIT program, the Student and Exchange Visitor Information System, and the Western Hemisphere Travel Initiative. Efforts have been made to improve the security of identity documents, including establishing the Electronic System for Travel Authorization to screen travelers from countries enrolled in the Visa Waiver Program. The Department is also involved in a number of classified programs to track and disrupt terrorist travel. That said, we need to do this at a reduced "cost" – that is, with fewer false positives and with as little friction at ports of entry as possible.

51. The FY2009 Operation Stonegarden Grant Program provides funding to designated localities to enhance cooperation and coordination between federal, state, local, and tribal law enforcement agencies in a joint mission to secure U.S. borders, including international water borders. This is the first fiscal year that the Department has allowed states and territories with international water boundaries to participate in the program. As a result, Stonegarden eligibility has increased from 15 to 38 states and territories – with no concomitant increase in funding. How will you address the expanded scope of the program while still ensuring that there are adequate resources for existing state participants, including states with a history of successful partnerships between the Border Patrol and local law enforcement?

As the former Chair of the National Governors Association (NGA) and chair of the NGA Homeland Security group, I understand the challenges associated with distributing limited funds amongst the states. The increase in potential grant recipients for Stonegarden will require that the Department focus its funding on those areas with the highest priority for border security need based on risk, threat and vulnerability.

As Secretary, I would work with the Commissioner of Customs and Border Protection to ensure that the Department and states are prioritizing needs based on an assessment of the most critical risks and where the funding can be most effectively utilized. I would also work with FEMA to ensure that we are using the correct methods to evaluate risk and assess the feasibility of requested operations.

52. CBP and the U.S. Coast Guard (USCG) are the two components of DHS primarily responsible for border security. CBP is the nation's single unified border agency that protects our borders from terrorism, human and drug smuggling, illegal migration, and agricultural pests while simultaneously facilitating the flow of legitimate travel and trade.

The USCG is the lead federal agency for maritime law enforcement. These components have some overlapping and conflicting responsibilities. What steps would you take to promote synergy between these components and maximize the use of available resources?

Bringing together CBP and USCG under DHS provides the Secretary of Homeland Security, together with the leadership of CBP and USCG, the opportunity to promote synergy between these two operating components and other elements of the Department to maximize the use of available resources. Border security includes securing both the land and maritime borders of the United States, each with its own unique operational challenge, and must also be coordinated with the work of ICE for interior enforcement of our immigration and customs laws. CBP and USCG currently cooperate at the leadership and field level, for both planning and joint operations. The Department's Office of Operations Coordination and Planning attempts to promote operational synergy among DHS Components, including CBP and USCG, for multi-component, non-routine operations. The Department's strategic planning process attempts to promote cross-Departmental synergies in areas of shared responsibility across DHS, and the Program Review and Acquisition Review processes seek to maximize the use of available resources while helping to eliminate any redundancy or overlap in budgeting and acquisition. As Secretary, I will review the Department's efforts to date to promote synergy between CBP and USCG, as well as work undertaken directly by CBP and USCG to enhance coordination, in order to ensure the most effective use of resources in areas of shared responsibility.

53. The current DHS border security strategy calls for an effective interior enforcement strategy to identify and remove aliens not lawfully present in the U.S. What should the nexus between border enforcement and interior enforcement be? How should the Department balance the two in terms of priority and resources?

As a border state Governor, I appreciate the complicated nature of the DHS border security and interior enforcement missions. Effective border security and immigration management require coordinated strategies that make the most effective use of both border and interior control efforts, including measures directed at unlawful hiring, at fraudulent benefit applications, and coordinated sharing of intelligence and law enforcement information relevant to DHS immigration enforcement responsibilities. If confirmed I will work to make sure that DHS leverages all these tools. I will work closely with the Assistant Secretary for Immigration and Customs Enforcement (ICE), the Commissioner of Customs and Border Protection (CBP), and the director of US Citizenship and Immigration Enforcement (USCIS) to do just that.

54. The Western Hemisphere Travel Initiative (WHTI) will be implemented at land and sea ports of entry on June 1, 2009. At that time, only passports or WHTI-compliant documents will be acceptable for entering the United States. This requirement could cause back-ups at the ports of entry, resulting in delays for those crossing the border.

- a. How would you make sure that WHTI is implemented in a fair and reasonable manner?

I understand the Department has committed considerable time and resources to make WHTI effective and fair. If confirmed, I will work with the Executive Office of the President, with other agency and Department heads, with Members of Congress, with state and local officials, and with the Department's senior officials and other interested parties (such as the Canadian and Mexican governments) to ensure that WHTI is implemented in a fair and reasonable manner.

- b. What steps would you take to prevent WHTI implementation from causing delays at the border?

If confirmed, I will work closely with the Commissioner of CBP to review contingency planning and procedures, including surge staffing, so that we make every effort to ensure that WHTI does not cause unreasonable delays at the border.

- c. How would you ensure that there is adequate staffing to handle the enforcement of this requirement at the ports of entry?

If confirmed, I will work closely with the Commissioner of CBP to review contingency planning and procedures, including surge staffing, so that we make every effort to ensure that WHTI does not cause unreasonable delays at the border.

- d. To what extent should CBP officers in the field have discretion in admitting border crossers who do not have WHTI documents, but do not present a security threat, in order to avoid delays at the border?

If confirmed, I look forward to working with the Executive Office of the President, with other agency and Department heads, and with the Commissioner of CBP to determine the appropriate amount of discretion that should be granted to CBP officers in admitting border crossers who lack WHTI documents.

- e. What would you do to improve public awareness about WHTI requirements in the U.S. and Mexico and Canada?

I am concerned about the level of the public's awareness of the new WHTI requirements. As Secretary, I would continue and, as appropriate, expand DHS efforts to inform the public of the new requirements and efforts to work with the State Department, the Canadian government, the Mexican government, and the individual states on developing new, lower-cost travel documents that could meet the facilitation requirements of WHTI. In addition I welcome input from Members of Congress about additional steps that should be taken.

- f. Less than a million Passport Cards have been issued. Will you consider the temporary deployment of mobile enrollment teams of DHS employees to border communities to assist residents in applying for Passport Cards, where the usual \$25 execution fee is waived?

As the Governor of a border state I understand how the free flow across the border of legitimate trade and travel is essential to our economy and well-being. If confirmed as Secretary, I will work with the Executive Office of the President, other agency and Department heads, and the Commissioner of Customs and Border Protection (CBP) to consider additional enrollment measures and to provide the appropriate resources to ensure successful implementation of WHTI.

Immigration

55. How would you ensure coordination among DHS components, including Immigration and Customs Enforcement (ICE), USCIS, and CBP so that immigration priorities are identified, agreed upon, and consistently implemented?

DHS's three major immigration components – CBP, ICE, and USCIS – each have unique expertise, responsibilities, and operational concerns. CBP secures the borders and makes final decisions regarding entry into the country; ICE is responsible for immigration laws in the interior of the country; and USCIS is the primary grantor of immigration benefits. Various DHS headquarters components with broad perspectives, such as the offices of Intelligence & Analysis, Policy, General Counsel, and Management, as well as the offices of the Secretary and Deputy Secretary, also bear responsibility for developing a consistent set of priorities and ensuring uniform implementation.

If I am confirmed, one of my primary goals will be improving the coordination among these components of both immigration policy development and effective implementation. Changes toward this end require thorough review, and I will give close attention to the best methods for accomplishing those goals.

56. U.S. immigration policy and border security was a highly contentious issue in both the 109th and 110th Congresses. There is a broad consensus that the U.S. immigration system is broken. This consensus erodes, however, as soon as options to reform the U.S. immigration system are debated. You have been an advocate for immigration reform. In a June 2007 *Washington Post* op-ed, you wrote “I implore lawmakers to go back to the table, iron out their differences and give us an immigration system that is enforceable, and the resources to enforce it.”² As a Senator and during the Presidential campaign, President-elect Obama supported comprehensive immigration reform that included: a path to legalization and citizenship for undocumented aliens who meet certain criteria

² Napolitano, Janet, “The Myth of Amnesty,” *The Washington Post*, June 10, 2007, B07.
<http://www.washingtonpost.com/wp-dyn/content/article/2007/06/08/AR2007060802399.html>

(i.e., passing background checks, remaining employed, learning English and paying fines); reducing backlogs of applications for family-based and employer-based visas; establishing a temporary work visa program for unskilled workers and providing the temporary workers the opportunity to eventually petition for legal permanent residency; improving border security and immigration enforcement through a variety of measures; and establishing an employment eligibility verification system.

- a. How have your experiences as Governor and as U.S. Attorney shaped your perspective on how to reform the immigration system?

Serving as U.S. Attorney for the District of Arizona, Arizona Attorney General and Governor of Arizona has put me in a position to address the challenges of the border head-on for the past 16 years. This experience has given me intimate, detailed knowledge on which policies work and which policies don't in specific areas of border policy, but has also shaped my broader perspective. For one, dealing with the costs of broken borders day in and day out has given me the clear view of the cost of inaction on these issues – how a broken system hurts real people on both sides of the border, and how important it is that these issues be addressed with level-headedness and innovation. My experience has also given me a view of the complex ramifications of immigration and border policy – the need to crack down on illegal border crossings, while at the same time facilitating the legal cross-border commerce vital to our nation's economic health, and creating a system of legal immigration that addresses America's many labor needs. Serving as a prosecutor in, and the governor of, a border state like Arizona has also made clear to me that there are no quick or easy fixes to the shortcomings of current policies. The situation is very complex, and only a balanced, comprehensive approach to immigration and border security can ensure America's security, build our economy, uphold the rule of law, and continue America's tradition as a welcoming nation.

- b. What elements do you believe are essential to effectively reform our immigration system?

As I said in a speech before the National Press Club in 2007, comprehensive immigration reform must consider the following elements, but the exact mix and timing should be given careful review in light of our current economic situation: the development of innovative, technology-driven border control between ports of entry; reform of our visa programs; well-designed revisions to our system for legal immigration, in order to meet our labor needs and to promote family unification; providing a tough but fair opportunity for those currently in America illegally to earn the ability to stay in the country legally; the implementation of interior enforcement, focusing on employers who break the law; modernization of border infrastructure to facilitate the flow of legal commerce; and the engagement of the "source nations" of illegal immigrants.

- c. One of the largest challenges in passing immigration reform is the status of 12 million undocumented aliens currently residing in the United States. What are your recommendations for handling this situation?

In many previous statements on this issue, I have said that we must pursue a realistic policy regarding those currently in the country illegally, and provide them with a tough but fair opportunity for them to earn the privilege to stay legally. The solutions on each extreme – blanket amnesty and mass deportation – are both unrealistic and would be obvious mistakes. Especially considering that many families are of mixed legal status, a tough, fair, realistic approach is needed to reach a resolution on this population within the U.S.

- d. One element of immigration reform legislation considered by the Senate in 2007 proposed changes in the criteria for awarding Legal Permanent Residency (LPR) status. The proposal would have provided points for employment, education, and English skills and reduced the significance of family ties in the U.S. What is your opinion of this proposal?

It is premature for me to comment on specific legislative proposals, but I understand that a reformed system must support families, meet the legitimate needs of U.S. businesses, and fulfill the nation's proud tradition of protecting refugees.

- e. What is your opinion on creating a new non-seasonal guest worker program?

I have supported a temporary worker program as part of overall immigration reform. The design of such a program, however, requires further analysis in conjunction with many of the stakeholders in immigration and labor.

- f. Do you believe that there are actions that the Executive Branch could take without legislation? If so, what are they?

If confirmed, I intend to engage in a comprehensive review of the administrative authority at DHS in immigration law to determine what changes could be made to improve the effectiveness of our current system.

- g. What is your view on making immigration reform measures contingent upon the implementation of specific border security measures?

As indicated above, border security must proceed. It can only reach full effectiveness, however, if it is accompanied by overall immigration reform.

57. In recent years, there has been a strong push to increase the visa caps for both the H-1B and the H-2B temporary worker programs. Each year the cap is met quickly, leaving many employers without needed workers. Some argue that these caps unnecessarily restrict the ability of American employers to hire and maintain a knowledgeable workforce, thereby hindering the U.S. in the battle to bring the best and brightest into the country. However, many oppose increasing the caps on these programs because of concerns about fraud and abuse and the alleged absence of evidence of a labor shortage.

- a. What is your opinion of expanding the visa caps of the H-1B program and H-2B

programs?

Consideration of expanding the caps on the H-1B and H-2B programs must take place in the context of an overall assessment of our economic needs and of the possibilities for comprehensive immigration reform. Any changes must ensure that employers are not utilizing the temporary worker programs to keep wages down or to bypass recruitment efforts directed toward American workers.

- b. In light of allegations of fraud and abuse within both programs, if confirmed, what steps do you plan to take to establish confidence in these programs?

One of my priorities will be preventing, detecting, and deterring fraud and abuse in all programs under the purview of DHS. Any increase in benefits, such as an expansion in these visas, must be coupled with assurance that thorough procedures to deter and detect fraud are in place. If confirmed, I will also be committed to ensuring that DHS has an effective partnership with the Department of Labor to monitor the program and enforce its requirements.

58. In recent years, there has been a substantial increase in ICE's operations to identify, apprehend, and remove undocumented aliens from the United States, and a corresponding increase in the number of undocumented aliens removed. Immigration enforcement raids, however, have engendered criticism from some in Congress, both because of claims of harsh treatment of apprehended immigrants, and also because many of those apprehended were not wanted as criminals or absconders from final deportation orders.

- a. What is your view of the enforcement operations conducted by ICE?

Reducing the magnet of illegal employment is a critical component of a workable immigration system. Toward that end, ICE will continue its worksite enforcement efforts to ensure that employers hire only legally authorized workers. If confirmed, I will take a close look at the design and operation of worksite enforcement actions to ensure that the focus is on unscrupulous employers, subjecting violators to appropriate criminal punishment, deterring future violations, and encouraging employers to work with ICE to establish sound compliance programs that prevent unlawful hiring, avoid burdening legitimate new hires, and preclude discriminatory practices.

- b. If confirmed, what changes, if any, would you implement?

I will consider a broad range of changes with respect to immigration enforcement matters, but I expect to increase the focus on ensuring that employers of unlawful workers are prosecuted for their violations.

59. Several thousand criminal aliens illegally in the United States have been ordered removed, but cannot be because their countries of origin refuse to accept them. Many other aliens cannot be removed because their countries of origin lack a functioning government, and therefore cannot affirmatively accept them. As a result, the aliens are

either held for long periods of time or released into the community. The Immigration and Nationality Act permits the State Department, upon being notified by the Secretary of DHS, to discontinue granting visas to citizens of countries that refuse to accept aliens ordered removed to their countries of origin. What would be your policy regarding the use of this tool in response to the refusal of foreign countries to accept the return of their citizens, subjects, or residents?

Discontinuing the issuance of visas to any foreign country is a powerful tool with major foreign policy implications. Before considering discontinuance, I would consult extensively with the Secretary of State to determine whether there are other tools that could overcome repatriation problems more effectively.

60. Congress is divided on whether to permanently authorize E-Verify; some critics of the program argue that the system is still subject to an unacceptably high error rate, and the Chamber of Commerce and other representatives of industry claim it imposes an undue burden on employers. Supporters contend that E-Verify is an effective tool to create a verification program that will help to dissuade unlawful employment. As Governor of Arizona, you signed into law a requirement that all employers in Arizona use E-Verify to check the work eligibility of newly hired employees.

a. Almost a year after implementation, how would you rate the success or failure of E-Verify?

E-Verify holds promise for verifying work eligibility. I understand that USCIS has made regular technical improvements as difficulties have come to light. Nonetheless, I take seriously the reports of ongoing problems in the implementation of E-Verify, and will work hard to assess those problems and devise effective solutions.

b. Has the Arizona's deployment of the system revealed any flaws or concerns that should be addressed?

Arizona users of E-Verify, like other users around the country, want to ensure that the program provides the highest possible rate of instant verification, which reduces administrative burdens. Users also want to ensure that false positives and false negatives are minimized. I am informed that recent improvements have resulted in increased rates of instant verification and reduced rates of false positives and false negatives, though problems remain with the current system. I will work to ensure that improvements continue.

c. Do you believe E-Verify should be permanently authorized or made mandatory for a larger number of employers? Do you think the system in its current state can be effectively scaled to cover all employers?

In the context of immigration reform, and with sufficient system improvements to guard against false negatives and false positives, I would be open to proposals to require the

use of E-Verify by employers throughout the United States. I am informed that E-Verify has the capacity to make such expansion technologically feasible but would of course look closely at the system's capacity in connection with future changes as we work to build a reliable system ensuring that employers hire legal workers.

- d. What other initiatives would you consider to identify and pursue employers who knowingly hire undocumented aliens?

I will seek to work closely with the Department of Justice to assure prosecution of serious violators.

61. In October 2008, DHS issued additional regulations on what actions an employer should take when they receive a no-match letter from the Social Security Administration (SSA) notifying them of mismatches between names and social security numbers provided by their employees and the information in SSA's database. This rule is currently being challenged in court. Do you support the no-match regime outlined by DHS in its regulations? If not, explain how you would modify the policy.

Because the no-match rule is the subject of ongoing litigation, I believe it is inappropriate to comment on it at this time. If confirmed as Secretary, I will take a close look at the no-match rule in the context of our overall efforts to develop effective strategies to reduce the job magnet and achieve comprehensive immigration reform without unduly burdening American citizens or other authorized workers.

62. The role of state and local law enforcement entities in the enforcement of immigration laws has received a significant amount of attention in recent years. As the Governor of Arizona, you have been at the center of this debate.

- a. In your opinion, what is the appropriate role of state and local law enforcement in enforcing civil immigration laws?

It is important for federal and state governments work together to facilitate effective immigration enforcement and to reinforce the rule of law. These are legitimate concerns for both jurisdictions. If confirmed, I look forward to working with the Executive Office of the President, other departments and agencies, the Department's senior leaders, the Congress, local and state elected officials, and law enforcement officials to develop and implement an appropriate division of labor toward these ends, recognizing that immigration enforcement is predominantly a federal responsibility. All such efforts must assure that the legitimate rights of citizens and visitors are fully respected.

- b. You were the first governor to enter in to an agreement with ICE for participation in the 287(g) program, but you also vetoed legislation that would have required all police and sheriffs' departments to enroll in the program.
- i. Please detail Arizona's experiences with the 287(g) program while you have been Governor.

As Governor of Arizona, I have supported the 287(g) program and found it to be a useful and effective tool in the enforcement of immigration laws, when appropriately focused and limited, and when implemented with sufficient training and federal oversight. 287(g) is particularly useful to speed the deportation of criminal aliens in our jails and state prisons.

- ii. How do you believe the 287(g) program could best be utilized, and do you think the program should be modified and/or expanded?

As Governor of Arizona, I have supported the concept and use of 287(g) programs. If confirmed, I look forward to working with the Executive Office of the President, my Cabinet colleagues, senior officials in the Department, Congress, state and local officials, and other interested parties to determine whether modification or expansion of the 287(g) program would be appropriate.

- iii. There has been concern with ICE's management, supervision, and participation in the 287(g) program, as well as local law enforcement's detention space, completeness of paperwork, and discretion used to screen individuals in jail facilities. If confirmed, what steps do you plan to take to ensure proper oversight of this program?

If confirmed, I will work with the Executive Office of the President, my Cabinet colleagues, senior officials in the Department, Congress, state and local officials, and other interested parties to ensure the 287(g) program has appropriate oversight.

63. The immigration detention system has expanded substantially over recent years. Recent reports have focused attention on the conditions immigrants face while detained by ICE. Among other things, the reports describe overcrowding, inadequate medical care, inappropriate use of force, lack of access to telephone services, and transfers that disrupted access to legal counsel. There is concern about a lack of an appropriate environment for families and asylum seekers.
 - a. What steps do you plan to correct these and any other problems with detention facilities and the treatment of aliens who are detained by ICE?

DHS recently published performance-based detention standards that all detention facilities must meet. I will continue to work with stakeholder groups and will encourage continued emphasis on adherence to these standards, with periodic evaluations to look for improvements and to determine whether any of the standards should be changed. I will also give attention to the Department's compliance and monitoring mechanisms, to assure timely action to correct deficiencies or to suspend or terminate the use of seriously deficient facilities

- ol style="list-style-type: none;">- b. Would you support modifications to the Department's parole policies and the availability of alternatives to detention, so that individuals who have been determined

to pose no risk to public safety and are not deemed significant flight risks are provided with greater opportunities for release while their immigration proceedings are pending?

I will consider modifications to DHS's parole policies, including alternatives to detention, where appropriate. I would make changes after consulting broadly inside and outside government.

Coast Guard

64. Because the Coast Guard has been tasked with additional homeland security responsibilities, some worry that there has been a corresponding decrease in the service's focus on its traditional missions.

a. What steps would you take to ensure that the Coast Guard's homeland security missions do not undermine its ability to perform its non-homeland security missions?

Many of DHS' agencies have important missions that extend beyond homeland security missions. If confirmed as Secretary, I look forward to working with the Commandant of the U.S. Coast Guard to ensure these missions receive appropriate emphasis.

b. Do you believe the Coast Guard currently has sufficient personnel and resources to complete its various missions, and would you support additional personnel for the Coast Guard?

The Coast Guard's roles, responsibilities, and demands have grown significantly over the last 30 years. Workforce size has remained relatively constant with the exception of a dip in the 1990's for streamlining and some targeted growth since the September 11, 2001 attacks. To meet these increasing demands for service, the Coast Guard estimates its workforce must grow by approximately 10,000 over the next five to seven years. The Coast Guard believes they are capable of growing at a rate of 1,200 to 1,700 per year. If confirmed, I am committed to reviewing drivers of demand for USCG services as the Department contemplates the appropriate end strength for all of the operating Components.

65. Deepwater is a collection of more than a dozen Coast Guard acquisition programs for replacing and modernizing the service's aging fleet of deepwater-capable ships and aircraft. It includes plans for, among other things, 91 new cutters, 124 new small boats, and 247 new or modernized airplanes, helicopters, and unmanned aerial vehicles (UAVs). The success of Deepwater is critical to the future of the Coast Guard, and the program must be carefully monitored to ensure that taxpayer dollars are being spent effectively. The Commandant of the Coast Guard has reformed the service's acquisition structure to correct past problems with Deepwater. How will you help ensure Deepwater's success?

The Coast Guard has a mid-sized (\$1.5B to \$2.0B per year) acquisition organization that is becoming more disciplined, and establishing documented processes. As the acquisition decision authority for the Coast Guard's Deepwater projects, DHS has established roles for oversight, technical authorities, project sponsors, independent review, and Navy partnerships. If confirmed as Secretary, I will continue to work with the Coast Guard's Acquisition Directorate to ensure the continued success of the Coast Guard's important Deepwater program.

66. The Coast Guard is in danger of losing its polar icebreaking capability. Both of the Coast Guard's heavy polar ice breakers are nearing the end of their service life. One of the two, POLAR STAR, is in a non-operational "caretaker" status, tied up at its pier in Seattle. Further, no long-term contingency plan exists to provide U.S. polar icebreaking capacity in the future.
- a. What actions do you support to restore the Coast Guard's capacity to maintain a U.S. presence in the resource-rich and increasingly strategic polar regions?

U.S. Coast Guard polar icebreakers are the only United States Government surface assets capable of projecting and fulfilling interagency objectives year round in the region. The Coast Guard operates three polar icebreakers: USCGC HEALY, USCGC POLAR SEA, and USCGC POLAR STAR. With the exception of USCGC HEALY, the polar icebreaker fleet has reached or is approaching the end of its service life. Except for the \$30 million appropriated in FY 2009 to re-activate the Polar Star, the Coast Guard is not directly funded to operate or maintain its polar icebreakers. All operating and maintenance funds are appropriated to, and controlled by, the National Science Foundation. If confirmed, I will work with the Executive Office of the President, OMB, other Executive Agencies, and the Coast Guard to determine the appropriate U.S. polar icebreaking capacity.

- b. Would you support the purchase of two new polar ice breakers (approx \$1 billion each) in the proposed stimulus package or in future appropriations requests?

If confirmed, I will work with the Executive Office of President, OMB, the Department's Chief Financial Officer, Operating Components, and the Congress to determine the appropriate funding levels for all Department projects, programs, and initiatives.

Maritime and Transportation Security

67. After September 11th, the federal government moved quickly to improve the security of commercial aviation. In response to concerns that seaports and cargo supply chains were vulnerable to smuggling of people and WMDs, Congress and DHS acted to build or strengthen maritime security programs. Following terrorist attacks on rail and transit systems in Madrid, London, and Mumbai, Congress included a number of provisions in the 9/11 Commission Recommendations Act to address perceived vulnerabilities affecting domestic rail and transit systems. However, some security experts and members

of Congress have expressed concern that DHS still has not sufficiently emphasized surface transportation security. What are your priorities for strengthening surface transportation security?

Given the federal responsibilities outlined in the Aviation Transportation Security Act (ATSA) of 2001, aviation security is going to continue to be the dominant focus of the Transportation Security Administration (TSA). But I agree, given the attacks in London and Madrid, we cannot afford to overlook surface transportation. They are very different challenges and much of the responsibility to secure our freight rail, transit and highway systems will fall to state and local authorities and the private sector. If confirmed, I plan to look closely at this to ensure that TSA is devoting the attention to surface transportation commensurate with its responsibilities. That may not be the case today.

68. Since 2001, CBP and the USCG have enhanced the security measures applied to cargo containers, primarily utilizing a risk-based approach to maritime security. These layers of security include the inspection of all high-risk containers through the Container Security Initiative, partnering with the private sector to secure their supply chains through the Customs-Trade Partnership Against Terrorism, deploying radiation portal monitors at all large U.S. ports to scan 98% of incoming cargo, and inspecting high-risk vessels and crews before they enter U.S. seaports. However, the 9/11 Commission Recommendations Act included a provision to require all cargo containers be scanned by 2012.

a. What approach would you take to enhance maritime security?

Maritime security challenges are significant as the U.S. maritime border encompasses millions of square miles of port, coastal, and offshore waters. I agree with the basic approach to maritime border security, to "push out the border" by identifying and intercepting threats long before they pose a risk to the United States. Customs and Border Protection now knows significantly more about in-bound shipments and passengers approaching our maritime ports of entry. I will insure that they are doing what can be done with existing technologies without inhibiting the flow of cargo and passengers through our ports. The Coast Guard, which is the lead Federal agency for maritime security, works collaboratively with other agencies to carry out maritime border security. The security of maritime facilities and vessels has been improved. The next piece of the maritime security puzzle involves small vessels. This is a very large and complex challenge and we have to develop an intelligent and sustainable approach to it.

b. Do you think a 100% scanning requirement is consistent with a risk-based approach to maritime container security with multiple layers of protection?

The more we know about the millions of containers that either flow through our maritime ports or cross through our land borders, the better we can make informed risk-based judgments and deploy our resources accordingly. My understanding of the current efforts under the Secure Freight Initiative (SFI) is that container screening is a valuable security tool, but there are limits to what can be done at the port facility itself without severely

disrupting port operations. I know that the Department is facing a 2012 deadline and that it is going to be difficult to achieve based on what we know today. Container security is about securing global supply chains, not just securing ports. If confirmed, I plan to look closely at where we are, what is possible and useful and pledge to come back to the Congress with a clear path forward.

69. The Department recently released its second six-month status report on the Secure Freight Initiative (SFI) pilot program to Congress, which requires that all containers at certain foreign ports be scanned for radiation and x-rayed. Though the reports found that some progress has been made, and that 100% scanning may currently work in low volume ports, they also note that significant challenges remain, primarily with foreign government cooperation, equipment costs and reliability, port infrastructure constraints, and the significant difficulties scanning and x-raying transshipped cargo.

- a. How would you address the issues raised in the SFI reports to Congress?

I understand that CBP in its June 2008 report outlined many legal, logistical, and technical challenges facing SFI. The report outlined the general success of the SFI deployments in Pakistan, Honduras, and Southampton, indicating that scanning all US-bound maritime containers in a foreign port is possible in limited volume ports and on a contained scale. However, the deployments have also highlighted some of the significant challenges to implementing 100 percent scanning in the more than 700 ports that ship to the U.S. In these first three ports, DHS benefited from considerable host nation cooperation, low transshipment rates, and technology and infrastructure costs covered primarily by the United States Government; accommodating and supportive conditions that do not exist in all ports that ship to the United States. If confirmed, I would carefully review the issues raised by CBP in the most recent SFI report to Congress and work with domestic and international partners to coordinate an appropriate future course for the Secure Freight Initiative pilot program.

- b. The 9/11 Commission Recommendations Act requires that all maritime containers heading to the U.S. be scanned at a foreign port in the same manner as those in the SFI by 2012. The most recent DHS report estimated that expansion of the SFI to all foreign ports shipping to the U.S. would cost at least \$16.8 billion for the initial equipment purchases. Though this is a cost that could be borne by the U.S. government, foreign governments, the private sector, or some mix, it does not account for personnel costs for reviewing images and resolving false alarms, as well as any costs associated with delays. Have you determined who you think should bear the cost for purchasing and installing scanning equipment, and if so, how did you come to that conclusion? How would you determine the costs to DHS for reviewing images and resolving alarms?

Obviously, whatever the Obama administration and the Congress decide to do regarding container scanning must be achievable and affordable. There are potentially significant costs associated with this. I am not in a position at this point to comment on specific costs and who would ultimately bear those costs. It is clearly a

critical issue. Whatever we decide to do must be realistic and sustainable.

- c. Given the concerns about the impact on the flow of commerce, port infrastructure constraints, and the lack of systems to scan transshipments, would you use the waiver authority provided to the Secretary by Section 1701 of the 9/11 Commission Recommendations Act to extend the deadline for scanning 100% of containers? If you did believe a waiver needed to be granted, how much notice do you think would be necessary or appropriate?

If confirmed, I will review the Department's efforts to date and determine whether it would be appropriate and necessary to exercise this authority. However, based on what I know today, exercising the extension authority provided in section 1701 of the 9/11 Commission Recommendations Act must be seriously considered. In accordance with the law, any decision to use such authority will be made in close consultation with Congress.

- d. The Department has announced that it plans to continue to expand the SFI to strategic trade corridors overseas. Do you agree with this approach to expand the SFI based on risk to strategic locations?

Again, it appears that SFI is a valuable program and it makes sense to expand the program to strategic trade corridors as we learn how to effectively integrate scanning technology at overseas ports. As we move ahead, it is important to recognize both its potential and its limitations.

Infrastructure Protection

70. Ensuring the security of the nation's most critical infrastructure and key resources is a key mission of the Department. Homeland Security Presidential Directive 7 (Critical Infrastructure Identification, Prioritization, and Protection) directed the Secretary of Homeland Security to develop the National Infrastructure Protection Plan (NIPP) and encouraged the Department and sector-specific agencies to develop voluntary private-public structures, such as the private sector and government coordinating councils, to set national priorities for, and provide a coordinated approach to, critical infrastructure and key resources protection.
 - a. What is your view of the NIPP and the sector-specific plans developed in association with the NIPP?

The NIPP sets forth a process to engage and work in a collaborative manner with the private sector. I understand the importance of working with the private sector, given that over 85 percent of our Nation's critical infrastructure is owned and operated by the private sector. I believe it is important to continue to build on existing structures and lessons learned but make sure these structures are used to drive measurable improvements in security. As Secretary, I will continue to review progress made

under the NIPP process and make adjustments as necessary in consultation with the Department's governmental and private sector partners.

- b. What is your view on voluntary private-public partnerships as a tool to ensure the security of our nation's critical infrastructure and key resources?

Voluntary private-public partnerships are an important tool for the Department of Homeland Security to use when interfacing with the private sector, given that the private sector owns much of the Nation's critical infrastructure. As Secretary, I will continue to work to ensure the security of the Nation's critical infrastructure by working collaboratively with the private sector to deliver measured improvements through not only voluntary partnerships but also using others means such as training, grants, personnel exchanges, and regulation when necessary.

- c. As Governor of Arizona, what steps did you take to work with your state's private sector owners and operators of critical infrastructure and key resources, local government institutions, and the federal government to protect such sites?

To strengthen information sharing, we created Partners for Arizona's Safety and Security (P.A.S.S.), a partnership among Arizona Division Emergency Management, the Arizona Counter Terrorism Information Center (ACTIC), Arizona Department of Homeland Security, US Department of Homeland Security, Arizona Department of Health Services, InfraGard, and representatives from entities that maintain critical infrastructure/key resources from 18 identified critical sectors

Arizona also has a very active Terrorism Liaison Officer (TLO) Program where officers conduct threat and vulnerability assessments at private sector critical infrastructure and key resource sites. Arizona's TLO program provides another opportunity for information sharing among first responder community and the private sector security, and has been used as a model by other fusion centers nationwide.

In addition, through the Buffer Zone Protection Program (BZPP), Arizona has solicited and obtained federal grant funds for target hardening of critical infrastructure and key resource sites.

- d. What actions as Secretary would you take to develop and improve voluntary public-private programs?

As Secretary, I would first meet with the appropriate DHS Components, determine where gaps may exist in current DHS programs, and work with the private sector to fill these gaps. Second, I would meet with key private sector stakeholder groups and the advisory bodies available to me as Secretary. A priority will be understanding what is happening within the private sector regarding security efforts and spending given the current economic situation.

71. The Department initially focused its activities on protecting rather than ensuring the

resiliency of our nation's critical infrastructure and key resources. In a recently issued report, the Homeland Security Advisory Council recommended refocusing the Department's critical infrastructure and key resources protection activities on resiliency as a top priority for the next Secretary because "we cannot protect everything, against all things, at all times, and at all costs." Some experts have also argued that the private sector is more open to the concept of resiliency because the business case for investing in resiliency is more compelling.

- a. What role do you believe resiliency should have in the Department's critical infrastructure and key resources activities?

DHS defines resilience as "the ability to recover from, or adjust to, adversity or change." This is fully consistent with the objectives of the National Infrastructure Protection Plan (NIPP), to deter the threat, mitigate vulnerabilities, or minimize consequences associated with a terrorist attack or other incident. The critical infrastructure protection mission includes actions to mitigate the overall risk to assets, systems, networks, functions, or their interconnecting links resulting from exposure, injury, destruction, incapacitation, or exploitation. Resiliency must be an important value, given that the consensus is the Nation cannot harden every asset everywhere.

- b. What are your views regarding the appropriate balance between protection and resiliency?

Protection and resiliency are both important. Work has been done at the Department of Homeland Security to prioritize assets and tier critical infrastructure in order to determine if an event impacting a particular piece of critical infrastructure may affect one more than the other. As has been described to me, the Department looks at critical infrastructure in a holistic way because both the Department and owners and operators of the critical infrastructure want to minimize any losses.

At the same time, as we learned from 9/11 and other events, the Nation must have back up measures and understand interdependencies of individual assets and make sure the whole system has resiliency. As you point out in your question, there is a balance between protection and resiliency and, as Secretary, I would continue to look at this question to ensure we are achieving the proper balance.

- c. How would you encourage resiliency through existing voluntary public-private partnerships, such as the sector and government coordinating councils?

I understand DHS has many existing avenues to continue to encourage resiliency through public-private partnerships. The Department uses the NIPP process as the overarching framework for this activity.

72. The Department's Office for Bombing Prevention leads the Department's efforts to deter, detect, prevent, protect against, and respond to terrorist improvised explosive device

(IED) threats. In November 2007, the Committee approved legislation, the National Bombing Prevention Act of 2007 (S. 2292), to strengthen the authority and budget of this critical office.

- a. Do you support this legislation?

If confirmed, I will review this legislation, and work with the Executive Office of the President, senior officials in the Department, and the Congress.

- b. In FY2007, the Department of Homeland Security Appropriations Act and HSPD-19 required a National Strategy for Bombing Prevention. The Strategy was completed and delivered to Congress in 2008; however, the implementation plan, as required by HSPD-19, has not yet been finalized. Do you intend to continue these efforts, and if so, will you deliver the implementation plan to Congress when it is completed?

It is my understanding that the Department is working with the Department of Justice to finalize the implementation plan. Once approved, DHS will provide briefs to Members of Congress and deliver the implementation plan.

73. The Department's Protective Security Advisors (PSAs) are critical infrastructure protection specialists deployed across the nation to partner with state, local, tribal and territorial governments and the private sector to assist with local efforts to protect critical infrastructure and key resources. The PSAs also support FEMA by serving as infrastructure experts during disasters.

- a. What is your experience with the PSA program?

Arizona works closely with the Protective Security Advisor (PSA) assigned to our state conducting vulnerability assessments and determining needs for target hardening of critical infrastructure. Our PSA has been instrumental in the assessment process as well as identifying new sites.

- b. Do you believe every state should have its own PSA?

Yes, if the state's vulnerability and number of critical infrastructure or key resources warrant the need. The PSA assigned to Arizona has been valuable in helping our state bolster its security measures.

74. The nation depends on electricity. As such, the security and reliability of the electric grid is critical to the homeland security mission.

- a. What steps will you take as Secretary to help secure the electric grid?

DHS shares a responsibility for the security and reliability of the nation's electric grid with the Department of Energy (DOE). In accordance with the National Infrastructure Protection Plan (NIPP) and the Energy Sector Specific Plan, DHS works closely with DOE and the owners and operators of the nation's electric

generation, transmission, and distribution assets to ensure and enhance both their physical and cyber security. DHS and DOE collaborate on a broad range of energy-related initiatives, including the timely sharing of threats and incident information, infrastructure assessments and site-assistance visits, and cyber security guidance and protective measures.

As Secretary, I will continue to oversee this work and monitor the personnel and financial investment we have made in this area and continue to drive for measurable performance.

- b. Often infrastructure protection is most effective if it is built into the system or asset as opposed to being applied as an afterthought. What role do you believe the Department should play in electric grid modernization efforts being led by the Department of Energy?

If confirmed, I will ensure the Department continues to support DOE's ongoing electric grid modernization activities. Equally important are a range of critical infrastructure security and reliability programs and projects that the Department's Science and Technology Directorate have developed in conjunction with both DOE and the nation's electricity sector.

Chemical Security

75. Numerous homeland security experts have identified the nation's many chemical facilities as an extremely dangerous vulnerability. These facilities make or use hazardous chemicals that are highly toxic if detonated or released. Because many such facilities are located close to population centers, they represent, in the words of one expert, "pre-positioned weapons of mass destruction." In the fall of 2006, Congress directed DHS to identify, assess and ensure effective security at or near our nation's high-risk chemical facilities. The Department subsequently released the Chemical Facility Anti-Terrorism Standards (CFATS), an interim final rule that establishes risk-based performance standards for such facilities. Under CFATS, covered chemical facilities are required to prepare Security Vulnerability Assessments and Site Security Plans that identify the measures that will be used to minimize any identified vulnerabilities. Although the Department has made considerable progress in implementing CFATS, authorization for the program will expire in the fall of 2009.

- a. Please discuss your familiarity with CFATS and how you would guide this program forward if confirmed. Do you believe DHS needs additional regulatory authority in this area?

I have been briefed on the Chemical Facility Anti-Terrorism Standards and recognize that the Department is in the middle of a key implementation phase of the program. I am aware that the existing CFATS regulatory authorities expire in 2009. It will be important to maintain momentum in this area. During the campaign, the President-elect repeatedly highlighted the importance of securing chemical facilities, and I pledge as Secretary to

work constructively with the Congress on follow-on legislation. I believe the current authorities can be strengthened.

- b. Do you believe that regulatory authority similar to that currently exercised to regulate the chemical sector should be used to protect other critical infrastructure and key resources sectors?

The chemical sector is quite varied. It includes a wide range of industries, including industrial chemicals, petro-chemicals, drinking water, wastewater, energy and agriculture. It includes the manufacture, transportation and use of these chemicals. It includes facilities across the country, in major population centers and at ports. It is important that we take both an inclusive approach to chemical security and a consistent approach across a variety of infrastructure sectors. This should be a key aspect in any follow-on legislation.

Cyber Security

76. For years there have been significant vulnerabilities in our cyber networks. These vulnerabilities have led to massive identity theft, monetary loss, and leaks of classified information, and have had an effect on all levels of government and throughout industry. Additionally, cyber threats to Supervisory Control and Data Acquisition (SCADA) systems – which control industrial processes – have the potential to cause devastating impacts on critical infrastructure, including the electric grid and the water supply.

- a. Please discuss your familiarity and experience with cyber security issues.

Cyber security and the protection of the technology critical infrastructure has been a top priority in Arizona. As Attorney General, we created the Computer Crimes Unit, which trained law enforcement in the identification and investigation of cybercrimes and has successfully prosecuted some of the first cybercrime cases in Arizona. We also drafted and passed the Computer Crimes Act of 2000, which puts Arizona in the forefront of the battle against cybercrime.

As Governor, we created the Statewide Information Security and Privacy Office to ensure adequate controls and safeguards are in place for all State of Arizona government technology systems and business practices. The Office completes annual reviews of all security capabilities and reports back to impacted and/or affected entities. In January 2008, I signed an Executive Order directing all cabinet agencies to implement basic processes and procedures to heighten the security of technology systems. The office is also establishing an incident response and reporting system that will create important communication capabilities in the event of a breach or cyber security event.

- b. If confirmed, what steps do you intend to take to improve the nation's cyber security, both with respect to the government and private networks?

Cyber security is one of the most serious challenges we face. Information networks are vital to our economic and national security. I intend to take a close look at the

Department's role in this area and how we work with the White House, other federal agencies, state governments and the private sector. I understand that several steps have been undertaken under the Comprehensive National Cyber Initiative and that the department plays a key role in its implementation. If confirmed, I will initiate an urgent review of the Department's role in the initiative, in particular the Department's role in helping secure the .gov domain used by federal executive branch agencies.

As the department moves forward collaboration with the private sector will be essential in several areas: information sharing, situational awareness, and research and development.

- c. Do you believe additional federal regulation or enhanced private sector cooperation is needed to ensure that private sector companies act to protect critical cyber infrastructure?

It would be premature for me to say regulation is necessary until I have a better understanding of the problem and the Department's role.

77. In January 2008, President Bush signed National Security Presidential Directive 54 / Homeland Security Presidential Directive 23 – a multi-agency, multi-year plan that laid out twelve steps to securing the federal government's cyber networks. Also known as the Comprehensive National Cyber security Initiative (CNCI), this plan represented a fundamental shift in how the federal government approached cyber security and gave DHS new responsibilities as well as a significant increase in funding and staffing to carry out these responsibilities. Specifically, the CNCI gave DHS the role of coordinating cyber security across all civilian federal agencies. However, the CNCI does not give DHS any authority to compel coordination or compliance across the federal government.

- a. What authorities do you believe DHS needs to effectively secure our federal government networks against ongoing cyber attacks?

I am told the Department is increasing its capabilities to protect the federal networks. As the Department builds these capabilities and executes on strategies to build the dot-gov defense, DHS must also continue its collaboration and engagement with the private sector on solutions and standards. As Secretary, I will continue to evaluate whether DHS has the proper authority in place to execute its federal government cyber security mission.

- b. What resources do you believe DHS needs to accomplish this mission?

The Department has significant cyber security roles and responsibilities. As Secretary, I will carefully evaluate the cyber program and budget to determine if we have the appropriate resources allocated to this mission.

- c. The CNCI was developed with little input from the private sector even though the private sector owns most of the cyber infrastructure, even in the context of federal

information technology networks. What steps will you take to ensure that the private sector is adequately involved in the development of policies and protocols for federal cyber security?

I recognize the importance of effectively engaging and working cooperatively with the private sector. As Secretary, I will seek to build upon existing collaboration and communication on cyber security efforts, with a particular emphasis on engaging the private sector as appropriate.

Weapons of Mass Destruction

78. The recently released report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism concluded that “it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world” in the next five years, probably in the form of a biological weapon. The Commission found that the threat is growing, not lessening. The Commissioners state that we need to develop operational response plans for WMD threats. DHS, however, is still building up its planning capabilities, and has not yet completed supporting operational plans for the National Response Framework. In addition, GAO has identified among its list of pressing transition issues a number of relevant concerns, including that DHS has yet to clearly define working relationships with other agencies during a disease outbreak.
- a. What actions do you believe DHS can take to lessen the threat and impact of a WMD attack, including a biological attack?

DHS, in conjunction with other government agencies and private partners, has been involved in a variety of activities to reduce the threat and the potential impact of nuclear, chemical, and biological attacks. I am told these include better intelligence and awareness, improved oversight of the BioWatch program, shoring up the security of bio-safety labs, improved detection through advanced technologies at our borders and international chokepoints, strengthened response capabilities and research to increase forensic capabilities. As Secretary, I intend to accelerate these efforts while examining other potential actions DHS can take to lessen the threat and impact of a WMD attack.

- b. Given the Commission’s finding that the terrorist WMD threat in the next five years will most likely be a biological attack, DHS must enhance its ability to conduct biosurveillance and improve its coordination of the response to a biological or mass casualty attack. All of DHS’s activity in this area is premised on the biannual Biological Threat Risk Assessment (BTRA). The BTRA allows the federal government to determine what biological agents pose the greatest risk and how the federal government should prioritize its investments in light of those risks. It has the potential to shape decisions not just about which technology to develop for biosurveillance but also how we should train our agricultural specialists for inspecting goods crossing the border and for which types of biological scenarios we should prepare, train and exercise. In September, the National Academies Institute of Medicine released a draft report criticizing the methodology DHS used for the BTRA.

How will you ensure that the BTRA is appropriately designed and accepted by the interagency community so that we make wise investment decisions in biodefense areas?

If confirmed, I look forward to more closely evaluating the current model, as well as considering potential improvements for the future that would provide an equally rigorous and defensible basis for applying limited resources in a risk-based manner.

- c. Many of the response assets and responsibilities for countering biological incidents reside in other departments, such as the Department of Health and Human Services and the Department of Agriculture. Yet examples such as the failure of other departments to commit data sources and personnel to the National Biosurveillance Integration Center at DHS suggest there is not always adequate interagency cooperation in this area. How will you encourage greater involvement of needed federal partners in developing biological and other WMD defense capabilities?

Our nation's capacity to prevent and respond to biological threats and incidents undoubtedly depends on strong interagency cooperation. Success in that regard starts at the top, and I, if confirmed, intend to consult and collaborate early and often with the Secretaries of Health and Human Services, Defense, and Agriculture, as well as with the Director of National Intelligence, the Attorney General, and the Director of the FBI, among others. I would also endeavor to work with Congress to ensure that it has the visibility required for effective oversight.

79. The Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism raises concerns about the regulatory framework for high containment biological labs, namely those operating at biosafety level 3 or the maximum level of 4 (BSL3 and BLS-4 labs). If a BSL-3 or BSL-4 lab is working with a dangerous pathogen on the Select Agent list, its activities are regulated by the Select Agent Program. BSL-4 labs are always regulated by the Select Agent Program since almost by definition they are working with the most dangerous pathogens. In contrast, BSL-3 labs come under government scrutiny only if they are government funded or if they are working with a pathogen on the Select Agent List. The Commission also notes that there has not been a substantial review of the Select Agent Program to evaluate its effectiveness, impact on domestic and international biological research, or to identify needed improvements. The Commission recommends that we revisit and update the Select Agent Program.
 - a. Do you agree with these recommendations of the Commission for improving the security of high containment biological labs and reviewing the Select Agent Program?

I am aware that the Commission raised concern about the regulation of high containment biological labs, especially those working with pathogen(s) on the Select Agent list. I also understand that the Department shares some of the Commission's concerns. If

confirmed, I look forward to evaluating the Department's current posture on biosafety laboratory protection and security.

b. What role should DHS have, if any, in the security of biosafety labs?

If confirmed, I look forward to working with the Executive Office of the President, my Cabinet colleagues, the Department's senior officials and other interested parties to determine the appropriate role for DHS in biosafety lab security.

c. We are currently developing legislation to address the vulnerability posed by inadequate monitoring of these labs. Will you commit to working with us on this important legislation?

I look forward to the opportunity to work with the Congress on all legislation related to the Department's efforts to secure the homeland against all hazards.

80. Although no reliable metrics exist to determine precisely how much the Federal government is spending on biodefense, many experts argue that DHS should promote increased biodefense capabilities, including countermeasure research and procurement for potential bioterror attacks. If confirmed, what approach will the Department take toward biodefense funding, and what should its biodefense priorities be?

I understand DHS consults experts inside and outside the government to ensure a consistent set of U.S. bio-defense priorities and investments that are made according to relative risks. If confirmed I will continue to emphasize general preparedness and response capabilities, including medical countermeasure distribution mechanisms. I will also work closely with the Secretary of Health and Human Services (HHS), the Director of National Intelligence and other partner agencies to ensure a risk-based investment strategy.

Domestic Nuclear Detection Office

81. Coordinating federal efforts to prevent a nuclear terrorist attack against the civilian population of this nation is among the most important and complex challenges that the Department faces. Federal agencies in various departments spend approximately \$3 billion a year on more than 70 programs that contribute to our defenses against nuclear terrorism.

DHS's Domestic Nuclear Detection Office (DNDO) is charged with coordinating these federal efforts and developing an overall architecture to keep radiological and nuclear materials from entering the country. DNDO, however, must rely on implementation by other agencies and does not have the authority over the budgets of these agencies or the ability to ensure that they spend their money effectively. DNDO also faces a number of other management and technological challenges; the problems that have plagued the effort to develop and deploy the Advanced Spectroscopic Portal radiation monitor represent one of the more prominent reminders of these difficulties.

If confirmed, how would you address the challenges faced by DNDO and enhance its ability to help prevent nuclear terrorism?

I understand that DNDO has participated in the development of a roadmap to guide all U.S. Government-led nuclear defense research development, which may enable DNDO to exercise government-wide leadership. I look forward to reviewing and acting upon that roadmap and to working cooperatively with the many agencies whose expertise, resources, and commitments are needed to guard against a nuclear attack.

82. Both DNDO and the Science and Technology (S&T) Directorate make significant investments in homeland security research and development, but DNDO is responsible for developing technologies against one threat (nuclear), while the S&T Directorate is responsible for all other homeland security threats. How would you balance funds and efforts between these two components? Is the current balance of funds and efforts optimal?

DNDO investments in homeland security research and development address nuclear and radiological threats, while the Science and Technology Directorate investments reduce risks from a wide range of other potential threats. I understand that the Department tries to use the annual budget process to ensure sound risk management principles guide its allocation decisions.

As Secretary, I would envision further robust review of such investments, ensuring that the Department remains able to respond to changing threats while most effectively allocating scarce resources. The Quadrennial Review, described earlier, will be useful in conducting this analysis.

83. The establishment of DNDO was a recognition of the significance of the mission of preventing nuclear terrorism and the detection of illicit nuclear and radiological material. The 109th Congress gave its support to this critical mission by codifying the office into law in the SAFE Port Act of 2006. Do you believe DNDO should continue to be an autonomous component that reports directly to the Secretary of DHS?

I recognize the success of the DNDO mission is crucial to homeland security, and as I gain first-hand experience with DNDO and review the work of the QHSR will consider whether organizational changes would be beneficial.

Science and Technology Directorate

84. We know that harnessing the nation's research and development prowess is essential to hardening our domestic defenses against chemical, biological, radiological and nuclear weapons of mass destruction. DHS's Science and Technology (S&T) Directorate has been given the responsibility for directing research and development efforts and priorities in support of the Department's mission. The S&T Directorate must think strategically about where to invest its limited research and development funding to help ensure that

these investments make the nation safer from terrorism and other catastrophic events.

What is your vision of the role that the S&T Directorate can play in the development of advanced technologies and their successful use to carry out challenging homeland security missions?

I understand that the S&T Directorate has attempted to become a customer-oriented component dedicated to providing the Department's operators with the tools and technologies they need to fulfill their missions. I am told S&T uses a requirements-driven process to identify components' technology needs, execute scientifically rigorous research, development, testing and evaluation of solutions for those needs, and deliver to the components those technologies that are sufficiently technologically developed for field deployment.

If confirmed, I look forward to working with Department's senior officials and the Under Secretary for Science and Technology to review the Directorate's structure and priorities, and, as necessary, identify strategies to pursue, development and application of advanced technologies to meet the homeland security mission.

85. What is your assessment of the current structure of the S&T Directorate and what, if any, changes would you propose?

As a service-oriented office within DHS, I am told that S&T, in partnership with the private sector, national laboratories, universities, and other government agencies, helps drive the development and the use of high technology in support of homeland security. If confirmed, I will work with the Department's senior leaders, the Under Secretary for Science and Technology and other interested parties to assess the Directorate's structure, and, as necessary, develop proposals for structural changes.

86. Homeland security research and development occurs in many agencies across the federal government. Congress has authorized DHS to coordinate this research and development, but DHS has encountered difficulties in doing so.

- a. How will you improve coordination of government-wide homeland security research and development?

If confirmed, I will work with the Under Secretary for Science and Technology to continue to enhance the process in a manner that will most effectively meet the Department's mission to ensure the safety of the Nation.

- b. What new or additional authorities might aid you in this process?

If confirmed, I will review, in conjunction with the Under Secretary for Science and Technology, the coordination efforts undertaken by S&T and work with Congress on any additional authorities that might aid the Department in the government-wide homeland security research and development process.

87. The Department of Defense maintains separate entities to develop systems and perform test and evaluation activities. In DHS, the individual component agencies that develop systems perform their own test and evaluation activities. DHS has a test and evaluation executive to coordinate and review the test and evaluation activities of the individual component agencies. In your view, how well does the current DHS test and evaluation structure meet the Department's needs and where might it be improved? How would you refine DHS test and evaluation structure to best meet the Department's needs?

I look forward to working with the Under Secretary of Science and Technology to further examine, and, as necessary, refine the processes and structure to the benefit of DHS.

REAL ID

88. The Department is responsible for the implementation of the REAL ID secure driver's licenses program mandated by the REAL ID Act of 2005. As Governor, you signed a measure barring Arizona's compliance with REAL ID and stated, "My support of the REAL ID Act is, and always has been, contingent upon adequate federal funding."
- a. What level of funding do you consider adequate to support state efforts to implement REAL ID?

As the Governor of Arizona, I recognize the need for secure identification in the United States. I would, if confirmed, begin with a detailed assessment of options for, and develop recommendations regarding, the issuance of state-issued secure identification. I know that funding remains a significant concern to the nation's governors.

- b. Do you consider the State Homeland Security Grant Program grants to be an acceptable source of this funding?

As indicated above, if confirmed, I would endeavor to conduct a detailed assessment of options and develop recommendations regarding the issuance of secure identification. Based on those recommendations, I would develop cost estimates, determine funding requirements, and then seek to identify sources for such funding.

- c. Privacy advocates have argued that REAL ID will compromise Americans' privacy and make them more vulnerable to identity theft. Do you share these concerns?

If confirmed, I will work closely with the Executive Office of the President, my Cabinet colleagues, the Department's senior leaders, the Congress, state, local, and tribal officials, and all interested parties, to determine how best to fulfill the need for secure identification in the United States while effectively protecting privacy interests. I believe that privacy and security are consistent and complementary efforts and that if we are open about what we are doing and why, the American public may have fewer concerns.

- d. If confirmed, do you intend to pursue any changes to the REAL ID Act or the final rule implementing REAL ID (as issued by DHS on January 29, 2008)?

Based on my experience as Governor of Arizona, I believe that REAL ID should be restructured so that states can issue secure licenses but in a manner that all states can support and maintain. As I stated previously, I will, if confirmed, work closely with the Executive Office of the President, my Cabinet colleagues, the Department's senior leaders, state, local and tribal officials, and all interested parties to determine what changes to existing legislation or regulation may be appropriate.

- e. What other steps, if any, will you take to secure state-issued identification cards such as driver's licenses, as recommended by the 9/11 Commission?

Similar to the approach I've outlined above, I will, if confirmed, work closely with the Executive Office of the President, my Cabinet colleagues, the Department's senior leaders, Congress, state, local and tribal officials, and all interested parties to assess all aspects of, and develop recommendations for, the issuance of state-issued secure identification.

- f. How will you respond if states refuse to comply with REAL ID?

As Secretary, I will consult with Governors (as well as associations such as the National Governors Association and the American Association of Motor Vehicle Administrators) to assess all aspects and develop recommendations for the issuance of secure identification.

Privacy and Civil Liberties

89. Actions to increase homeland security may have the potential to implicate privacy and civil liberties concerns. As Secretary, you will frequently be required to evaluate programs to determine how best to protect the homeland while at the same time protecting individuals' privacy, civil rights, and civil liberties. What basic principles do you believe should guide such evaluations?

I believe that protecting our homeland and securing our privacy and civil liberties are not antithetical goals. Rather, security measures and programs will be most effective and sustainable when they are crafted and carried out in a matter that respects privacy and civil liberties. As Secretary, I would approach every program or initiative with an awareness of the need to fully consider the potential privacy and civil liberties implications of our activities. In particular, I would ensure that privacy and civil liberties concerns are first considered at the inception of any proposed activity or program, rather than at the implementation phase or beyond. I would also ensure that the Department's activities are subject to an appropriate level of oversight and monitoring to ensure compliance with privacy and civil rights laws and policies. In achieving these goals, I would consult regularly with the DHS General Counsel, Officer

for Civil Rights and Civil Liberties and with the Chief Privacy Officer to ensure that the Department's policies sustain and do not erode the rights and liberties of individuals.

90. Secure Flight is one example of a DHS initiative that had to be substantially restructured when a privacy assessment revealed significant privacy and civil liberties issues raised by the initial design of the program. Early and active involvement by the DHS Privacy Office in the development of such initiatives might have avoided costly mistakes by building privacy protections into the program from the ground up. How will you ensure that privacy and civil liberties concerns are considered early on and throughout the development of new programs and policies?

If confirmed, I would ensure that these concerns are addressed by supporting and engaging the DHS Privacy Office and the Office for Civil Rights and Civil Liberties, making sure that they are an integral part of the policymaking process from the beginning. Further, I will also work with the Office of General Counsel and other Department leadership to encourage a Departmental culture of adherence to legal restrictions and respect for privacy and civil liberties.

91. To ensure that privacy and civil liberties concerns are appropriately addressed at the highest levels of the Department, Congress created both a Privacy Officer and an Officer for Civil Rights and Civil Liberties and mandated that these positions report directly to the Secretary. If confirmed, how will you support the missions of these offices?

The missions of these offices are integral parts of the way we need to think about our policies and about how we lead this nation in the future. America's greatest success story is that because we are a nation that respects freedoms and diversity, we have integrated so many people, from so many backgrounds, and given them an opportunity to live the American dream. These offices should be integral parts of policy and legal discussions and serve in an advisory role to me. In addition to supporting the work of these two officials in the ways described above, I would work to ensure that they play an integral and vigorous role in other Departmental activities that fall within their statutory responsibility. For example, I will consult regularly with the Chief Privacy Officer to determine how best to support and enhance the Privacy Office's work overseeing DHS compliance with the Freedom of Information Act, its reporting and handling of inquiries regarding alleged violations of privacy, and its efforts to work with DHS's international partners to promote awareness of privacy concerns. I would similarly consult with the Officer for Civil Rights and Civil Liberties to determine how best to support and enhance the Office's work in support of disability and special needs communities, its efforts to provide guidance and standards for Equal Employment Opportunity programs, and its work to investigate and resolve complaints from the public involving alleged violations of civil rights.

92. U.S. intelligence and law enforcement officials have indicated that the violent Islamist threat to the homeland has evolved and expanded, particularly with regard to homegrown threats. Over the past several years, the Department's Office of Civil Rights and Civil Liberties has led the federal government's outreach efforts to American-Muslim

communities around the country. These outreach efforts have proved critical to addressing issues of concern to those communities and minimizing the influence of the ideology that gives rise to Islamist terrorism around the world.

- a. As Secretary, would you commit to continuing the Office of Civil Rights and Civil Liberties' outreach efforts to American-Muslim communities?

Yes. The engagement work undertaken by the Office for Civil Rights and Civil Liberties with American Muslims has included youth engagement, cultural competency training and discussions, international outreach, calls with community leaders in the wake of terror attacks and other incidents of concern, and a National Security Internship Program for students with language skills in Arabic and other critical languages. As Secretary, I would support the Office's continued work in this area.

- b. What role do you see the Department playing in the effort to detect and counter the radicalization of violent Islamist extremists?

I understand that several offices within DHS, including the Office of Intelligence and Analysis, the Office for Civil Rights and Civil Liberties, the Office of Policy, the Science and Technology Directorate, and the Office of Operations Coordination and Planning, play a role in countering violent radicalization within the United States. If confirmed, I will consult with the staff of these offices, as well as with the Executive Office of the President, my counterparts in the Cabinet, and the Department's state, local, tribal, non-governmental, and private sector partners to determine the best role for DHS to play in detecting and countering violent radicalization.

Acquisitions and Contractors

93. What major acquisitions have you been involved in, and what is the appropriate role for department-level oversight of its major investments?

The State of Arizona is a \$28 billion a year enterprise that engages any number of major acquisitions and investments as a matter of routine business. As Governor, I have directed state agencies on procurement and management policies in accordance with the state's budget needs and policy goals. I have also prepared an Executive Budget every year I have been in office, have signed into law a balanced state budget every year, and undertaken executive budget-management actions between legislative sessions to match expenditures to revenues.

I support a robust Department-level oversight role for DHS's major investments. Department-level oversight ensures that DHS is able to mitigate program risks before they occur, manage its acquisition portfolio in a manner that closes capability gaps and avoids unnecessary duplication, and demonstrate sound stewardship of homeland security funds. If confirmed, I will review the work done to date to enhance DHS Department-level investment oversight and determine if additional efforts are necessary to strengthen Department-level oversight for major investments.

94. DHS's Secure Border Initiative Net (SBInet) program is intended to develop and install technology and infrastructure along the southwest border aimed at reducing illegal entries. DHS has calculated the total cost of implementing SBInet to be \$8 billion, but the DHS Inspector General in November 2006 projected that the cost could be as much as \$30 billion. GAO has issued a number of reports critical of SBInet's expenditure plan, reporting that it "lacked specificity on such things as planned activities and milestones, anticipated costs and staffing levels, and expected mission outcomes." As a result, GAO warned that SBInet was at risk of not delivering promised capabilities on time and within budget. One of the contributing factors in this is the structure of SBInet contract, a single award Indefinite Delivery Indefinite Quantity (IDIQ) contract, a type of contract since prohibited by Congress except for certain limited circumstances (Sec. 843, FY 2008 Defense Authorization Act). Under this contractual arrangement, all subsequent task orders under the contract would be awarded without any further competitive pressure. Therefore, this single award IDIQ contract, while providing certain administrative benefits and expediency, may result in significant cost overruns.

- a. What steps will you take to ensure that DHS is effectively managing this large border security contract in order to avoid cost overruns and deliver solutions that effectively meet CBP's needs?

If confirmed, I will continue to work closely with Customs and Border Protection and the SBInet Program Office to tightly manage SBInet execution in the remaining border sectors. Proactive management and rigorous procurement oversight of the SBInet program is the key to deploying a meaningful system to the end users and avoiding further cost overruns.

- b. Should DHS pursue future projects, for either the southern or northern borders, by competing and executing these projects under separate contracts instead of exclusively using the existing SBInet contract?

If confirmed, I intend to evaluate contracting options for future border projects and will select those I find to be best suited to the specifics of those projects.

95. A GAO report in October 2007 on the Department's progress five years after its establishment noted concerns about the government's increasing reliance on contractors and raised serious questions about how to ensure that the government retains the core capabilities needed to perform its mission, that contractors do not perform functions that properly should be performed only by government employees, and that contractors are used in a cost-effective way. The Committee, GAO, and many outside observers recognized the need for DHS's heavy reliance on contractors during its early days, given the need for DHS to attain specific expertise quickly. More than five years later, many offices remain heavily staffed by contractors who perform a variety of tasks at the core of DHS's operations, including policy planning, the drafting of regulations, intelligence analysis, preparation of budget requests, and human resource management. While the private sector is an important source for innovative technologies and expertise, the extent

to which DHS relies on contractors raises a risk that the Department is controlled by, rather than in control of, contractor decisions. It also weakens DHS's own ability to assess contractor performance and to identify contractor conflicts of interest.

While contracting out can be an effective means of fulfilling some responsibilities of government, it is critical that the Department have sufficient staff on board with the necessary skills to establish policy, maintain a strong institutional memory and effectively manage acquisitions and contract oversight in order to ensure quality, economy, and timeliness.

- a. Contractors are prohibited by law from performing so-called "inherently governmental functions." However various sources define inherently governmental differently and in any event, it is not unusual for contractors at DHS to provide services that, even if they do not technically meet the definition, closely support inherently governmental functions. What will you do to strengthen DHS's own ability to perform those tasks at the core of its operations, whether inherently governmental or closely supportive of inherently governmental functions?

I think that the Department needs to continue to develop the ability to perform the inherently governmental functions with which it has been tasked. As Secretary, I will emphasize the Department's ability to recruit, retain and grow its own leadership and workforce, especially in those functional specialties where there is a recognized shortage of talent not only within DHS but government-wide. If I am confirmed, I will work with the Department's Chief Human Capital Officer and other senior officials to ensure that DHS is limiting its dependence on contractors and increasing the capacity of the Department's workforce to perform its core functions.

- b. Based on your experience and given the Department's extensive reliance on contractors, what would you suggest are the key considerations in determining the appropriate role for contractors in supporting DHS (particularly, in the areas that border on inherently governmental functions, such as rulemaking and awarding contracts)?

If confirmed, I will follow the applicable laws in this regard, and I will similarly work to ensure that DHS Federal employees maintain responsibility and accountability for contractor duties and activities at all times. As a rule, I will require that the Department manage the inherent risks associated with the use of contracted services – and simultaneously continue to make every effort to reduce over-reliance on contractors. In addition, as Secretary, I will ensure that all appropriate conflict of interest safeguards are in place – both at the organizational and individual contractor employee levels. Finally, I will require the Department to continue emphasizing the importance of ethical practices to Federal and contractor employees alike through required annual ethics training programs.

- c. DHS contractor employees often work side-by-side with DHS employees, and also perform the same or similar functions as their government counterparts. As

Governor, have you had any experiences managing such augmented workforce and what are your views on ensuring that DHS provides appropriate safeguards to prevent conflicts of interest by DHS contractor employees?

I believe training of the Federal workforce is a cornerstone to ensuring that in the blended DHS workforce environment, conflicts of interest are avoided and mitigated and that the highest standards of ethics are practiced by all of those supporting the Department. If confirmed, I will support the Department's efforts to ensure that fully trained Contracting Officer's Technical Representatives (COTRs) are in place to accept and monitor contractor services and monitor the services following all contract awards.

96. DHS has established an investment review process, which calls for executive decision making at key points in an investment's life cycle, including program authorization. However, GAO reported in November 2008 that the process has not provided the oversight needed to identify and address cost, schedule, and performance problems in its major investments. Specifically, GAO reported that the process has been poorly implemented and, in fact, 45 of DHS's 48 major investments requiring milestone and annual reviews did not adhere to the Department's investment review policy. Billions of dollars have been invested in these major programs, which, according to GAO, lack appropriate oversight. The Department's Under Secretary for Management recently issued an interim management directive to try to enhance the investment review process.
- a. In your view, what role does an investment review process have in making major agency investment decisions and, if confirmed, how would you ensure effective implementation of the new policy?

If confirmed, I will review DHS's investment review process and work with the Under Secretary for Management to make any necessary adjustments to this process. I will strongly champion policy and process improvements by ensuring that my executives within headquarters and the components are formally accountable for rapid implementation of the policy.

- b. Poor acquisition planning, and in particular, poor definition of requirements for procurements, can lead to a number of problems during the acquisition cycle. How do you plan to ensure that DHS has an appropriate requirements development process in place so that DHS components have a clear understanding of what they need to buy before they embark on a major procurement?

DHS' Office of Policy has developed a Strategic Requirements Planning Process (SRPP) that is developing the strategic requirements set for DHS. Individual programmatic requirements will then be benchmarked against this strategic requirements set to determine how the program requirements support achieving the desired strategic capability. If confirmed, I will work to define and mature the DHS requirements process that is already underway.

97. The need to strengthen the acquisition workforce remains a major management challenge

for DHS. A recent GAO report (GAO-09-30) found that while DHS has made significant strides in increasing the number of contract specialists within DHS, there is still a shortage of these specialists in many DHS components. Nearly one-third of DHS contract specialists will be eligible to retire by the end of 2012. Moreover, DHS needs to develop a long-term strategy for bringing in a broader range of skilled employees needed to plan and oversee contracts, such as program managers, systems engineers, and financial managers. What steps will you take to address the long-term challenge of bringing these skills to DHS?

I concur with the need to have adequate numbers of talented individuals to plan and oversee all aspects of contracting. If confirmed, I will ensure current efforts to achieve those goal, as well as related efforts, continue, focusing first on the most significant programs and the most urgent needs until all acquisition programs are properly coded and classified in the DHS and Component personnel systems.

Human Capital

98. What do you consider to be the principal challenges in the area of human capital management at the Department of Homeland Security and upcoming challenges in the next four years? If confirmed, how do you intend to address these challenges?

When DHS was established, it was not simply the merger of 22 separate organizations; it was the bringing together of committed Federal employees who had a track record of not only compassionate emergency management but also of protecting our borders, skies, and waterways as well as our agricultural and economic concerns. They are, quite possibly, DHS's single biggest strength.

The men and women of DHS deserve a responsive management structure that respects their dedication and service. One key way of making this happen is to put a management team in place that possesses the right knowledge, skills, and attitude, and that will foster a positive work environment, hire, train, and retain a talented and diverse workforce.

I will also work to improve diversity within the Department. Expanding diversity such as gender, geographic, economic, ethnic, racial, severely disabled veteran representation, and all other aspects of diversity of this workforce will increase the variety of available skills and knowledge that can be employed in pursuit of the Department's success, thereby bringing greater benefit to the American public. As President-elect Obama has stated, "there is no contradiction between diversity and excellence." By reflecting America's diversity, our employee workforce will provide the widest range of solutions, ideas, and decisions to protect America. I am committed to achieving a diverse DHS workforce at all levels, especially our executive cadre through partnerships and outreach; some of which has already begun at the Department.

99. The Department has consistently received low ratings on employee attitude surveys. The 2007 Best Places to Work in the Federal Government survey, conducted by the Partnership for Public Service, ranked DHS 29 out of the 30 large agencies. According to

the 2007 DHS Annual Employee Survey results, decision-making involvement, satisfaction with pay, and the ability of the workforce to accomplish goals continue to be challenges for the Department.

- a. If confirmed, how would you assess the nature and causes of morale problems at the Department and how would you determine what steps are needed to address them?

I am familiar with the Department's previous rankings in various surveys and am troubled by DHS' ratings. As Secretary, I will have the opportunity to review the most recent Human Capital employee survey and will set as a high priority for my leadership team to implement initiatives, best practices and policies targeted at improving morale. If confirmed, I will work to better communicate to the Department's workforce how their efforts contribute to DHS's ability to effectively perform all its missions.

- b. Many believe that effective human resources management requires that rank and file employees be included in making day-to-day decisions that affect their working lives. Do you agree that involving employees in such decisions is critical to the successful operations of DHS?

Yes.

100. What is your general approach to managing personnel at all levels? What is your general approach to labor relations? What past experiences do you believe best demonstrate your approach and style in personnel management?

I believe it is important for managers to motivate personnel behind a compelling vision for their agency and for personnel at all levels to have the ability to contribute to the goals of their agency and to the work environment. As Governor, I have engaged employees in the operation of state government, a process which leads to greater efficiencies, as well as greater effectiveness in the performance of an agency's task. I believe that the insights of all levels of staff are valuable to running an efficient and effective enterprise, and that good management recognizes this value.

101. The Homeland Security Act of 2002 gave DHS the authority to waive a number of provisions in the government-wide civil service law, in the areas of pay, performance management, and labor relations, to create a new human capital management system. The Department tried to implement its own pay-for-performance system, known as Max-HR, which ultimately failed. What has been your experience working with pay-for-performance personnel systems in government agencies, and what has been your experience with systems under which pay is less flexibly tied to performance? What conclusions have you drawn from these experiences?

Arizona has a pay-for-performance system that applies to employees in the leadership levels of state agencies and has stood since before my term as Governor. If confirmed as

Secretary, I will review the systems currently in place and develop applications of the pay-for-performance concept where appropriate.

102. The human resource system applicable to Transportation Security Officers (TSOs), who perform security screening at airports for the Transportation Security Administration (TSA), does not allow collective bargaining, but does include certain employee rights and protections, similar but not identical to those generally available to federal employees. TSA also has established a pay-for-performance system for TSOs. If confirmed, will you reconsider TSA's current workforce system and, in so doing, what criteria will you apply?

I am concerned about employee morale throughout the department. Investigating and remedying any problems with the TSA workforce will be an important component of improving overall morale. If confirmed, I pledge to work with the Assistant Secretary of TSA, the Department's Chief Human Capital Officer, and other interested parties to understand fully the TSA's detailed operational requirements and the specific employment issues unique to the TSA's operating environment. Having established such a baseline understanding, I would then engage all involved stakeholders to determine the appropriate balance between the mission of the TSA and adequate employee rights and protections for Transportation Security Officers.

103. In an April 2008 joint hearing held by the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia and the House Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia, GAO testified that DHS ranked 23rd out of 25 agencies surveyed with respect to the percentage of minorities in its SES ranks (13.2%) and 20th out of 25 agencies with respect to the percentage of women in the SES (26.2%) (see GAO-08-609T). The following month, at a hearing held by the House Homeland Security Committee, GAO testified that data from both 2003 and 2007 showed that the representation of women at DHS serving as career employees was below the government-wide level. (See GAO-08-815T). What is your reaction to these findings, and, if confirmed, what would you do in response?

I recognize the need to achieve a qualified diverse workforce, particularly in the senior executive service appointments. Expanding diversity such as gender, geographic, economic, ethnic, veteran representation, and all other aspects of diversity of this workforce will increase the variety of available skills and knowledge that can be employed in pursuit of the Department's success, thereby bringing greater benefit to the American public.

As the Secretary, I will work to improve the range of skills and expertise that can be put into action in support of the Department's mission and identify best practices that would integrate attention to diversity in our current processes. I will also review from an internal approach our initiatives to identify, train, and promote high-performing employees and couple it with wide-reaching external efforts to attract, recruit, and hire diverse applicants and potential leaders. This strategy incorporates a multifaceted approach to recruitment, training and development, and retention of

high-performing employees. It is my aim that these efforts will bring diversity to the forefront of organizational development.

I plan to reach out to external stakeholders who are experienced and established in the areas of diversity to assist and advise us on our outreach, recruitment, and retention efforts. Finally, the success of any organization is tied to its ability to attract, hire, promote, and retain the best human resources and I am committed to making sure DHS does that.

Cooperation with Oversight Entities

104. As Governor, please describe your relationship with state oversight entities, including the Efficiency Review Initiative, which you established and tasked with improving the performance and efficiency of state government by working with state agencies to reduce costs, cut bureaucracy, eliminate duplication, and improve customer service.

As Governor, I have occasionally established oversight entities in order to coordinate action among state agencies around a specific purpose, notably the Efficiency Review Initiative. In the past six years, Efficiency Review has identified measures resulting in more than \$1 billion in savings or cost avoidances for state agencies, ranging from efficiency measures (saving water, paper, electricity, etc) to more complex initiatives involving procurement. Additionally, Efficiency Review has improved customer service by reducing bureaucracy and making forms and processes used by the general public more user-friendly.

105. What is your view of the role of the Department of Homeland Security Inspector General? Please describe what you think the relationship between the Secretary and the Department's Inspector General should be. If confirmed, what steps would you take as Secretary to establish a working relationship with the Inspector General?

The Secretary and the Inspector General should work cooperatively to improve the effectiveness and efficiency of DHS programs. To that end, the Secretary should ensure that the IG is able to carry out his or her statutory mission. The Inspector General should be a valued partner at an early stage during the review of departmental programs and activities. In addition, the Department should ensure that there is full cooperation between the OIG and DHS employees.

If confirmed, I intend to work further on establishing, and maintaining, a solid and cooperative working relationship with the Inspector General. I would work to ensure that Department employees understand the importance of the role of the Inspector General and that all employees support the OIG in work that they do.

106. An April 2008 memo from Secretary Chertoff issued to all DHS employees outlined their responsibilities with respect to interactions with the Office of Inspector General. The memo stated that all employees should fully cooperate with the Inspector General's Office and that Department employees should provide prompt access to requested

materials and information. The memorandum states that the vast majority of the materials may be produced to the Inspector General's Office directly and immediately upon request, and that employees should consult the Office of General Counsel when the requested documents are classified, deliberative, or otherwise sensitive. Do you agree with this memo's approach to Inspector General access? If confirmed, what would be your approach to providing access to the Inspector General?

Secretary Chertoff's April 2008 memo lays out some key and fundamental principles with respect to employee coordination and cooperation with the Office of the Inspector General. If confirmed, I would work with the IG to determine if any additional measures are necessary and would be guided by the same types of principles, such as cooperation, prompt and complete production of requested materials, and timely responsiveness to requests for interviews.

107. GAO has struggled to conduct its vital oversight of the Department in the face of cumbersome policies and procedures that inhibit GAO's access to necessary interviews and documents. Department officials have pledged to improve the situation. In July 2008 the Department's General Counsel issued guidance for providing documentation to GAO. The guidance requires more formality between the Department and GAO than GAO usually faces in interacting with other agencies, including the Department of Defense. The process requires GAO to put all its requests in writing and the Department employees to funnel all the requests through its liaison at both the component and headquarters levels. It also requires the Department to track GAO requests and the completion of those requests. This process has continued to prove overly complicated and time consuming and hampers GAO's efforts to conduct necessary oversight. If confirmed as the new Secretary, will you establish a more streamlined process that allows GAO complete access to information in a timely manner?

If confirmed as Secretary, I will explore the need for further revision to the Department's process for responding to GAO requests.

108. If confirmed as Secretary, would you have any concerns about allowing program officials to provide GAO with routine, nonsensitive documents without a formal request so that information can be provided in a more timely manner?

As Secretary, I would be willing to discuss any concerns over these procedures or GAO access to information generally.

109. If confirmed as Secretary, are there categories of information including "pre-decisional information" that you believe the Department is not required to provide to the Department's Inspector General and GAO?

I believe that both the Office of the Inspector General (OIG) and the GAO are entitled to departmental documents and information. Those broad rights of access are reflected in existing departmental guidance relating to the OIG and GAO. With that framework in mind, there are long-standing principles governing executive branch sensitivities and

separation of powers, as well as ethical and statutory obligations to accord certain types of confidential information with appropriate protection.

110. GAO has identified two metrics by which it will determine whether DHS is sufficiently providing access to information in a timely manner: (1) whether GAO receives documents within 20 calendar days of requesting the information and (2) whether the Department schedules meetings within 7 days of meeting requests. GAO has indicated that the Department does not meet these metrics often. If confirmed, will you commit to working with GAO in a timely and constructive manner to meet the deadlines and to generally address the oversight and other needs of the Congress, and will you encourage others within the Department to do so?

Yes. I believe it is important for the Department to be responsive to the Government Accountability Office (GAO), and if confirmed, I would strongly encourage department leadership to be responsive to GAO requests in a timely and constructive manner. Furthermore, I would work to facilitate speedy responses to congressional requests..

111. In the 9/11 Commission Recommendations Act, this Committee reorganized the Privacy and Civil Liberties Oversight Board as a bipartisan, independent body designed to review the nation's efforts to combat terrorism and consider their effects on individual liberties. The statutory language requires that "[t]he head of the department... shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions." Will you commit to responding fully and promptly to requests for information from the Privacy and Civil Liberties Oversight Board once it is reconstituted?

I will respond fully and promptly to requests for information from the Privacy and Civil Liberties Oversight Board, once reconstituted.

IV. Relations with Congress

112. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

113. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

Yes.

114. Misconceptions and misunderstandings can undermine the effectiveness of a new initiative when a lack of information leads to the belief that security is inadequate or liberty is threatened. How will you improve communications with the public and with Congress to ensure that information is provided in a timely manner so that DHS

initiatives are better understood?

Effective communications with the public and Congress requires a coordinated outreach effort. This is accomplished internally within the Department through close coordination among the Offices of Policy, Legislative Affairs, International Affairs, Public Affairs, Intergovernmental Affairs, and the Private Sector Office. This coordinated effort allows the Department to reach out with a common voice to Federal, state, local, international, private sector, and congressional partners.

The Secretary also has the responsibility to ensure the public is informed during national incidents. Planning, mobilization, coordination, and execution of Federal interagency incident (crisis) communications are a critical part of an effective response to urgent events. Timely public information can save lives by assuring that the public is informed during major incidents.

As Governor, I have met face-to-face with Americans whose lives have been shaken by crisis. I deeply understand the critical need to keep the public informed in the event of a disaster. If confirmed, I will work so the Department communicates effectively across the spectrum of Federal, state, local, international, private sector, and congressional partners, as well as members of the American public.

115. The 9/11 Commission Report recommended that Congress create “a single, principal point of oversight and review for homeland security.” What challenges do you foresee for a Secretary taking over a department that had direct engagement with, by some estimates, as many as 108 committees and subcommittees in the 110th Congress? How will you deal with this issue?

If confirmed, I would strongly support the 9/11 Commission’s recommendation to “create a single, principal point of oversight and review for homeland security” by supporting congressional efforts to consolidate committee oversight of the Department. However, it is the prerogative of Congress, not DHS, to make these needed changes.

116. Under what circumstances, if any, do you believe that it is appropriate for the Department of Homeland Security to withhold information from Congress when Congress is exercising its legislative or oversight functions?

I fully respect Congressional legislative oversight functions and will establish throughout the Department a policy and culture of responding appropriately and expeditiously to any and all information requests from Congress.

V. Assistance

117. Are these answers your own? Have you consulted with DHS or any interested parties? If so, please indicate the individuals or entities with whom you have consulted, and the nature of the assistance they have provided.

Many of the items in this questionnaire require a level of specificity and detail about Departmental Components, programs, policies, or draft regulatory proposals for which I, as the sitting Governor of Arizona, do not have first-hand personal knowledge. In an effort to be as forthright and responsive as possible to the Committee in the time available, I have participated in normal pre-confirmation consultations with the Obama Presidential Transition Team and related staff, my immediate staff who may accompany me if I am confirmed as Secretary, and staff at the Department of Homeland Security. These consultations were used to inform my knowledge regarding the background, current operations and potential policies for the Department. However, and in all cases, the substance of the answers is my own, and is based on my understanding and consideration of the information provided to me.

AFFIDAVIT

I, Jant Nep. I. tawo, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Jant Nep. I. tawo

Subscribed and sworn before me this 7th day of January, 2009.

Norma A. Hernandez
Notary Public

