

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 29, 2011

The Honorable Joseph I. Lieberman
Chairman, Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Lieberman:

Thank you for your recent letter regarding counterterrorism training for state and local law enforcement and homeland security officials. As you note, working with our state and local partners to promote effective counterterrorism training is a critical component of protecting the American people from terrorist threats, the founding principle of the Department of Homeland Security (DHS).

The Department has robust standards to ensure counterterrorism training funded by DHS is taught by qualified instructors and based on the latest intelligence and most effective policing techniques—and we have rigorous compliance procedures in place to address training programs that do not meet these standards. Specifically, in order to receive DHS funds, counterterrorism training programs are required to meet course certification guidelines reviewed by an independent, third-party review panel. Training supported by DHS grant programs is continually subjected to instructor audits, annual reviews, and periodic on-site assessments, managed and conducted by FEMA. If a course is not approved as a result of this review process, grant recipients cannot use DHS funds for it.

More broadly, DHS is fully committed to ensuring our counterterrorism efforts focusing on countering violent extremism are focused on trends and behaviors that research, risk-analysis and intelligence have shown can be indicators of terrorist threats and related crime. We have not and will not tolerate training programs—or any DHS supported program—that rely on racial or ethnic profiling.

DHS incorporates privacy and civil rights and civil liberties protections into new security measures and training programs from development to implementation. DHS provides training on privacy and civil rights and civil liberties to both DHS intelligence professionals and state and local law enforcement and other personnel assigned to state and major urban area fusion centers. Further, the Department is working with state, local, and tribal law enforcement, as well as community groups to develop a standardized training curriculum for state and local law enforcement that focuses on community-oriented policing techniques to help frontline personnel identify activities that are indicators of potential terrorist activity and violence while incorporating strong privacy and civil liberties safeguards every step of the way. In conjunction

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with local communities and the Department of Justice, DHS has also published guidance on best practices for community partnerships to prevent and mitigate homegrown threats that feature similar protections.

Moreover, DHS has worked with its federal, state, local and private sector partners, as well as the Department of Justice, to expand the Nationwide Suspicious Activity Reporting Initiative (NSI)—an Administration effort to train state and local law enforcement to recognize behaviors and indicators related to terrorism, crime, and other threats; standardize how those observations are documented and analyzed; and enhance the sharing of those reports with the Federal Bureau of Investigation, DHS, and communities throughout the country. Under NSI, specially trained DHS analysts review suspicious activity reporting, taking privacy and civil rights and civil liberties safeguards into account, and provide SAR-related intelligence products to state and major urban area fusion centers and DHS operational components. Thus far, more than 38,000 frontline federal, state, and local law enforcement personnel across the country have received Suspicious Activities Reporting training, with virtually all frontline law enforcement personnel in the United States expected to receive this training by Fall 2011, thanks to partnerships with the International Association of Chiefs of Police, the Major Cities Chiefs Association, the Major County Sheriffs' Association, and the National Sheriffs' Association.

The Administration continues to adapt its counterterrorism training efforts to reflect the constantly evolving nature of the threat of homegrown violent extremism. I look forward to continuing to work with you and the Committee on this important issue. I have enclosed a comprehensive white paper to respond to your specific questions. Should you have additional questions, please do not hesitate to contact me at (202) 282-8203. Senator Collins, who co-signed your letter, will receive a separate, identical response.

Yours very truly,



Janet Napolitano

Enclosure

cc: The Honorable Eric Holder
Attorney General

**Summary Response to Questions in Senator Lieberman's
and Senator Collins' March 29, 2011 Letter**

The Department of Homeland Security's (DHS) Federal Emergency Management Agency (FEMA) is responsible for training programs administered under the Homeland Security National Training Program's Continuing Training Grants, Competitive Training Grants Program and National Domestic Preparedness Consortium. Under these programs, cooperative agreements (grants) are awarded to training partners (such as local law enforcement agencies and universities) to provide counterterrorism training for state and local law enforcement and homeland security officials along with the all-hazards training curriculum. The following table outlines funding for this training effort from fiscal years (FY) 2006-2010:

Fiscal Year	Grant Program	Amount
2006	HSNTP-CTG	\$1,500,000
2006	HSNTP-CTGP	\$6,215,824
2006	HSNTP-NDPC	\$4,000,000
2007	HSNTP-NDPC	\$4,000,000
2008	HSNTP-CTGP	\$4,288,966
2008	HSNTP-NDPC	\$4,000,000
2009	HSNTP-CTG	\$2,600,000
2009	HSNTP-NDPC	\$4,000,000
2010	HSNTP-CTG	\$3,100,000
2010	HSNTP-NDPC	\$4,000,000

Additionally, DHS's Federal Law Enforcement Training Center (FLETC) and FEMA have a memorandum of understanding, with an annual reimbursable agreement that provides for state and local law enforcement training. In addition to a robust counterterrorism curriculum, FLETC also offers various courses for state, local, and tribal law enforcement officials in human behavior, which helps to promote conflict resolution and safety for frontline personnel.

FEMA's Grant Programs Directorate also supports counterterrorism training as one of the eligible activities through the Homeland Security Grant Program (HSGP), comprised of the State Homeland Security Program, Urban Area Security Initiative, Tribal Homeland Security Grant Program, Emergency Management Performance Grant, Port Security Grant Program, Transit Security Grant Program, and Intercity Passenger Rail Security Grant Program. The following table outlines the amount of funding spent on training through the following grants from FY 2006-2010:

Fiscal Year	Grant Program	Amount
2006-10	Homeland Security Grant Program	\$768,956,714
2006-10	Emergency Management Performance Grant (includes supplemental)	\$31,978,801
2006-10	Intercity Passenger Rail Security Grant Program	\$6,255,985
2006-10	Transportation Security Grant Program (includes supplemental and ARRA)	\$124,487,984
2006-10	Port Security Grant Program (includes supplemental and ARRA)	\$52,076,333
Total		\$983,755,817

Programs that receive grant funding by FEMA are required to meet certain guidelines to use these funds. For example, course certification is required and is carried out by an independent, third-party subject matter expert review panel that is specific to each curriculum. The panel ensures all curricula conform to national and state regulatory guidelines, best practices, and national consensus standards. Course and instructor qualifications, along with the standards within the guidelines, are explicitly disseminated for all training providers through FEMA's online Responder Training Development Center. FEMA continually updates the criteria and processes for development and delivery of these courses.

States, territories, and urban areas can also use grant funding to attend training sponsored by another federal entity or state, provided that the training is coordinated with and approved by the State Administrative Agency (SAA) and falls within the FEMA mission scope and the jurisdiction's own Emergency Operations Plan and preparedness strategy. States, territories, and urban areas are required, within 30 days of attendance, to submit detailed course information through the SAA on all training not provided by FEMA, but supported with HSGP funds. Through this information, FEMA is able to ensure that these courses:

- Comport with all applicable federal, state, and local regulations, certifications, guidelines, and policies deemed appropriate for the type and level of training;
- Fall within the FEMA mission scope to prepare state, local, tribal, and territorial personnel to prevent, protect against, respond to, and recover from acts of terrorism and catastrophic events;
- Build additional capabilities that support a specific training need identified by the state, territory, or urban area, as well as comport with the state, territory, or urban area Homeland Security Strategy;
- Address specific tasks and/or competencies articulated in FEMA's *Emergency Responder Guidelines* and the *Homeland Security Guidelines for Prevention and Deterrence*;
- Address specific capabilities and related tasks articulated in the Target Capabilities List;
- Support the specific program training activities identified in the individual HSGP grant programs, for which the funding will be used.

In support of the continuing efforts to build common catalogs of approved training not provided by FEMA, the SAA is required to go through the FEMA state course review and approval process after three deliveries of the same course within a state or territory. If a course is not approved as a result of the review process, no additional FEMA funds can be dedicated to attending the course.

The approval process for state and local counterterrorism training is very similar to the certification and approval process described above. For state and local courses, the decision to submit a new or existing course to FEMA through the course review and approval process is determined by the SAA. The SAA determines whether the course meets the requirements of the grant guidance. The independent, third-party subject matter expert reviewers employ a detailed evaluation process.

Training provided through these grant programs is continually subject to instructor audits, three-year reviews, and periodic on-site program reviews. These functions are managed and conducted by FEMA and are stipulated in the Responder Training Development Center instructions and guidance.