



Statement of

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United States Senate

Committee on Homeland Security and Governmental Affairs

**“Examining the Role of the Department of Homeland Security’s
Office of Intelligence and Analysis”**

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Chairman Peters, Ranking Member Portman, Members of the Committee,

My name is Mike Sena, and I am the Director of the Northern California Regional Intelligence Center (NCRIC), which is the fusion center for the San Francisco Bay and Silicon Valley region from Monterey County to the Oregon border. I currently serve as the President of the National Fusion Center Association. The National Fusion Center Association represents the interests of 80 state and major urban area fusion centers, and over 3,000 public safety employees. On behalf of the NFCA and our executive board and regional co-chairs, thank you for the opportunity to share our perspective on the important role the Department of Homeland Security's Office of Intelligence and Analysis (I&A) plays in supporting the National Network of Fusion Centers and State, Local, Tribal and Territorial intelligence and information sharing efforts overall.

Fusion centers were created by state and local governments across the nation in the aftermath of September 11, 2001, to assist in the identification, prevention, mitigation, response and recovery of terrorist acts and other major threats to public safety and the lives of every citizen in our country. Fusion centers bring together law enforcement, public safety, fire service, emergency response, public health, and private sector security personnel to understand local implications of national intelligence and add state and local information and context to federal intelligence, thus enabling local, state, and federal officials to better protect our communities.

The National Network of Fusion Centers (National Network) is the hub of much of the two-way intelligence and information flow between the federal government and our State, Local, Tribal and Territorial (SLTT) and private sector partners. The Office of Intelligence and Analysis (I&A) is the only U.S. Intelligence Community element that is statutorily charged (Section 210A of the Department of Homeland Security Act) with supporting our network. An effective and active Office of I&A is critical to SLTT partners across the nation to be able to identify, deter, or respond to threats to our communities. Therefore, the strength of the National Network depends in part on I&A's ability to help fusion centers and their partners develop capacity to analyze and share threat-related information.

Strengthening I&A's ability to support the National Network requires I&A to reorient its focus to supporting SLTT partners overall. In other words, ensure a primary focus on the "H" in DHS. This can be accomplished by increasing the forward deployment of well-trained and experienced personnel to fusion centers; offering high-quality training in analytics and privacy, civil rights, and civil liberties; investing in modernizing information sharing systems and technologies; and ensuring reliable access to critical data, including classified data.



DHS Strategy for Engagement with Fusion Centers

In March of 2020, the President signed into law the bipartisan DHS Field Engagement Accountability Act (Act), now Public Law 116-116. The Act requires DHS, in consultation with fusion center officials, to develop an engagement strategy with fusion centers, study the performance metrics of deployed personnel to fusion centers, develop policies to ensure effective use of the Homeland Security Information Network (HSIN) and submit reports to Congress on these topics. The National Network and the NFCA welcome this effort and are prepared to assist in providing guidance and technical assistance to our Federal partners.

However, we are not sure whether the deadlines specified in the Act have been met, including a one-year deadline for development of the strategy, 180 days for the personnel performance metrics, and 180 days for the development of policies to support HSIN. We have submitted areas of focus for the plan, that includes previous recommendations from Congress, but to my knowledge, fusion centers have not been formally consulted by the Department in the development of these requirements at this point.

The National Network understands first-hand the growth and improvement that can result from an organizational strategy. In 2013, the United States House of Representatives Committee on Homeland Security released a Majority Staff Report on fusion centers and identified the lack of a comprehensive state and locally driven National Strategy for Fusion Centers as a barrier to the National Network reaching its full potential. In response to this report, the NFCA established a National Strategy Development Team and Executive Steering Committee to create the 2014-2017 National Strategy for the National Network of Fusion Centers. In 2018, the NFCA led an effort to review the 2014-2017 National Strategy and publish the 2018-2021 National Strategy, which can be an instructive guide for the Department in the development of the strategy required by the Field Engagement Accountability Act.

Deployment of I&A Personnel and Training

One of the primary objectives of the fusion center strategy is enhancing analytical collaboration in the field. The support provided by I&A personnel assigned to fusion centers is critically important. We strongly encourage I&A to prioritize the deployment of well-trained and experienced I&A intelligence professionals throughout the network.

Currently, I&A only has a little more than one hundred personnel deployed across the nation. This is simply not sufficient. There are a total of 15 fusion centers that lack an assigned intelligence officer, and 7 fusion centers lack any I&A presence at their centers. Additionally,



fusion centers are not consulted by I&A when the Department makes decisions on deploying field-based resources to ensure best alignment with the centers' missions and needs. I&A has struggled with their deployment of personnel for years and that struggle has included limitations by Congress on the number of personnel assigned to fusion centers.

The NFCA strongly encourages Congress to support increased funding for I&A to ensure it can hire, train, and deploy an adequate number of personnel across the Nation. Every fusion center should have an I&A intelligence professional with the authority to collect and share raw information to include release authority, execute joint production, and effectively share information across all classification levels. Decisions regarding the appropriate type of intelligence professionals for each fusion center and their role within the center should be the result of discussions between those state and regional fusion center directors and I&A. This has created gaps in several fusion centers that do not have dedicated DHS I&A personnel filling critical roles 100% of the time at their centers.

In addition to the assignment of personnel, DHS I&A provides important training opportunities for analysts in fusion centers. I&A facilitates the delivery of specialized analytic seminars focused on specific threat topics. The seminars bring together a diverse range of state and local subject-matter experts and partner agencies from all levels of government to inform analytic efforts. These seminars provide a welcome opportunity for fusion center and federal analysts to discuss emerging threats, trends, and patterns and collaborate on joint products and best practices. State and Local partners are eager for more training opportunities, especially in emerging threats like cybersecurity and civil rights and civil liberties protections. With many analysts and centers adapting to remote working environments, and limited by travel and budgetary restraints, more virtual training opportunities are needed.

Federal Funding for Fusion Centers

In March, DHS Secretary Alejandro Mayorkas testified before the House Homeland Security Committee about the importance of ensuring that fusion centers have sufficient resources. Today, there are no direct DHS funding sources for fusion centers. The indirect funding models vary widely across the National Network, some centers are nearly entirely grant-funded through the Urban Area Security Initiative (UASI) and/or the State Homeland Security Grant Program (SHSGP), and some receive almost no federal grant funding. Overall, more than two-thirds of all funding that supports fusion centers comes from state and local budgets.

The NFCA strongly supports the Law Enforcement Terrorism Prevention Activities (LETP) requirement in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L.



110-53). That law requires that 25% of SHSGP and UASI funding be used for “law enforcement terrorism prevention activities” and specifies some types of activities including support for fusion centers. While states and designated urban areas have latitude to allocate funding according to risk and priorities, we agree with the intent of the 2007 law and believe that terrorism prevention and threat information sharing activities should be a constant priority. However, I&A must coordinate with FEMA to ensure that grant guidance and funding are more closely aligned with the needs of state and local partners.

Currently, fusion centers’ support to federal, state, and local public safety partners is being limited or denied for potential life and death critical incidents and immediate requests for assistance by the FBI’s Joint Terrorism Task Force (JTTF). Fusion centers must obtain pre-approval to use grant funding for unknown threats or future unknown requests for assistance from the JTTF months prior to receiving the threat or the request. Neither fusion centers nor the JTTF have a crystal ball to identify those threats ahead of time, but we are being asked to forecast the unknown. Over the last month, Secretary Mayorkas has promised to work with all public safety stakeholders to improve the alignment of the grant processes to decrease the current gaps and enhance our ability to protect America. We are greatly encouraged by his commitment and support to improve the current grant funding process.

Access to Data

Access to local, regional, state, and federal sources of information from law enforcement records, criminal intelligence databases, the Homeland Security Information Network (HSIN), Homeland Security Data Network (HSDN), the FBI’s Criminal Justice Information Services (CJIS), the Treasury’s Financial Crimes Enforcement Network (FinCEN), FBINet, DHS TECS, and tips, leads and threat to life data collection systems allow fusion centers to add local and regional context to national intelligence, as well as provide information and value-added intelligence to support counterterrorism and other criminal investigations that would otherwise be difficult or unlikely for lead Federal, state, or local investigative agencies to obtain.

Each fusion center has methods of information distribution across local, regional, and statewide technical and personal networks that Federal investigative and intelligence agencies themselves could not build or maintain. Some fusion centers still lack access or have trouble accessing critical criminal information databases, like the FBI’s CJIS and the Treasury’s FinCEN system. We have come a long way from where we were on September 11, 2001, with the expansion of FBI-CJIS National Data Exchange (N-DEx) that brings together over 7,700 Federal, state, and local agencies’ records systems, but we have over 18,000 agencies in America that



are not connected to this critical data sharing resource and some fusion centers do not have access to the system either.

After almost twenty years of attempting to overcome critical Federal data access issues, the National Network needs help to break down the barriers that are currently keeping us from the information that we need to protect America from acts of terrorism and other homeland security threats. The fight to access CJIS Data, criminal history information, and financial crimes data must be resolved for the security of our nation. Everyone in America deserves equal levels of protection from their fusion center, whether they are in West Virginia, Ohio, New Mexico, Michigan, or in the seat of our Nation's Capital. I&A can play a supportive role by advocating for appropriate access to federal systems by state and local partners.

Technology Resources

HSIN is an essential tool for the protection and security of our nation. The National Network of Fusion Centers uses HSIN for the trusted sharing of sensitive but unclassified information. Fusion center leaders and analysts use HSIN to access homeland security data, send requests securely between agencies, manage operations, coordinate planned event safety and security, respond to incidents, and share the information they need to fulfill their missions and keep their communities safe. HSIN virtual situational awareness rooms are utilized routinely by the network and other public safety partners during planned and critical events that are associated with physical and cyber threats. Our analysts are trained to make critical contributions on HSIN to prevent terrorism and targeted violence and rely on the free-flowing exchange of information to make real-time, local decisions. We encourage DHS I&A to protect and encourage the free exchange of information on platforms like HSIN. I&A should continue to support the development and enhancement of technology to improve the availability, dissemination, and coordination of information to fusion centers and our partners by looking to more advanced technology that improves access to data for personnel with a need and right to know the information, while maintaining the highest level of security.

Cybersecurity

Furthermore, the National Network is uniquely positioned to address the country's growing physical and cybersecurity threats. Each recognized fusion center has established baseline capabilities related to analysis and sharing of physical and cybersecurity threats. The NFCA has established and supports the Nationwide SitRoom for physical threats and the Cyber Intelligence Network (CIN) room, which provides a collaborative environment for cyber analysts across the country who share cyber intelligence and produce analytic products on cyber threats. Using HSIN, our analysts, including our cyber analysts, share information in real-time,



coordinate and prevent duplication of efforts, and connect analysts nationwide to enhance overall efforts. The physical threat and National Cyber Situational Awareness Rooms have over 500 CIN members that include Federal, state, and local partners outside of the fusion center. I&A should continue to support fusion center cyber capabilities by providing access to critical cyber analysis tools and increasing training opportunities. For example, the DHS Intelligence Training Academy (ITA) provides important cybersecurity training programs to our analysts. However, many of our analysts need more advanced courses to address the cyber threats of tomorrow.

Collaboration to Address the Current Threat

Through the Attorney General's Global Advisory Committee (Global) and the Criminal Intelligence Coordinating Council (CICC) we have helped develop national guidance on fusion center development and information sharing to protect America from physical and cyber threats. We also now have four field-based regional integration plans to improve our steady state and critical incident coordination and collaboration thanks to the support of the Office of the Director of National Intelligence (ODNI), FBI, DHS I&A, the nation's High Intensity Drug Trafficking Areas (HIDTA), and our nation's Regional Information Sharing Systems (RISS) partners.

Fusion centers help to protect America every day through information sharing that saves lives and protects our critical infrastructure. We currently have the largest Global/CICC task team ever assembled writing recommendations and best practice for the collection, triage, analysis, sharing, and response to tips, leads, and threat to life reporting. At this moment, Fusion Centers, the Regional Information Sharing Systems – Western States Information Network (RISS-WSIN) and the FBI CJIS National Threat Operations Center (NTOC) are coordinating the collection, triage, and information sharing of potential threat to life (TTL) reports so that local public safety agencies can appropriately respond to save lives.

We must have the resources, personnel, technology, training, access to data, and the best privacy, civil rights, and civil liberties protections in place to stop the myriad of homeland security threats. The offices of partner engagement within I&A, the FBI, and ODNI must also have direct reporting to and support from the leadership of their organizations to help fusion centers and our partners collectively leverage the incredible resources of our nationwide public safety partners. The growing list of threats to our nation may seem insurmountable, but with the support of all our partners, especially DHS I&A, we can make the vision for a National Network of Fusion Centers after 9/11, into the most effective threat prevention, mitigation, and response resource possible.



Governors across the nation have continued to see the importance of establishing and expanding the National Network of Fusion Centers, as we have grown to a network of 80 centers. On May 6, 2021, the Governors Homeland Security Advisors Council (GHSAC) sent me the attached letter that states that the GHSAC “relies on the National Network of Fusion Centers (National Network) as a key partner in protecting the public. We are happy to reaffirm the importance of and our commitment to the National Network and their crucial role in meeting the threats of today.”

On behalf of the NFCA, thank you for the invitation to testify. We are happy to provide input as you work to strengthen the authorities and resources for our partners at DHS I&A that will enable them to support the National Network in ways that are the most relevant and helpful to our members and our partners across the nation.



May 6, 2021

Mr. Mike Sena
President
National Fusion Centers Association
Washington, D.C.

Dear Mr. Sena,

Our country continues to face complex and evolving threats to the health and safety of the American public. This year alone, we have seen a rise in threats from natural and manmade disasters, domestic violent extremism, violent crime, and cyberattacks on critical sectors. It is our responsibility as homeland security advisors to advise the nation's Governors and share critical information and expertise to prevent and respond to such threats. To support our collective homeland security mission, the Governors Homeland Security Advisors Council (GHSAC) relies on the National Network of Fusion Centers (National Network) as a key partner in protecting the public. We are happy to reaffirm the importance of and our commitment to the National Network and their crucial role in meeting the threats of today.

Established in the aftermath of the September 11th attacks, the National Network is comprised of 80 state and locally-owned and operated fusion centers which serve as focal points for collecting, analyzing, and disseminating real-time threat information. The role of fusion centers has since expanded beyond counterterrorism to include an all-hazard approach, underscoring their importance to various mission areas and facilitating collaboration across jurisdictions and sectors to detect, prevent, investigate, and respond to threats and incidents effectively and efficiently.

Now more than ever, Federal, state, local, tribal, and territorial officials are relying on the National Network to ensure the timely and secure sharing of actionable threat information, identify potential suspects, and fully integrate a variety of agencies and departments. A fusion center is comprised of a multidisciplinary set of liaisons from Federal, state and local law enforcement, fire service, healthcare, emergency management, corrections, parole, probation, and many others. They work together 24/7 within their jurisdictions and across state lines to carry out their missions in a manner that ensures First Amendment rights and civil liberties of U.S. citizens are protected while effectively sharing information and ensuring decisionmakers have strong situational awareness and data to make operational decisions.

The National Network continues to provide value in a host of ways and is often at the forefront responding to and mitigating mass casualty incidents, assisting first responders with real-time analysis of the size and scope of incidents, vetting suspicious activity reporting for actionable intelligence, identifying individuals that demonstrate violent intent, and building bridges among partners across the public safety and emergency response disciplines.

In March 2021, U.S. Department of Homeland Security Secretary, Alejandro Mayorkas, testified in front of the House Homeland Security Committee about the importance of ensuring fusion centers have sufficient resources to help partners address ongoing homeland security and public safety threats.

Also in March 2021, Jill Sanborn, Assistant Director for the FBI Counterterrorism Division testified in front of the Senate Committee on Homeland Security and Governmental Affairs and the Senate



Committee on Rules and Administration about the value of information sharing between federal partners and the National Network of Fusion Centers.

As we mark the twentieth anniversary of September 11th, we must not forget the lessons learned following that incident and continue to strengthen our efforts to disseminate and share accurate, actionable threat information with our Federal, state, tribal, territorial, and local partners. On behalf of the GHSAC, thank you for your commitment to the fusion center network especially during these challenging times. We stand ready to work with you to identify ways to strengthen the partnerships and operational performance of the National Network.

Sincerely,

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