

**TESTIMONY OF SECRETARY MICHAEL CHERTOFF
U.S. DEPARTMENT OF HOMELAND SECURITY
BEFORE THE SENATE COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
SEPTEMBER 12, 2006**

INTRODUCTION

Chairman Collins, Ranking Member Lieberman, and Members of the Committee: Thank you for the opportunity to appear before the Committee today to discuss the Department's efforts over the past three years, and the Administration's efforts since 9/11, to protect our nation against terrorist attacks while preserving our freedom and our prosperity.

Yesterday our nation observed the five year anniversary of the September 11th attacks. For most Americans, 9/11 remains a defining moment in our lives and for our nation. Even today, it is difficult to fully comprehend the devastation and loss of life flowing from the senseless murder of nearly 3,000 men, women, and children of all backgrounds and faiths, and this premeditated act of war against the United States.

9/11 was an immeasurable tragedy. But amid the horror of that day, we also witnessed tremendous courage, valor and sacrifice – embodied in first responders who gave their own lives to save those in need, and in extraordinary citizens who fought back over the skies of Pennsylvania, and in doing so became heroes.

9/11 LESSONS

Over the past five years, we have taken to heart the many lessons of 9/11, and we have acted deliberately and decisively to reduce the risk that we will ever again face another day like 9/11.

We have learned that we simply cannot be complacent in the face of terrorism. To be sure, there have been no successful terrorist attacks on U.S soil since 9/11. But the terrorists continue their plotting, as was exposed most recently this past August. Moreover, there have been terrorist attacks elsewhere against Americans, our allies, and innocent civilians, including in Bali, Madrid, and London.

Americans also have come to understand that protecting our nation involves trade-offs. We do not pursue the illusion of perfect security obtained at any price. We want security that is strong, but consistent with our freedoms, our values, and our way of life.

DHS OVERVIEW

The lesson is clear: our nation must reorient its approach to how we address 21st century threats to our homeland, and we must do so with urgency, flexibility, and resolve.

A critical part of the President's strategy to protect our nation includes fighting terrorism overseas – in Afghanistan, Iraq, and across the globe – and working with our international partners to disrupt terrorist plots and dismantle terrorist threats before they reach our own shores.

Closer to home, we must continue our work to build more integrated and effective capabilities to manage the risk to our nation. The Department of Homeland Security was created to unify national capabilities against all hazards – from hurricanes to dirty bombs and earthquakes to pandemic flu – and to work in partnership with other federal departments and agencies, state and local governments, the private sector, our international partners, and the American people.

So how do we build on our progress to date? What are our major concerns and priorities moving forward? And how do we get there?

First, it's important to make sure we are focused on the most significant risks to our homeland and that we apply our resources in the most practical way possible to prevent, protect against, and respond to both man-made and natural events.

No matter how hard we may try, we cannot eliminate every possible threat to every individual in every place at every moment. And if we could, it would be at an untenable cost to our liberty and our prosperity. Only by carefully assessing threats, vulnerabilities, and consequences, and prioritizing our resources, can we fully ensure the most practical and optimized protection for Americans and our nation.

MAJOR CONCERNS

What are we most concerned about? Our priority focus remains on those events that pose the greatest potential consequences to human life and the functioning of our society and economy. At the top of that list is the threat of weapons of mass destruction, which if used, would have shattering consequences. Preventing the introduction and use of such weapons requires our priority attention and constant vigilance.

In addition, we must continue to guard against infiltration by terrorists, including those with the capability and intent to cause significant harm to our country through multiple, high-consequence attacks on people and the economy.

Finally, we must always be mindful of the potential for homegrown acts of terrorism, including individuals who sympathize with terrorist organizations or embrace violence as a means to promote their radical agenda.

For this reason, we must not only work across federal, state and local government to prevent domestic terrorism, but we must build a new level of confidence and trust among the American Muslim community, who are critical partners in protecting our country.

ACCOMPLISHMENTS/CHALLENGES

Over the past five years, we have taken significant steps to address these and other threats by closing vulnerabilities that existed on 9/11 and creating layers of security across land, air, and sea.

Today, I would like to highlight some of the new capabilities in place protecting our nation, as well as the areas where we need to continue to press forward to build our defenses. These areas

include screening people at the border, screening cargo, protecting critical infrastructure, sharing information, and boosting emergency preparedness and response.

1. Screening People at the Border

Border Ports of Entry

First, screening people at the border. Our perimeter defense depends on keeping dangerous enemies out. Before 9/11, we had to rely on fragmented databases of biographical information to determine whether a person posed a security threat or should be allowed to enter our country. This process was often cumbersome for travelers, inefficient, and fraught with security vulnerabilities. The entry of terrorists before 9/11 tragically illustrated the cost of those vulnerabilities.

Today, we have substantially transformed screening capabilities at our international ports of entry to prevent terrorists and criminals from successfully entering our country. We have integrated our counter-terror databases and together with the State Department have dramatically enhanced visa issuance processes. As important, we have implemented US-VISIT biometric entry capabilities at 117 airports, 16 seaports, and 153 land ports of entry. Within seconds, we can positively confirm a person's identity by checking their two digital finger scans against terrorist and criminal watch lists and immigration records.

Border Security

Of course, we also have made tremendous progress securing the miles of border between our official ports of entry. This includes giving the men and women who patrol our land borders the tools, technology, and resources they need for this difficult job.

Before 9/11, our nation had 9,000 Border Patrol agents along our Southern and Northern Border. Under the President's leadership, today we have more than 12,000 Border Patrol agents, and by the end of calendar year 2008, we will have more than 18,000 agents – effectively doubling the size of the Border Patrol. Since 9/11, the Border Patrol has apprehended and sent home some six million illegal migrants attempting to cross our borders.

Before 9/11, we did not have adequate bed space to hold those we detained from countries other than Mexico, so that too often they had to be released. Today, by expanding bed space and decreasing processing times, we have essentially ended this practice of catch and release at the southern border. Now, virtually all illegal migrants caught at the border are detained and removed. The result: for the first time, we are seeing a seasonal decline in the number of illegal migrants attempting to cross our nation's southern border.

Today, under the Secure Border Initiative, we are substantially implementing new technology, staff, and tactical infrastructure at the border. We still have much work to do to secure our borders, but we have made significant progress on this important front and we have developed a strategy that will allow us to achieve even greater control of our borders over the next two years.

Passenger Data

So what are the areas where we must do more to identify and screen those that may pose an evil intent?

As the recent London airline threat emphasized, we must be able to determine who is on-board an aircraft and whether that individual is on a watch list before the plane leaves for the United States. Under our current arrangement, we vet this passenger information a full fifteen minutes after the plane takes off. That is simply too late.

Our goal is to implement a system that requires airlines to transmit passenger information well in advance of departure. This will give us the necessary time to check passenger names and coordinate with airlines and foreign law enforcement to interdict a suspicious person at the departure airport or prevent that person from boarding a plane bound for the U.S.

Apart from known terrorist threats, we also need to be able to identify unknown terrorist threats – that is, people who don't appear on any watch list or in criminal databases. One of our most valuable tools to do this is actually at our fingertips – the Passenger Name Record (PNR) data routinely collected by the travel industry when an international traveler makes an airline reservation or purchases an airline ticket.

Over the coming months, I look forward to working with the European Union to examine options to share PNR data among law enforcement agencies while ensuring adherence to appropriate privacy safeguards. We must do so quickly, but also ensure that transatlantic flights continue.

Secure Documents

A second area where we must accelerate efforts is the development of secure travel and identification documents. We must develop standard, secure credentials that give us a high degree of confidence that an individual is not using false or stolen documents to enter our country or access our transportation systems or sensitive critical infrastructure.

A number of initiatives now underway will allow us to do this. Under the Western Hemisphere Travel Initiative, we are working together with the Department of State to develop a secure credential for individuals traveling between the United States, and Canada and Mexico. This card will be wallet-sized, contain security features, and allow real-time security checks at land border crossings and certain water border crossings.

We are also working with states to develop standards for secure driver's licenses under the REAL ID Act. Driver's licenses are one the most common forms of identification used in our country. We must have clear guidelines for how these documents are produced, who gets them, and what security features they must contain.

Five years after 9/11, some are beginning to complain that these measures are not necessary. I disagree. They are as necessary now as they were five years ago. Of course, we must implement secure document requirements as efficiently and economically as possible. But at the end of the day, we must have the will to implement these measures if we are going to heed the lessons of 9/11 and reduce the risks for the future. Documents such as these will not only increase security, but speed processing for travelers.

Fingerprint Collection

We also need to make sure we are able to exploit combined law enforcement fingerprint databases to our greatest advantage. Critical to this is moving from a two fingerprint collection system to a 10 fingerprint system for visitors to the United States. Taking all 10 fingerprints from travelers will allow us to do a more comprehensive identification check and a more thorough search of existing criminal databases.

The State Department will deploy new 10-print devices at U.S. visa-issuing posts overseas. We will also begin deployment of these same devices to our border ports of entry to electronically collect 10 flat fingerprints for visitors not previously enrolled in federal fingerprint databases.

2. Screening Cargo/Preventing WMD

Let me now talk about what we've done since 9/11 to monitor the cargo entering our nation and prevent the entry of Weapons of Mass Destruction – and what we want to achieve in the future.

Before 9/11, we screened very few cargo containers entering our ports or crossing our borders for terrorist weapons. We did not have the ability to examine that cargo overseas before it left a foreign port for the United States. Nor did we have adequate automated scanning for radiation, next generation detection technology, or a formal partnership with the private sector to increase security in privately owned supply chain operations.

Today, all of this has changed. Through our National Targeting Center, every shipping container entering the United States is assessed for risk, and high-risk containers are inspected. Moreover, under the Container Security Initiative, U.S. inspectors stationed at 44 overseas ports now screen 80 percent of the cargo bound for the United States before it reaches our shores. By the end of this year, those inspectors will screen cargo at 50 foreign ports.

In addition, we have deployed hundreds of Radiation Portal Monitors and thousands of hand-held radiation detection devices domestically to protect against radiological and nuclear threats. As a result of these capabilities, we will screen nearly 80 percent of maritime container cargo arriving at U.S. ports for radiation by the end of this year. Finally, almost 6,000 companies have joined our Customs Trade Partnership Against Terrorism to voluntarily take steps to enhance security in their supply chain operations.

In all, the federal government has dedicated nearly \$10 billion to port security since 2004, including the efforts of the Coast Guard, Customs and Border Protection, and the research and development efforts of our Domestic Nuclear Detection Office, and the Department of Energy. These actions have not only increased security, but they support the free flow of commerce and trade essential to our economy.

Biological Countermeasures

Since 9/11, we also have significantly strengthened the nation's defenses against biological threats by developing and deploying a network of biological sensors; establishing new facilities to monitor, test and detect potential biological threats; and utilizing new risk assessment tools to inform investments and potential threats.

In partnership with the Environmental Protection Agency (EPA) and the Department of Health and Human Services (HHS), we have deployed the first ever bioaerosol monitoring system to more than 30 major metropolitan areas in order to provide early warning of an attack and enable quick and accurate response. The BioWatch system is currently undergoing expansion in the top threat cities to enable detection of smaller amounts of bio-agents, better define the affected areas in the event of a release, and provide increased coverage of critical facilities such as transportation networks.

We also have established the National Biosurveillance Integration System, a 24 hour operation designed to provide early recognition of biohazards of potential national significance and to form a common operating picture through all-source reporting relating to all types of public health threats. And in partnership with the Federal Bureau of Investigation, we have established the National BioForensics Analysis Center (NBFAC) to conduct and facilitate forensic analysis and interpretation of materials recovered following a biological attack.

Radiological Screening

These are major advances in protecting our nation against Weapons of Mass Destruction. But in the future, we must continue to develop and deploy systems to prevent and detect nuclear or radiological attacks in the United States. To accomplish this goal, we will do a number of things.

First, we will complete the deployment of Radiation Portal Monitors to all of our southern and major northern land border crossings and to every major seaport by the end of next year. We will also make substantial investments in next generation detection technology, including \$1.15 billion for the Advanced Spectroscopic Portal program to enhance detection capabilities for radiological and nuclear materials.

Secure Freight

To expand protection of the vast amount of cargo that moves throughout the global supply chain, we are also increasing the extent and depth of information we will be able to use to draw a more detailed picture of the movement of a container as it travels through the supply chain. Implementing this Secure Freight program over the next two years will require considerable work with our interagency and overseas partners, and international organizations. We look forward to working at home and overseas to implement this new vision for cargo security.

Securing the Cities

Finally, by the end of 2008, we will complete the first phase of a “Securing the Cities” program in New York City to conduct nuclear and radiological scanning on the principal pathways into the city – over land, over water, and underground. In addition, we anticipate two additional cities will be part of the “Securing the Cities” program. And we will conduct radiological and nuclear preventive training for 300 state and local officials this fiscal year and quadruple that number by the end of next year.

3. Infrastructure Protection

Let me turn now to infrastructure protection. One major area of focus for the Department has been protecting our nation's transportation systems in partnership with state and local governments and the private sector.

Transportation

Let me begin with our aviation system. Before 9/11, we did not have secure cockpit doors. We did not have a federalized screener workforce trained to detect bomb components and detonation devices. We did not have thousands of Federal Air Marshals aboard aircraft, protecting travelers every day all over the world. We did not have armed pilots authorized to defend the cockpit. We did not have 100 percent screening of all passenger baggage. Nor did we have thousands of Explosive Detection System machines scanning passengers and baggage at airports nationwide.

Today, more than a dozen layers of security are now in place and create a protective fabric of security that keeps hundreds of thousands of air travelers safe and secure every day. Of course, we continue to look for ways to stay ahead of changing terrorist tactics. But we have laid the foundation for the future of our aviation security efforts for years to come.

Of course, our efforts are not confined to aviation. In the rail and mass transit sectors, we've invested in new technology, rider education and awareness programs, sensors and video cameras, and law enforcement surge capabilities, including trained canine teams.

Since 9/11, we also have performed thousands of vulnerability assessments and reviewed thousands of security plans for privately owned infrastructure across the country – including transportation assets, seaports, and chemical facilities. And we have established new information-sharing portals with the private sector to warn of threats and to recommend protective measures.

In all, since 2002, we have provided more than \$1.1 billion in risk-based grants specifically for the protection of critical infrastructure. This past June, we also finalized the National Infrastructure Protection Plan, our over-arching playbook for protecting our nation's critical infrastructure.

Chemical Security

Of course, we know that the vast majority of critical infrastructure in our country is owned and maintained by the private sector. The government alone cannot protect these critical assets and key resources. Only by working together can we enhance protection.

One area where we continue to face a challenge is in developing a risk-based regulatory structure for our nation's chemical plants and facilities.

Since 9/11, most chemical companies have been good corporate citizens – voluntarily taking steps to improve security in their operations and facilities. But not all companies have increased security to an appropriate level – and those companies put everyone else at risk.

We must develop a balanced, common-sense approach for protecting chemical facilities across our country – and their surrounding communities – without destroying the businesses we are trying to protect.

But we cannot do so unless our Department has the authority to set standards, develop risk-based approach for different kinds of facilities, validate security measures, and insist on compliance.

That is why today I want to urge Congress to pass chemical security legislation that will allow us to partner with industry to develop a clear way forward that includes creating a tiered structure for assessing risk and a clear program to ensure compliance.

4. Intelligence

As we know, the best way to protect against a terrorist attack is to prevent it from happening – and intelligence is our most effective means of defeating terrorist plots before they become operational.

Under the leadership of President Bush, the Administration has integrated intelligence collection and analysis across all the elements of the intelligence community under the Director of National Intelligence and the Program Manager Information Sharing Environment.

At the Department of Homeland Security, we have a strengthened and unified intelligence office led by a veteran intelligence official. And through our Homeland Security Information Network, thousands of state and local participants share information every day on threats and incidents within their communities.

Fusion Centers

In the future, we intend to expand these valuable partnerships even further by substantially increasing federal participation in state and local fusion centers across our country as part of an interagency effort to better share intelligence with state and local governments. DHS intelligence personnel already work side-by-side with their federal, state and local counterparts at fusion centers in New York, California, Georgia, Louisiana, and Maryland. Our goal is a two-way flow, with every level of government pooling intelligence.

By the end of 2008, working with our other federal partners, our goal is to have intelligence and operations personnel at every state and major metropolitan fusion center in the United States, sitting in the same room, sharing and analyzing information and intelligence in real time.

5. Preparedness/Response

Finally, we know that some threats we will not be able to prevent – specifically those created by Mother Nature. As an all-hazards Department, we must be prepared to respond to acts of terrorism as well as acts of nature, including acts of such catastrophic proportion that federal intervention is required before, during, and after the storm or event.

Since 9/11, we have re-tooled and re-fashioned the Federal Emergency Management Agency, giving this vital agency new and experienced leadership, enhanced, real-time tracking

capabilities for emergency supplies, and robust emergency communications systems. We have pre-designated and pre-positioned Federal leadership in hurricane zones to work together with state and local officials, and we have forged a stronger partnership with the Department of Defense to ensure joint training and operations.

To respond to no-notice or short notice events, our operational agencies – including the Coast Guard, Transportation Security Administration and its Federal Air Marshal Service, Immigration and Customs Enforcement, Customs and Border Protection, and the Secret Service – have created, or are now creating, “adaptive force structures” that will rapidly deploy to an incident or disaster zone to provide an immediate surge capability and greater unity of effort.

The emergency management community now operates under a new, comprehensive National Response Plan and a National Incident Management System. And we have created new preparedness tools for individuals and businesses under the Ready campaign and new community-based training programs under Citizen Corps.

Interoperable Communications

But despite this progress, we still have more to do to fully realize the potential of our Department to integrate the full range of national capabilities. And one area in particular that requires continued action and attention across all levels of government is interoperable communications.

On 9/11, hundreds of first responders couldn’t communicate with each other because their radios were incompatible. This not only slowed the response and increased confusion, but it cost lives. As a nation, we simply can’t let that happen again.

Today, we have achieved interoperability at the command level in 10 of the highest-threat urban areas through our RapidCom program. Achieving interoperability continues to be one of seven National Priorities under the Interim National Preparedness Goal. As a result, state and local governments, and first responders, have spent about \$2.1 billion of Federal grant assistance since 2003 for interoperable communications equipment, planning, training, and exercises.

In addition, we completed a National Interoperability Baseline Survey to assess the capacity for communications interoperability among law enforcement, fire, and emergency medical service first responders in all 50 states and D.C. But more needs to be done.

By the end of this year, we will have a clear plan in place for completing command-level interoperability among police, firefighters, and emergency medical service providers in each of the states and at least 75 urban areas.

Of course, we can only do so much at the Federal level to resolve differences at the state and local level. We can develop standard operating procedures, recommend technology, and lead training and exercises, but local governments ultimately use the equipment and execute their plans.

In the coming months, we will turn to our state and local partners for guidance, for answers, and ultimately, for results.

CONCLUSION

Five years ago, on the beautiful, clear morning of September 11th, 2001, the men and women that went to work at the World Trade Center and the Pentagon, and those that boarded United flights 93 and 175, and American Airlines flights 11 and 77, did not know the tragic fate that lay before them.

The victims of 9/11 were sons, daughters, mothers, fathers, sisters, and brothers. They had dreams, they had plans for their future, and they had families that loved them. And in the span of a few hours, their lives – and the lives of thousands of people who knew them – were shattered, along with the belief that our homeland was immune to the danger of international terrorism.

Today, our nation is at war. We are fighting an enemy who will not rest until its dark vision of the future is achieved. We cannot relent from this struggle. We cannot become complacent. And we cannot forget what happened on that September morning five years ago.

Over the past three years, we have built a department whose mission is to work on behalf of the American people – and on behalf of the victims of 9/11 – to prevent, protect against, and respond to threats to our homeland. For the 185,000 men and women of DHS, this is a mission we are proud to undertake every day – at our borders, across our skies, and over land and sea.

The steps we have taken since 9/11 have made our nation safer, they have made our nation stronger, and they have made our nation more resilient – economically resilient and resilient in spirit. I appreciate the support of this Committee and all Members of Congress as we continue to build the capabilities of our department and continue to protect our nation in the months and years to come.