



STATEMENT FOR THE RECORD

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“State of Emergency: The Disaster of Cutting Preparedness Grants”

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Mr. Chairman, Ranking Member Payne, and members of the subcommittee, thank you for inviting me to testify on this important topic. My name is Mike Sena and I am testifying today in my capacity as President of the National Fusion Center Association (NFCA). I am currently the director of the Northern California Regional Intelligence Center (NCRIC), one of the 78 fusion centers in the National Network of Fusion Centers (National Network).

The President’s FY 2017 Budget Request for preparedness grants was shocking to us and all of our public safety stakeholders. We strongly oppose the drastic cuts because they would destroy capabilities that have developed across the National Network of Fusion Centers to rapidly gather, analyze and share threat-related information, especially information related to terror threats. If Congress enacts the cuts into law, several fusion

centers would likely close. Many would continue to exist, but their missions would focus almost exclusively on state and local priorities. This would create a massive blindspot for Federal homeland security and counterterrorism partners related to information gathering, analysis, and dissemination. In other words, we would wipe out many of the gains in terrorism prevention capabilities that have been built since 9/11 at a time when the threat picture - according to every CT leader in the Federal government - has never been more dynamic.

Fusion centers bring together law enforcement, public safety, fire service, emergency response, public health, critical infrastructure and key resources (CIKR) interests, and private sector security personnel to understand local implications of national intelligence, as well as add state and local information and context to federal intelligence, thus enabling local, state, and federal officials to better protect our communities from terrorism and other criminal threats.

Federal support to fusion centers includes assignment of intelligence officers and analysts, technical assistance, training and exercises, linkage to key information systems, grant funding, and security clearances. These tools add critical value to the resources committed by state and local governments to make the National Network a foundation of homeland security information sharing. Over the past several years, the state and local share of budget resources allocated to fusion centers has grown substantially. In fact, state and local governments now provide well over half of all operating funding for fusion centers.

Still, Federal support through FEMA Preparedness Grants – primarily the State Homeland Security Grant Program (SHSGP) and Urban Areas Security Initiative (UASI) - remains essential. State and local budget models vary widely across the National Network - from nearly 100 percent grant funded to nearly 100 percent state or local funded. The Administration's proposal to cut SHSGP by 57 percent, and UASI by 45 percent, would have a devastating impact on our ability to keep our states and nation safe.

SHSGP dollars have helped establish and maintain Terrorism Liaison Officer (TLO) or Fusion Liaison Officer (FLO) networks throughout the country. Through these efforts, fusion centers have trained tens of thousands of first responders nationwide regarding appropriate recognition and reporting of suspicious activity with full recognition of privacy, civil rights, and civil liberties requirements. These are the individuals walking beats, responding to incidents, working around critical infrastructure sites, and developing relationships in every community every day. The TLO/FLO networks have helped to enhance our ability to share critical threat information by increasing our dissemination capabilities across our states, thus building a trusted information sharing network. The information shared among these networks includes Officer Safety Bulletins, BOLOs, cyber security alerts, intelligence products, and numerous other informational products that further enhance our ability to keep our states

safe. Our Federal partners often leverage this dissemination network to get critical threat information into the hands of state and locals.

Preparedness grant funds have also helped to improve dramatically our analytic capabilities across the country. Fusion centers provide local context and information to Terrorist Screening Center encounters, many times providing critical intelligence from state and local databases that is unavailable to our Federal partners. We also provide critical case support to criminal investigations that are transnational in nature, which in turn enhances our ability to provide these same services during a major criminal or terrorist event. Everything we do each day hones our ability to gather information from the field, rapidly analyze it, rapidly share it, and rapidly disseminate important information.

In short, the capabilities and relationships that we exercise daily in support of criminal investigative purposes are identical to those required for dealing with issues of Federal consequence like a terrorist attack. Preparedness grants helped build this capacity, and this capacity is put at risk by the FY 2017 Budget Request.

Following are a few of the hundreds of examples across the country of how FEMA preparedness grants are enabling fusion centers to contribute to homeland security and public safety.

In 2014/2015, nine positive investigative leads were generated by the Boston Regional Intelligence Center (BRIC) through analysis of publicly posted social media. The postings exhibited behaviors indicative of terrorist radicalization specifically related to ISIL. Three of these leads resulted in FBI “full field” investigations, and one preliminary investigation. Additionally, two of the leads, one to the FBI, and one to the Rhode Island Fusion Center, proved to be critical during an investigation of ISIL-inspired terrorists, leading to indictments by the US Attorney’s Office.

Fusion centers have also used grant funds to establish, maintain, and enhance cyber threat coordination programs. Given persistent cyber threats and the threat of homegrown violent extremism, these funds are essential in building, maturing, and sustaining capacity across the country. For instance, the Alabama Fusion Center recently added a cyber mission and has conducted a Cyber Liaison Officer (CLO) training event where they brought together over 40 law enforcement, DOD, academia and private sector professionals to discuss our mission, collaborate on cyber security, and gain a better understanding of the roles we all have in cyber security awareness, reporting, analysis, and investigation. This training could not have happened without the SHSGP grant awarded to Alabama.

At the Southwest Texas Fusion Center in San Antonio, FEMA Preparedness Grants are used by the fusion center to fund a platform to coordinate and exchange intel

with fusion centers' FLO networks, add functionality to tactical operations centers where fusion partners are exchanging all calls/all hazards information, provide joint law enforcement and fire department training on event planning and other media driven events like active shooters, develop an advanced capability to house requests for information and intelligence, critical intelligence reports, and SARs, and maintain technology subscriptions and hardware used in delivering intelligence to fusion partners and the FLO network.

In Austin, Texas the Austin Regional Intelligence Center invests FEMA Preparedness Grant funding to support continual enhancement of analytical capabilities. This includes systems that enable analysts to utilize the latest technology to analyze open sources for threats to the Austin region as well as gather information on large events that could impact LE resources, provide a local context and information to Terrorist Screening Center encounters often from state and local databases that are unavailable to our Federal partners, and provide critical case support to criminal investigations.

The proposed cuts to the FEMA Preparedness Grants would result in the loss of analysts who are subject matter experts in a number of topics that include terrorism, human trafficking, and critical infrastructure protection. Additionally, much of the infrastructure we have worked to establish by way of software and other technology we use to accomplish analytical tasks would not likely be possible to maintain.

Most recently my center played a key role in the facilitation of communication between local, state, and federal agencies during Super Bowl 50 in the San Francisco Bay Area. This was no easy task, but because UASI grant funds have enabled our investment in various technological capabilities, we were prepared to identify potential situations and empower security personnel to rapidly coordinate and respond. For instance, we deployed equipment that provided real-time collaboration and communications capabilities among all stakeholders including law enforcement, fire, emergency medical services, hospitals, and private entities including the NFL on any device that was being used by that particular agency. I know interoperability has been an important issue for this committee, and with the capabilities we acquired using UASI funds, we were able to make that happen in reality during the Super Bowl. Additionally, as you can imagine, we had an enormous amount of data coming in from all agencies involved with a security or emergency response component. Using software capability acquired using UASI grant dollars, we were able to rapidly filter and analyze that data for potential threats and make that information instantly available to all security stakeholders through a common operating picture. Without UASI funding, I do not believe that we would have been able to bring the same level of confidence in the security and preparedness that we had for Super Bowl 50.

Last year across the network, fusion centers processed thousands of requests for information (RFIs) which supported criminal investigations from homicide, human

trafficking, and narcotics to terrorism-related cases and all things in between. Hundreds of those requests were from our Federal partners, which demonstrates how integral state and local data and intelligence is to the Federal government's ability to identify, investigate, and prevent threats.

No other organizational structure can provide faster or more efficient access to state and local information that may support national counterterrorism investigations, or enable faster or more efficient situational awareness across relevant jurisdictions than that of the National Network of Fusion Centers. Each fusion center has methods of distribution across local, regional, and statewide technical and personal networks that Federal investigative and intelligence agencies could not possibly build or maintain with their own resources.

To ensure that grant funding is being used for its intended purpose, the NFCA has joined other law enforcement associations on a letter to Congress urging that the Law Enforcement Terrorism Prevention Activities (LETP) requirement in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) be strengthened. The law requires that 25% of SHSGP and UASI funding be used for "law enforcement terrorism prevention activities" and specifies some of those types of activities including support for fusion centers. While states have latitude to allocate funding according to risk and priorities, we agree with the intent of the 2007 law and believe that terrorism prevention activities should be constant priorities, especially as grant funds have declined over the past five years. The Government Accountability Office (GAO) found in its November 2014 report on information sharing and fusion centers that in 2012 states inaccurately categorized about \$60 million in projects as "related to fusion centers" when in fact those funds did not support fusion centers. As we have suggested in our letter to Congress, requiring a governor-designated state law enforcement executive to review the LETP portion of grant plans would help to ensure those funds truly support terrorism prevention activities.

Thanks to fusion centers we are sharing *more* information *more effectively* than ever before. This is happening despite the fact that no single entity has the authority to enforce effective information sharing practices. Because of the decentralized nature of public safety in America, policies on sharing information cannot be dictated by any one organization. Common policies and practices have been developed by consensus through multilateral and interagency policy bodies - including the Global Justice Information Sharing Initiative (Global) and the Criminal Intelligence Coordinating Council (CICC) and must be continually reinforced through day to day engagements between Federal, state, and local partners. As you might imagine, this is extraordinarily difficult to achieve in practice, but we have made excellent progress and are continuing to build on that progress. We are assisted in this work by the Program Manager for the Information Sharing Environment (PM-ISE), which provides critical leadership and resources enabling development of standards across multiple law enforcement and intelligence

stakeholders. Congress should bolster support for the PM-ISE function to ensure this coordination can continue.

The National Network of Fusion Centers has come a long way since this committee's 2013 report called for the development of a National Strategy for the National Network of Fusion Centers. We worked with various stakeholders to develop and publish our national strategy in 2014, and continue to develop the implementation plan that will prioritize our actions through 2017 to achieve objectives under the strategy. In addition, this committee's 2013 report called for a Federal strategy to support the National Network of Fusion Centers. Working together with our Federal partners, we identified a dozen initiatives that will be joint priorities over the next several years. For the first time, there is a clear Federal strategy that directly supports the state and locally driven National Network.-

I am still often asked whether fusion centers duplicate the FBI's JTTFs. Given the extensive work done by this committee, you understand this difference, but I must reiterate the differences. As you know, JTTFs are federally run investigative bodies that support the FBI's unique mission to investigate terrorism threats in this country. Fusion centers play a much different role; they're not only information sharing hubs in states and metropolitan regions. Fusion centers are where we train a cadre of terrorism liaison officers (TLOs), including police officers, firefighters, EMS workers, and our private sector partners on indicators and warnings of terrorism. Fusion centers have the ability to catalogue critical infrastructure in each state and region and analyze incoming suspicious activity reports (SARs) against the national threat picture and against what we know about our critical infrastructure. We have the ability to then rapidly share information and intelligence among the entire National Network and with the FBI and DHS.

A case in point occurred during the lead-up to President Obama's second inauguration. In the National Capitol Region, multiple fire departments received suspicious inquiries about fire and EMS stations, equipment, and operations. These inquiries consisted of in person and email individuals asking how one becomes a volunteer and what it would take to drive a fire truck or other emergency vehicle. The incidences were submitted to the Northern Virginia Regional Intelligence Center and SARs were developed. Working with our Federal partners, it was determined that the same individual was involved in all the instances, and an emergency intelligence bulletin was developed. Without the analytical training and close working relationships that we have with developed with our first responder partners - through the Northern Virginia Regional Intelligence Center in this case - the pieces of this puzzle could have very easily not have been put together.

But often that SAR information has no nexus to terrorism. It's about drug dealing or gang activity or firearms trafficking or mortgage fraud. So the all-crimes approach gives us the ability to analyze that information and funnel it to the right place. And we

know that, sometimes, information that at first blush appears to be criminal in nature -- the Torrance, California gas station robberies, the smuggling of cigarettes in North Carolina, the sale of pseudoephedrine in California -- actually is linked to terrorist activity. It does not make sense to try to separate crime and terror in our daily work of analyzing threat information and criminal activity. We have to knock that wall down. If we're going to continue to improve, we have to understand that the sharing of information makes communities safer. Our ultimate goal is to prevent terrorism. But in every community across the country there are violent crimes that terrorize neighborhoods and families and affect lives and businesses every day. Fusion centers are uniquely situated to do things that JTTFs or no other program can do. And FEMA Preparedness Grants ensure that these advances are maintained.

In another example from the Boston Regional Intelligence Center, last year the BRIC received information that online harassment and threats were made by individuals who were scheduled to attend the Pokémon World Championship being held at the Haynes Convention Center. The convention center notified the BRIC of this threat because of its longstanding partnership. BRIC analysis and the sharing of information with other agencies enabled quick validation of the threat. Extra precautions were put in place immediately, and as a result, the individuals making threats were arrested at the event. Found in their vehicle were multiple weapons with hundreds of rounds of ammunition. UASI funding helped to build those capabilities and sustains them today. Without it - or with a 50% cut - these capabilities would likely be destroyed.

I would like thank this committee for its work on improving information sharing, and strengthening the mission of the National Network of Fusion Centers. This committee has advanced three bills through the House that would provide critical tools to aid in our abilities to keep the nation safe. Specifically, H.R. 3598, the Fusion Center Enhancement Act, sponsored by Congressman Barletta, H.R. 3503, the DHS Support to Fusion Centers Act, sponsored by Congresswoman McSally, and most recently, H.R. 4401, the Amplifying Local Efforts to Root out Terrorism Act, sponsored by Congressman Loudermilk. You have done your job to move these bills forward, and hope your Senate colleagues consider these bills as soon as possible.

Mr. Chairman, on behalf of the National Fusion Center Association, thank you for inviting me to testify today. I commend your focus on ensuring that state and local governments receive the support necessary through the FEMA Preparedness Grants to keep our nation safe. Federal, state, and local agencies must continue to be partners in this dynamic threat environment. We look forward to continuing to work closely with the committee to help meet those expectations.