

**Hearing on
“Full Implementation of the
9/11 Commission’s Recommendations”
Prepared Statement of
Vice Chair Lee H. Hamilton
and Commissioners Slade Gorton
and Timothy J. Roemer, former Members
of the National Commission on
Terrorist Attacks Upon the United States,
before the Committee on Homeland Security
and Governmental Affairs,
United States Senate
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Chairman Lieberman, Senator Collins, members of the distinguished Committee on Homeland Security and Governmental Affairs: It is an honor and privilege to appear before you today, to testify on behalf of legislation to implement the recommendations of the 9/11 Commission.

We want to begin by acknowledging the extraordinary leadership role of this Committee. Under Chairman Collins and Ranking Member Lieberman, this Committee held the first hearing on the recommendations of the 9/11 Commission. This Committee drafted a bill based on Commission recommendations and managed the legislative process with great skill, leading to a remarkable 96 to 2 vote on the Senate floor. The Chair and Ranking Member then guided the bill through final passage of the Intelligence Reform and Terrorism Prevention Act of 2004.

Today, under Chairman Lieberman and Ranking Member Collins, this Committee continues its exceptional leadership role. They are an example to the Congress and to the country of effective bipartisan cooperation. On behalf of the former Members of the 9/11 Commission, we thank you for your leadership.

What has been accomplished?

It is two and one-half years since the 9/11 Commission completed the largest investigation of the U.S. government in history. The mandate of the Commission was to “investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.”

We found that our government failed in its duty to protect us on September 11. We found failures of imagination, policy, capabilities and management. We made 41 recommendations to ensure that we were doing everything possible to prevent another attack.

After the Commission ended, we formed a non-profit organization, the 9/11 Public Discourse Project, for the purpose of public education on behalf of our recommendations. The Public Discourse Project tracked progress on the Commission’s recommendations and issued a report card in December 2005. We found a very mixed record.

Roughly half of the Commission’s recommendations, including those to reorganize the Intelligence Community, were taken up by the Congress and enacted, primarily in the Intelligence Reform and Terrorism Prevention Act of 2004. That is the good news.

The bigger problem, we found, is the challenge of implementation. Changing the law is only the first step in changing public policy. No law is self-executing. Implementation is often the more difficult step. Even when the letter of our recommendations was written into law, implementation has been found lagging.

In some cases, implementation can be expected to take years. In every case, Congress needs to provide robust oversight to ensure that reforms are carried out. The continuing oversight work of this Committee is essential to achieve the purposes of the public law it helped so much to create.

The question before us today is the remainder of the Commission’s work. Roughly half of the Commission’s recommendations still need to be

addressed. Therefore, we are honored and gratified by the commitment of the leadership of the 110th Congress to take up legislation to address the Commission's unfinished agenda.

We want to work with this Committee in every way we can – to complete action on our recommendations, to make our country safer and more secure. We believe our time before you today is best spent focusing on a few issues, where the attention of the Congress is most necessary.

Information Sharing

First, progress on information sharing is still too slow. As the Commission's report documented again and again, we missed opportunities to disrupt the 9/11 plot because of the failure to share information.

The federal government is doing a better job sharing terrorist threat information within its own structure, but there are still huge gaps in information-sharing with state and local authorities.

In November 2006 the Director of National Intelligence issued an Implementation Plan for the Information Sharing Environment, a plan required by the 2004 statute. That plan deserves the careful attention of this Committee.

We continue to hear about turf fights about who is in charge of information-sharing with state and local governments. We continue to hear complaints from state and local officials about the quality of the information they receive. Suffice it to say, many questions and issues remain about the implementation plan for the Information Sharing Environment. The problem of information sharing is far from resolved.

Communication among First Responders

Second, we continue to be concerned about interoperability. As the just-released report from the Department of Homeland Security shows, first responders in many metropolitan areas still do not have the ability to communicate with each other effectively. Better communications depends

on many factors, including policies, technology and training. It also depends on broadcast spectrum.

The Commission recommended that Congress expedite for public safety purposes the allocation of a slice of the broadcast spectrum ideal for emergency communications.

Those frequencies – able to get messages through concrete and steel high-rises without difficulty – are now held by TV broadcasters. They had been promised for public safety purposes for a decade, and will finally be turned over to first responders in February, 2009.

We do not believe this date is soon enough. Who can say that no disaster will strike before 2009? Why should public safety have to be put on hold to accommodate the broadcast industry? We call on the Congress to act.

Plans for Emergency Response

Third, states and localities need to practice their plans for emergency response. As this Committee outlined in its excellent report, Hurricane Katrina taught us again lessons that we should have learned from 9/11. Every metropolitan area and every locality needs to have a working response plan that embraces the Unified Incident Command System.

A response plan needs to be practiced and exercised regularly. You cannot wait for a disaster to hit and then look for the plan. All first responders need to know long beforehand who is in charge and what their job will be.

The Department of Homeland Security now requires a Unified Incident Command System to be in place or states cannot receive homeland security funding. That's a good provision – as far as it goes.

During Katrina, Louisiana and New Orleans had a paper plan, but it wasn't executed when it was most needed. DHS needs to make sure that these plans are living documents, that first responders have practiced working together. If you are a first responder and you are talking to your counterpart for the first time the day a disaster hits, your response plan will fail.

The Privacy and Civil Liberties Oversight Board

Fourth, we have taken a special interest in the work of the Privacy and Civil Liberties Board, which we recommended and the Congress created. It is the only office within the Executive branch to look across the government at the actions we are taking to protect ourselves, to ensure that privacy and civil liberties concerns are appropriately considered.

It is our belief that the government needs strong powers in order to protect us. It is also our belief that there needs to be a strong voice within the Executive branch on behalf of the individual, and on behalf of civil liberties.

The Board needs to move forward smartly with its important mission. Stories we read in the newspaper every day point up the importance of a strong voice and a second opinion within the Executive branch before it goes ahead with controversial information-gathering measures.

We want to do everything we can to encourage the work of the Privacy and Civil Liberties Oversight Board. We strongly supported this Committee's original proposal for the structure and authorities of the Board when it was created in 2004, and believe that proposal deserves attention again.

Airline Passenger Screening

Fifth, we still do not screen passengers against a comprehensive terrorism watchlist before they get on an airplane. The airlines do the name-checking, and the government wants to protect sensitive information and therefore does not share all names on its watchlist with the airlines. So the airlines screen passengers against an incomplete list.

The solution, recommended by the Commission, is a straightforward one: the government should do the name checking of all passengers against its own comprehensive watchlist.

The Transportation Security Administration's plan for integrating commercial data into the screening process – a plan called Secure Flight – appears to be delayed indefinitely. But this delay should not stand in the

way of the government taking over name checking from the airlines, so that all passengers are screened against a complete, up-to-date no-fly list.

Homeland Security Funding

Sixth, scarce homeland security dollars must be allocated wisely. In our report we recommended that homeland security funds be allocated on the basis of the greatest risks and vulnerabilities of attack. Secretary Chertoff has stated many times his support for this position.

Therefore, we were surprised and disappointed last year that the Department of Homeland Security proposed cuts in homeland security funding for New York City and Washington, D.C.

The terrorists targeted New York and Washington. So far as we know, they continue to target symbols of American power. It defies our understanding of the nature of the threat to reduce funding designed to protect New York and Washington.

The problem is not only the Executive branch. The underlying legislation also needs reform. Last year, the Senate passed a useful bill; the House passed a superb bill. Unfortunately, nothing emerged from conference.

What we need this year, above all, is an agreement between the House and Senate that moves reform in the right direction. Unless and until the Congress sends a bill to the President allocating homeland security funding on the basis of risk, scarce dollars will be wasted.

Congressional Reform

Seventh, Congress needs powerful Intelligence and Homeland Security oversight Committees. The Congress has provided powerful authorities to the Executive branch in order to protect us against terrorism -- and now it needs to be an effective check and balance on the Executive.

Because so much information is classified, Congress is the only source of independent oversight on the full breadth of intelligence and homeland

security issues before our country. The oversight committees need stronger powers over the budget. They need exclusive jurisdiction.

The Congress cannot play its proper role as a check and balance on the actions of the Executive if its oversight committees are weak. To protect our freedoms we need robust oversight.

We believe Speaker Pelosi's plan for an Intelligence oversight panel on the Appropriations Committee is a step in the right direction. It is not what we recommended, but it is animated by the right idea: Robust oversight needs to link closely to the provision of funds. Much will depend on the panel's leadership and how it works in practice, but we are encouraged by this step.

Radicalization in the Muslim World

Eighth, our security also requires us to deal with the fundamental problem of radicalization in the Muslim world. The enduring threat is not Usama Bin Laden, but young Muslims without jobs and without hope, who are angry with their governments, who don't like the war in Iraq or U.S. foreign policy. We need to do a much better job reaching out to the Muslim world, so that America is seen as a source of hope and opportunity, not despair.

We should offer an example of moral leadership in the world, committed to treat people humanely and abide by the rule of law. We should rebuild scholarship, exchange and library programs. We should generously support an International Youth Opportunity Fund for building and operating primary and secondary schools in those Muslim states that commit to investing sensibly their own money in public education.

Stopping Terrorists from Gaining Access to Nuclear Materials

Finally, preventing terrorists from gaining access to nuclear weapons must be elevated above all other problems of national security. Nuclear terrorism would have a devastating impact on our people, economy and way of life. The Commission called for "a maximum effort" against this threat. Given the potential for catastrophic destruction, our current efforts fall far short of what we need to do.

We see increased efforts by the Administration to improve nuclear detection technology at our ports and borders. These are good steps. But we cannot be safe if we rely only on our last line of defense to protect us.

We need a much stronger, forward leaning policy: to secure nuclear materials at sites outside of the United States. If those sites are secure, the terrorists cannot get nuclear materials. If the terrorists cannot get nuclear materials, they cannot build nuclear bombs.

The United States needs to dedicate the personnel and resources, and provide the domestic and international leadership, to secure all weapons grade nuclear material as soon as possible – in the former Soviet Union and the rest of the world. There is simply no higher priority for national security.

Conclusion

As we review our recommendations, it is clear that so much still needs to be done, and there is little time left to do it. The terrorists will not wait.

We are encouraged by the strong message from the leadership of the House to take immediate action on our recommendations, and the strong signal from the Senate leadership to act expeditiously as well.

H.R. 1 is a comprehensive bill to carry out the Commission recommendations. It is a giant step forward toward the completion of our work.

We look to this Committee to continue its own history and tradition of leadership. We look forward to working with both sides of the aisle. From your actions and the workings of the legislative process, we are convinced an even better bill will emerge.

If we can make progress on these recommendations, we will make significant progress in making our country safer and more secure. We thank you for your time and attention, and we look forward to your questions. #