

Opening Statement of
Senator Susan M. Collins

**“Five Years After the Intelligence Reform and Terrorism Prevention Act:
Stopping Terrorist Travel”**

Committee on Homeland Security and Governmental Affairs
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Five years ago, this Committee authored the most significant reform of the nation’s intelligence community since the Second World War. Today, we recognize there is no time to rest, no reason to pause, in our efforts to protect our country from terrorist attacks.

Earlier this week we received a chilling reminder of how a lapse in security can pose a serious threat to our homeland. A version of the Transportation Security Administration’s (TSA) aviation security manual was posted on the Internet for anyone to read. Knowledge of TSA’s passenger screening procedures could prove invaluable to those seeking to harm our citizens. By allowing the aviation security manual to be posted online, TSA has effectively given al-Qaeda and every other terrorist group a textbook for evading airport security.

Terrorists continually change their strategies and mutate their forms of attack. We know, however, that their aim remains to harm this nation and its people.

The 9/11 Commission noted that as many as 15 of the 19 hijackers might have been intercepted by border authorities if a procedure had been in place to link previously accumulated information to their names. Several of the hijackers had been cited in intelligence agency files for terrorist links. Existing but untapped data on travel patterns, bogus visa applications, and fraudulent passport information could have focused attention on some of the terrorists.

Following the attacks, the federal government took initial steps to deploy systems and procedures to help ensure that terrorists would not again slip undetected across our borders. And the Intelligence Reform and Terrorism Prevention Act of 2004, which Senator Lieberman and I co-authored, expanded and strengthened these nascent initiatives and implemented many of the recommendations of the 9/11 Commission. Five years after its enactment, the Intelligence Reform Act has accomplished a

great deal to prevent our nation from being attacked by terrorists whose plots originate outside our borders.

One of these successes is a biometric system for screening foreign nationals seeking to enter the United States. The State Department now collects fingerprints of foreign nationals who apply for visas at U.S. Embassies and Consulates overseas and compares them against databases with the fingerprints of potential terrorists and immigration violators. Those fingerprints are now checked at U.S. ports of entry by DHS to confirm that the individual arriving in the U.S. is the same individual who was approved for a visa abroad.

Another important accomplishment since 9/11 has been the creation of a consolidated terrorist watch list based on terrorism-related information from all parts of the Intelligence Community and the FBI. This consolidated list allows the names of individuals to be quickly checked to identify terrorism connections. The Intelligence Reform Act required that passengers on international flights to the United States and flights within the United States be checked against the terrorist watch list.

The GAO has recommended that DHS develop guidelines for the private sector to use the terrorist watch list to screen their employees. These guidelines, however, have not been issued. The owners and operators of our critical infrastructure should be permitted to screen their employees against the terrorist watch list on a voluntary basis, as long as appropriate civil liberties protections are in place. Najibullah Zazi, who plotted terrorist attacks in New York, was an airport shuttle driver at the Denver Airport. This case reminds us that terrorists could seek employment in critical infrastructure.

The federal government also has yet to establish a mechanism to screen mass transit workers, such as those who drive subway trains and buses, against the terrorist watch list. This was required in the 2007 homeland security law. Although 28 months have passed, no regulations have been issued by DHS. These employees have many lives in their hands every day, and a simple check against the watch list – like that already required for hazardous materials drivers, ferry captains, and airline pilots – might prevent a needless loss of lives if this mode of transportation were targeted.

This Committee authored legislation in 2007 that strengthened the Visa Waiver Program, which allows citizens of 35 countries to enter the United States without a State Department interview or advanced biometric screening. There is a significant potential that terrorists in one of these

mostly European countries could seek to do harm to the United States, as the 2006 plot by British citizens to blow up airlines over the Atlantic revealed. I understand, however, that only 13 of the 35 countries have complied with this requirement.

The federal government has done much since 9/11 to prevent terrorists from coming across our borders to do us harm and to prevent terrorists from traveling and working within the United States. We must do more to share terrorist watch list information and make the best use of opportunities to identify potential terrorists, without unnecessarily impeding the flow of legitimate travel and trade.

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