

Opening Statement of  
Senator Susan M. Collins

**“Intelligence Reform: The Lessons and Implications of the Christmas Day  
Attack, Part II”**

Committee on Homeland Security and Governmental Affairs  
January 26, 2010

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**Intelligence failures . . . . calls for reform . . . . lack of accountability . . . . testimony by Governor Kean and Congressman Hamilton. It sounds like the aftermath of the 2001 attacks all over again, but in fact, there are significant differences between now and then.**

**When our nation was attacked on the morning of September 11, 2001, our intelligence community was hampered by an organizational structure that undermined unity of effort. It was led by a Director that had little authority over its various elements and little incentive to focus beyond the mission of the Central Intelligence Agency. It was burdened with a culture that promoted parochial agency interests over the intelligence needs of a nation.**

**The Intelligence Reform and Terrorism Prevention Act of 2004 fundamentally changed our intelligence community. Working with the families of the victims and the 9/11 Commission, this Committee was able to pass the most substantial reforms of our intelligence agencies in more than 50 years.**

**In the five years since the Intelligence Reform Act became law, information sharing and collaboration among the 18 elements of the intelligence community have improved dramatically. And, in 2009 alone, the intelligence community, working with law enforcement and homeland security agencies, has helped detect and disrupt numerous terrorist attacks targeting our nation. Two of these successes were the arrests of David Headley and Najibullah Zazi in two separate terrorist conspiracies. Other successes also were made possible by the reforms this Committee spearheaded in 2004.**

**But, standing alone, a law cannot accomplish transformation. At the end of the day, even the most powerful laws are just words on paper. They rely on the President and leaders within the executive branch to produce reform. And, to fight the war on terrorism, the President, the Director of**

National Intelligence, the Secretary of State, and other leaders must use the laws passed by Congress to their fullest extent.

Unfortunately, the terrorist attack at Fort Hood and the failed Christmas Day plot are stark reminders of what can happen when those authorities are not used effectively.

Under the 2004 law, the DNI has the clear authority to “determine requirements and priorities.” Yet, the DNI failed to respond to the growing threat that al Qaeda in the Arabian Peninsula posed to the United States and apparently failed to target sufficient resources at this threat.

The Intelligence Reform Act also provides ample authority “to ensure maximum availability of and access to intelligence information within the intelligence community.” Yet, intelligence regarding the threat posed by Major Nidal Malik Hasan remained stove-piped at an FBI Joint Terrorism Task Force instead of being provided to officials within the Department of Defense who might have been able to act to prevent the Fort Hood attacks.

The law directs the DNI to “ensure the development of information technology systems that include . . . intelligence integration capabilities,” yet intelligence that may have identified Abdulmutallab as a terrorist remained undiscovered in multiple intelligence community databases – disseminated, yet effectively unknown.

The law provides the Secretary of State with clear authority to revoke a visa “at any time, in [her] discretion,” yet Abdulmutallab’s visa remained valid when he boarded Flight 253 in Amsterdam. It remained valid despite the fact that the State Department had already decided to question him about his ties to extremists if he chose to *renew* his visa. How he could have been a threat to the United States in the *future* based on these extremist ties, but not a sufficient *current* threat to prudentially revoke his visa defies both logic and common sense.

And, finally, despite the President’s authority to hold Abdulmutallab as an enemy belligerent and subject him to a thorough interrogation for intelligence purposes, the Department of Justice unilaterally decided to treat the foreign terrorist as a common criminal, advise him of the right to remain silent, and grant him a lawyer at the taxpayer’s expense. Our nation’s top intelligence officials were never even consulted on this decision.

**I direct attention to these failures not to assign blame at this stage of our inquiry, but to indicate that effective leadership may prevent similar mistakes in the future.**

**The President must empower his senior officials to use every authority available to them to defeat the terrorist threat.**

**These reforms do not require action by the Congress. They do not require a 60-day review to consider. They should be implemented now by the President. Nothing less than our security hangs in the balance.**