



United States Senate

Committee on Homeland Security and Governmental Affairs

Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement of Chairman Joseph Lieberman
Homeland Security and Governmental Affairs Committee
Ten Years After 9/11: Preventing Terrorist Travel
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As Prepared for Delivery

Good morning. The hearing will come to order. I want to welcome everyone to this, the fifth in a series of hearings this year that our committee is holding to review the state of our nation's terrorist defenses as we approach the 10th Remembrance of the attacks against America on 9-11-01.

Denying foreign terrorists the ability to travel to our country to attack us, as they did on 9/11, is obviously a continuing homeland security priority and is what we are focusing on today.

As you look back over the 10 years and think of all that we've done to meet the challenge of preventing terrorists from coming into the country, we've done pretty well at it. There's not been another major attack from outside. And yet, there have been attempted attacks in which people have shown they are still trying to enter the country, such as the cases of the shoe, Christmas Day, and Times Square bombers. They all plotted outside the U.S. with help from al Qaeda and other Islamist terrorist groups and all involved travel into the U.S.

In the years since 9-11-01, legislation authored by this Committee has created a number of programs and systems meant to enhance our government's ability to identify and stop terrorists among the millions and millions of people who travel to the U.S. and who we want to welcome each year. The terrorists, obviously, we want to prevent from entering our country.

The "Homeland Security Act," which created the Department of Homeland Security, gave the new department the authority to set visa policy and deploy Visa Security Units to overseas consular posts and work with the State Department to provide an added layer of security in the issuing of visas.

The "Intelligence Reform and Terrorism Prevention Act of 2004," which was the original 9/11 Commission legislative implementation, called for a biometric entry and exit system for travelers into and out of the U.S., and also required enhanced travel documents. It required consular officials to conduct personal interviews with all visa applicants.

The 2004 Act also directed the President to negotiate agreements with other nations to share information on lost or stolen travel documents. And perhaps most important, it required that domestic and international airline passengers be screened against terrorist watch lists.

Then "The Implementing Recommendations of the 9/11 Commission Act of 2007," in a way the 9/11 Commission Act 2, created the Electronic System for Travel Authorization (ESTA), a program that allows the Department of Homeland Security to screen travelers from so-called visa waiver countries against our intelligence and law enforcement databases before they board an airplane bound for the United States.

These programs are all critical new components of our post-9/11 effort to deny terrorists entry into the U.S. And I would say, looking back for the most part, they have been successful. But, as is documented in a series of reports from the Government Accountability Office (GAO), we clearly still have work to do.

First, some good news: GAO reports that the Electronic System for Travel Authorization has been well-implemented on our end and is helping to address gaps in the Visa Waiver Program.

In the same report, however, GAO says that only half of the visa waiver countries have signed the biometric law enforcement information-sharing agreements required for participation in the program, and none – not one – of these agreements has actually been implemented.

Looking back and forward, we need to get them all signed and all implemented – as quickly as possible.

The implementation of the US-VISIT entry system has really been one of the biggest success stories of our post-9/11 efforts. It ensures that almost all non-U.S. citizens coming to the U.S. have their fingerprints registered and are checked against all of our intelligence, immigration and law enforcement databases prior to being admitted. That's a very significant filter to stop terrorists from coming into the U.S.

Unfortunately, implementation of an exit system has been one of our biggest failures. GAO recently reported to this Committee that US-VISIT's current biographic system has a backlog of over 1.6 million records of potential overstays that have not been reviewed. In other words, these are people who have entered America legally, but overstayed the time during which they were legally authorized to be in this country. They become a very significant percentage of the millions of so-called illegal immigrants or undocumented aliens who are in our country. And this backlog is growing every day.

9/11 Commissioners Tom Keane and Lee Hamilton, in testimony before this Committee a few months ago, reiterated their call for a biometric exit system, and I look forward to hearing from our witnesses about the current plans at DHS for getting this done.

I also continue to be concerned with the slow implementation of the Visa Security Program. Although the Department of Homeland Security and the State Department have identified 57 high-risk consular posts abroad, only 14 of them have criminal investigators to provide an added layer of security to the visa issuing process.

The attempted Christmas Day bomber attack highlighted the importance of adequate security measures in place at our consular posts. But despite pledges by the Department of Homeland Security and the State Department to continue expanding this important security program, the President's budget included no additional funding for fiscal year 2012. Even in these admittedly tight budgetary times, that is disappointing.

GAO released another report yesterday that found a lack of coordination and focus in our government's efforts to help our foreign partners develop their own terrorist travel programs. That's something I'm sure we'll want to talk about today.

Many of us on this Committee are also concerned about security gaps in the Iraqi refugee program that allowed two Iraqi nationals, who turned out to be terrorists – one whose fingerprints turned up on an unexploded improvised explosive device that the FBI had in its possession since 2005 – to enter the country and then plot to send weapons back to their fellow terrorists in Iraq to use to attack American troops there.

We need to know how these two were allowed to enter our country and why those fingerprints from 2005 were not entered into the system. Senator Paul has been particularly interested in this lapse, as these two Iraqi refugees found their way to his home state of Kentucky, and I'm sure he'll have questions about it.

In sum, we have made significant progress in the past 10 years toward making the entry by terrorists into the U.S. much more difficult than it was on 9-11-01. But we've had some very unsettling experiences that show terrorists can still penetrate the defenses we've set up. And of course we know the terrorists adapt their mode of operating to our increased security measures.

Just last week, we saw reports that Al Qaeda is apparently even considering surgically implanting explosives inside the body of a person, which would be undetectable by most of our screening devices, but not by all of our defenses. Given these threats, we must continue to focus urgently on closing the gaps in our homeland security, and that is what we will do today. I thank our witnesses for being here, as they are perfectly positioned to answer our questions today.

Senator Collins?