



United States Senate

Committee on Homeland Security and Governmental Affairs

Chairman Joseph I. Lieberman, ID-Conn.

Ten Years After 9/11: A Status Report on Information Sharing
Chairman Joe Lieberman
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AS PREPARED FOR DELIVERY

The hearing will come to order. Good morning and welcome to all of our witnesses. Thanks to our witnesses for coming today to help us review the status of information sharing among the law enforcement and intelligence communities at all levels of government in the United States and to determine what, if anything, we still should be doing to achieve yet better information integration, and therefore a higher level of homeland security.

Just yesterday, we witnessed the stunning outcome of brilliant information sharing when the Department of Justice announced it had uncovered a plot to assassinate the Saudi ambassador to the United States, here in the United States. The case apparently began with the Drug Enforcement Administration in Texas and Mexico before it was handed off to the FBI and eventually the Attorney General's office. I presume that members of the intelligence community were involved at various points. The system worked beautifully, the men and women in the field did exactly what they were supposed to do, and as a result we are all safer, including the Saudi ambassador.

This hasn't always been the case, which is why we're holding this hearing. This is the ninth in a yearlong series in which we're assessing progress made on key government functions that the 9/11 Commission recommended we overhaul. Information sharing was a particularly important matter because the Commission concluded that the attacks of 9/11 might have been prevented had our intelligence and law enforcement agencies shared intelligence they had gathered and had in their possession separately to create an overall picture of what was to come on 9/11. Agencies were mired in what the Commission described as a "need to know" culture for sharing information, whereas what the Commission said we should be aspiring to a "need to share" culture.

Immediately after the 9/11 attacks with the focus on this problem, Congress moved to strengthen information sharing among critical federal agencies in the Patriot Act of 2001 and the Homeland Security Act of 2002. Once the 9/11 Commission released its report and recommendations, we worked here on a bipartisan basis to enact the Intelligence Reform and Terrorism Prevention Act of 2004, which tackled the problem in a comprehensive way, particularly by establishing the National Counterterrorism Center to analyze and share information to and from all agencies to better protect our homeland, and requiring the President to appoint a Program Manager in the Office of the Director of National Intelligence to coordinate information sharing across the federal government.

In my opinion, there is little question that our government now operates on a "need to share" basis much more than it did ten years ago. As barriers to information sharing have been taken down over the last decade, the quality and the quantity of information have improved and grown significantly. I think we have also integrated important new partners – particularly state and local agencies and the private sector as well - into the information stream.

The results of these efforts are visible in game-changing military and counterterrorism successes that have really protected our security. Shared information, for instance, between the intelligence community and the

military led to the strikes that killed Osama bin Laden and Anwar al Awlaki. Information sharing among federal, state and local agencies has played a critical role in recent arrests of homegrown terrorists. Some of these are really quite remarkable cases of information sharing, creativity and just plain hard work, particularly including Najibullah Zazi, an Al Qaeda-trained operative who plotted to bomb the New York City subway in 2009, and then the arrest in Seattle in June of two homegrown Islamist extremists who were planning to attack a military recruiting station there.

Unfortunately, we've seen missteps as well. Even when government officials and agencies have information, failure to share enough information combined with human error and technological limitations prevented the detection of Umar Farouk Abdulmutallab before he boarded a plane Christmas Day 2009 and tried to detonate explosives. This Committee's January report of the murders at Fort Hood exposed I think a more serious and ultimately deadly failure of the Departments of Defense and the FBI to share information about the growing radicalization of the alleged killer Major Nidal Hasan, despite what our Committee investigation found were multiple red flags about his behavior.

There are other factors that further complicate efforts to share information. The Wikileaks disclosures exposed the risks of what might be called over sharing, without necessary safeguards. New communications technologies have made it more difficult to ensure that critical information is retained for appropriate use by law enforcement. And of course we have to ensure that information is shared in a way that adequately protects the privacy and civil liberties of our citizens.

Last week President Obama issued an executive order acknowledged that effective information sharing is critical to both national and homeland security, but that in the aftermath of Wikileaks, information must be shared in a secure manner. I think the executive order strikes a sensible balance between protecting information from unauthorized disclosure and coordinating information sharing across all levels of government. Now we need to make sure the executive order is implemented fully and expeditiously.

So bottom line as we meet today on this subject is we have come a long way since the failures of information sharing that helped to enable the attacks of 9/11, but we must continue to build on that progress if we are to maintain our security, and that's what we hope this hearing will help our Committee do and why we're so grateful to have a truly excellent panel of witnesses before us.

Senator Collins?