



United States Senate

Committee on Homeland Security and Governmental Affairs

Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement for Chairman Joseph Lieberman

“The Lessons and Implications of the Christmas Day Attack: Intelligence Reform and Interagency Integration”

Homeland Security and Governmental Affairs Committee

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As Prepared for Delivery

Good morning. Today we continue our Committee’s inquiry into the intelligence reforms adopted after 9/11. We do so in the fresh context of the failed terrorist attack on Christmas Day, which exposed continuing gaps in our homeland defenses. Today’s hearing – our fifth in the series – will specifically examine the authorities of the Director of National Intelligence (DNI) and the National Counterterrorism Center (NCTC). Our purpose is to determine if those authorities are sufficient or in need of additional reform.

Creation of the DNI and the NCTC were the most critical recommendations made by the 9/11 Commission to improve our ability to protect the American people against the threat of terrorism.

More than five years have passed now since the Intelligence Reform and Terrorist Prevention Act– the so-called 9/11 Commission Act - was signed into law. And that’s why, last fall, the Committee began this series of oversight hearings. The Christmas day incident only added urgency to our task and underscored I think how much this is a continuing effort to strengthen our ability to detect and counter potential terrorist threats.

In recent weeks we have held hearings on issues raised by the Christmas day bombing attempt, most recently examining our watchlisting and prescreening systems. Next month we’re going to hold hearings on our visa issuance procedures and intelligence analysis and information sharing.

But today, as I said, we’re going to focus on the DNI and NCTC. We want to consider instances in which these two entities have had difficulty carrying out their intended missions, as well of course the many times they have done exactly what we hoped they would do. We want to discuss also what, if anything, Congress should do to strengthen the abilities of the DNI and NCTC to respond to terrorist and other national security threats, perhaps different threats, that have emerged since 2004.

The 9/11 Commission concluded that no single person or agency was in charge of our sprawling intelligence community and, therefore, recommended creation of the DNI to lead the 16 intelligence agencies of our government – including, of course, the CIA - and to act as the principal advisor to the President on matters of intelligence.

The 9/11 Commission Act gave the DNI a range of authorities to better integrate the intelligence community, to promote what the 9/11 Commission called the “unity of effort” that they found was absent before 9/11.

The 9/11 Commission further concluded that no one was responsible for coordinating the critical activities of key agencies involved in the fight against terrorism. As the Commission memorably concluded: No one was in charge of the various efforts that had been ongoing to capture or kill Osama Bin Laden. So, the Intelligence Reform Act created the NCTC and gave it the responsibility to conduct a new, but critically important, function in our government, which we called strategic operational planning -- that is, planning counterterrorism activities on a government-wide basis, integrating all elements of our national power to fight terrorism, and assigning roles and responsibilities to Departments and agencies for specific activities, based on that planning.

In many, many instances, the DNI and NCTC have used their authorities very well and implemented critical policies and organizational initiatives to improve intelligence functions and better protect the American people. The NCTC has played a vital role in coordinating federal, state, and local agencies to prevent an ongoing series of terrorist plots against the U.S., including some recent, remarkable acts of prevention in the cases of Najibullah Zazi and David Headley.

But in other instances – such as the case of Umar Farouk Abdulmutallab on Christmas Day - failures have occurred. In key areas, progress at fully implementing reforms has been slow – perhaps due to institutional or bureaucratic resistance from some of the 16 agencies that report to the DNI, or perhaps due in other cases to insufficient resources or inadequate leadership. Those are the questions that we want to ask today about where there are the shortcomings and why they have occurred.

I also want to discuss the policy and legal framework for intelligence community information systems. Last week, the Deputy Director of the NCTC testified that policy, legal, and privacy-related barriers impede the development of advanced search and discovery tools that could help analysts spot potential terrorist plots in a way that may have prevented Abdulmutallab from ever boarding Northwest Flight 253. Before 9/11 there was an inability to connect the dots, in part because various intelligence agencies and other agencies of our government were not sharing information and the dots weren't on the same table. I think our feeling now is the dots are on the same table, there is a lot of sharing going on, but there are so many dots on the table that many times it's hard to make connections between them that are necessary. We're focused now on the capacity of technology to assist us in doing that. For humans it's very hard to do that, particularly in a timely way. So I think some of the barriers that were cited last week need to be overcome in the interest of the homeland security of the American people.

I want to thank the three of you, who each bring very relevant and extensive experience to us, for appearing before the Committee and sharing your perspectives on this. I look forward to the discussion after your testimony.

Senator Collins.