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NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

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Second public hearing of the National Commission on Terrorist Attacks Upon the United States

Statement of Jane Harman to the National Commission on Terrorist Attacks Upon the United States May 22, 2003

Introduction

Mr. Chairman, Vice Chairman Hamilton, and Commissioners - I am very pleased to join you today on matters of Congressional oversight of intelligence and homeland security.

What Effective Intelligence Oversight Is and Is Not

Having served for several terms on the House Permanent Select Committee on Intelligence, and on a national commission - the National Commission on Terrorism, chaired by Ambassador L. Paul Bremer - I have a few

Current News

The Commission has released its final report. [\[more\]](#)

The Chair and Vice Chair have released a statement regarding the Commission's closing. [\[more\]](#)

The Commission closed August 21, 2004. [\[more\]](#)

Commission Members

Thomas H. Kean
Chair

Lee H. Hamilton
Vice Chair

comments on what effective Congressional oversight is and what it is not.

Intelligence oversight is not about playing "gotcha" or going after personalities. We conduct oversight in order to make improvements to the way our intelligence agencies conduct their business.

Intelligence oversight is not about micromanagement of the Intelligence Community. The people working in these agencies are very dedicated, and very impressive. We need to make sure they have the leadership, organization and resources they need.

Oversight is about making sure the intelligence agencies are protecting civil liberties and preparing for the threats of the future. And this is something we should do on the front end of the process, not tack it on as an afterthought.

Intelligence oversight is about focusing on policy and not on politics. While much of the Committee's work is closed - even to the rest of Congress - the Committee is there to assure the American people that the Intelligence Community is accountable, just as other elements of our government are.

Congressional oversight must at all times be balanced, aggressive, and constructive. We should applaud our intelligence successes just as much as we address intelligence failures. It is an unfortunate side effect of our work that the failures get a lot of attention and the successes often go unreported, or, because we must protect sources and methods, cannot be reported.

Oversight and secrecy are two sides of the same coin. Our Committee depends on receiving intelligence from the agencies that we in turn audit and oversee. In return for access to some

Richard Ben-Veniste
Fred F. Fielding
Jamie S. Gorelick
Slade Gorton
Bob Kerrey
John F. Lehman
Timothy J. Roemer
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Commission Staff

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Executive Director

Chris Kojm
Deputy Executive Director

Daniel Marcus
General Counsel

of the Intelligence Community's most sensitive secrets, the Intelligence Committee must respect the need for secrecy and not leak information to those who don't have a need to know.

Some specific comments on the Joint Inquiry:

You'll recall that the very idea of an inquiry into 9/11 was controversial.

The Administration was opposed to it on the grounds that the ongoing war on terrorism should take precedence. We felt that it was critical to take a hard, objective look at why the Intelligence Community did not detect or thwart the attacks.

We worked hard to make the Inquiry as non-disruptive to ongoing intelligence activities as possible. The purpose was to look backwards to look forwards - something that we couldn't delay in the ongoing and indefinite war on terror.

The Inquiry itself was an unprecedented example of bipartisanship and bicameral cooperation. Eleanor Hill did a masterful job of reporting the facts to the Committees and to the public, and her staff statements became the centerpieces of the Inquiry's public and closed-door hearings.

The Inquiry had all the right ingredients - it was balanced, it was aggressive, and, ultimately, it was constructive. It is now critical that the Administration make the final report public.

A public report should be available now. The inquiry was not just an academic exercise to edify the Intelligence Community. It was paid for by the American people. It was done for their benefit. We have secured an agreement that the CIA will convene a top-level meeting at

the end of May to complete the declassification process, but as much of the report as possible should be released to the public - today.

In the end, as you know, the Inquiry revealed some rather startling information, far beyond the story of two 9/11 hijackers that should have been watchlisted sooner.

The Inquiry also uncovered an Intelligence Community failure to analyze the risk of al Qaeda strikes inside the United States, inadequate FBI investigation of terrorist cells embedded in the United States, and how a small cadre of dedicated counterterrorism specialists were not adequately supported with appropriate resources.

The Joint Inquiry produced a series of 19 major findings and 19 recommendations, which are unclassified and were announced last December. Your Commission could very usefully build on these recommendations and study how well they have been implemented.

I say this not because you can't and won't come up with your own recommendations on important ways to secure the country. But the Joint Inquiry was one in a line of very impressive studies - including the Bremer Commission, on which I served, the Hart-Rudman Commission, on which Vice-Chairman Hamilton served, the Gilmore Commission, and others.

All of these blue-ribbon groups have advanced strong and sensible ideas, and there is no need to reinvent the wheel. I would hope that your commission would review these reports, meet with their members and able staff, and again endorse the recommendations that still need to be enacted by legislation or regulation.

In addition to reviewing and moving forward past studies, the Commission is uniquely

situated to look beyond the intelligence community. This means looking at agencies such as the FAA, the successors to INS, and the ongoing problem of watchlisting. A recent GAO report found that 9 agencies maintain 12 watchlists.

Your Commission can also play a constructive role in examining how Congress makes use of available auditing and investigative resources.

I believe the House Intelligence Committee would welcome recommendations on how to make better use of auditing and investigative tools, such as the inspectors general offices within the agencies, as part of their regular oversight process.

Thank you, Mr. Chairman, and I am happy to take your questions.

Additional Statement for the Record on the Mission and Structure of the House Permanent Select Committee on Intelligence

Most of the information the House Permanent Select Committee on Intelligence (HPSCI) deals with is highly classified. Thus, most of the HPSCI's activities occur in a classified setting. A description of the HPSCI's mission and structure might be helpful to the Commission, and to the American public.

Mission

The HSPCI was established in the 95th Congress through House Resolution 658. The stated purpose of H. Res. 658 was to establish a committee "to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States government and to submit to the House appropriate proposals for legislation and report to the House concerning such intelligence and

intelligence-related activities and programs."

H. Res. 658 directed the Committee to "make every effort to ensure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence and intelligence-related activities of the United States to assure that such activities are in conformity with the Constitution and the laws of the United States."

In short, the resolution establishing the HPSCI had the following objectives:

- Ensuring that policymakers receive high-quality, timely, objective intelligence - the best our nation can produce - on matters affecting our nation's security;
- Ensuring that the activities of the U.S. Intelligence Community are legal; and
- Ensuring that the funds allocated to intelligence activities are rationally and wisely spent.

Members

Members of the committee are selected not by their party caucuses, but by those elected to lead their parties. All of the Members of the committee are appointed by the Speaker of the House. The Committee is supported by a professional staff with experience in intelligence, legal, and legislative matters.

The HPSCI shares responsibilities in particular areas with the Committees on Appropriations, Armed Services, International Relations, and the Judiciary. The resolution establishing the HPSCI recognized these overlaps by requiring that some HPSCI members be drawn from those

Committees.

Jurisdiction

Under House rules, the HPSCI has jurisdiction over intelligence and intelligence-related activities of the federal government, to include:

- The National Foreign Intelligence Program,
- The Joint Military Intelligence Program (JMIP), and
- Tactical Intelligence and Related Activities (TIARA).

The National Foreign Intelligence Program encompasses activities in:

- The Central Intelligence Agency,
- The Department of Defense,
- The Defense Intelligence Agency,
- The National Security Agency
- The National Imagery and Mapping Agency,
- The National Reconnaissance Office,
- The Departments of the Army, Navy, and Air Force,
- The Department of State,
- The Department of Treasury,
- The Department of Energy,
- The Federal Bureau of Investigation, and
- The Department of Homeland Security.

The NFIP can be thought of as funding activities that serve the intelligence needs of multiple departments of the federal government or of the federal government as a whole.

The JMIP was established in 1995 and generally funds military intelligence systems that serve multiple defense users, i.e., multiple armed services or the Department of Defense as a whole.

TIARA primarily funds tactical intelligence

systems that serve the needs of a single armed service. It includes a diverse array of reconnaissance and target acquisition programs.

In practice, the NFIP is predominantly the domain of the HPSCI, while the HPSCI and House Armed Services Committee share jurisdiction over JMIP and TIARA.

Subcommittee organization

The Committee is organized into four subcommittees. These are:

- The subcommittee on human intelligence, analysis, and counterintelligence;
- The subcommittee on technical and tactical intelligence;
- The subcommittee on intelligence policy and national security; and
- The subcommittee on terrorism and homeland security.

The annual intelligence authorization bill

Because of the sensitivity of the intelligence programs and operations, the National Security Act of 1947 requires that intelligence and intelligence-related activities be specifically authorized. The HPSCI is responsible each year for producing an intelligence authorization bill, including a classified budget schedule, for all elements of the Intelligence Community. The intelligence authorization act will also generally include Committee findings and recommendations on intelligence issues of particular concern to Committee members; it often will task the Intelligence Community to take certain actions or draft reports in response to those concerns. Thus, the authorization bill is one of the Committee's most important oversight mechanisms.

Throughout the year, the Committee members receive frequent briefings from Intelligence

Community personnel, visit sites engaged in intelligence activities, and review thousands of documents and reports produced by the Intelligence Community. The Committee holds many classified hearings with on-the-record testimony from top intelligence officials and foreign policy and defense officials.

National Commission on Terrorist Attacks Upon the United States
The Commission closed on August 21, 2004. This site is archived.