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ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 5, 2010

The Honorable Edolphus Towns
Chairman
Committee on Oversight and Government Reform
Washington, D.C. 20250

Dear Chairman Towns:

On December 25, 2009, Al Qaeda launched another attack on American soil involving a domestic-bound airliner. Though Umar Farouk Abdulmutallab was unable to detonate his apparatus, this incident is a sobering reminder that Al Qaeda remains a clear and present danger to our national security. At the same time, his infiltration highlights a pre-9/11 complacency wherein bureaucratic finger-pointing and information stovepiping once again threatens to cripple America's defenses.

In response to a question raised by a member of your staff, "Did the Committee hold hearings on the failed bombing attempt of Richard Reid the shoe bomber?" the answer is a clear yes. Both the 9/11 attacks and the Richard Reid shoe bombing incident in 2001 demonstrated shortcomings in air travel security and this committee responded by examining the failure to prevent them and efforts to address them. It should be a point of pride that this Committee, of which you were a senior Member, conducted dozens of bipartisan actions that were directly related to the information leading up to these well-documented failures. The committee helped craft landmark legislation creating the Department of Homeland Security, revamped our intelligence apparatus and most importantly, led efforts to stop stovepiping of critical information gathering and sharing by federal agencies. Until the Christmas Day attacks, these changes were part of a successful effort to prevent Al-Qaeda from striking commercial aircraft and civilian passengers

This latest security breach, however, has shaken America's confidence that protecting the safety of the American public is not being placed behind other initiatives. To resolve these concerns, the Administration needs to account for acknowledged missteps and explain to Congress and the American people what national and homeland security strategies are being put in place to prevent future terrorist attacks. A necessary component of this process includes rigorous oversight by this Committee, which,

according to House Rule X, has an obligation to investigate the subjects within the Committee’s legislative jurisdiction as well as “any matter” within the jurisdiction of the other standing House Committees. This specifically includes the organization and operation of federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction.¹ Through this broad interagency jurisdiction, this Committee is uniquely situated to investigate all procedural issues and personnel responsible for this lapse in national security.

As you are aware, the Oversight and Government Reform Committee has a long history of pursuing these matters across federal boundaries. Since 2001, it has held 37 hearings to examine Administration policy for preventing terrorist attacks, specifically including issues of data sharing among federal entities. In so doing, the Committee and its Subcommittees conducted the following examinations, at which private sector, GAO, and Administration witnesses testified, including then-DHS Secretary Michael Chertoff.²

Congress	Date	Name of Hearing
107	7/24/01	Federal Interagency Data-Sharing and National Security
107	9/20/01	Preparing For The War On Terrorism
107	12/14/01	Battling Bioterrorism: Why Timely Information-Sharing Between Local, State And Federal Governments Is The Key To Protecting Public Health
107	3/12/02	Combating Terrorism: Protecting the United States: Part I
107	3/21/02	Combating Terrorism: Protecting the United States: Part II
107	3/22/02	How Effectively Are Federal, State and Local Governments Working Together To Prepare For Another Terrorist Attack
107	5/8/02	The Metropolitan Washington Airports Authority--The Impact Of The September 11th Terrorist Attacks On The Security And Operation Of Airports Serving The Nation's Capital
107	6/7/02	Coordinated Information Sharing and Homeland Security Technology
107	6/11/02	Combating Terrorism: Improving The Federal Response
107	6/17/02	Homeland Security Reorganization: What Impact On Federal Law Enforcement And Drug Interdiction
107	6/20/02	The Department Of Homeland Security: An Overview Of The President's Proposal
108	5/6/03	Can The Use Of Factual Data Analysis Strengthen National Security? Part One
108	11/20/03	Knives, Box Cutters, and Bleach: A Review of Passenger Screener Training Testing and Supervision

¹ House Rule X, clause 2(b).

² Please see the attached document for a complete list of relevant hearings, GAO reports, and testimony.

108	7/13/04	Facilitating An Enhanced Information Sharing Network That Links Law Enforcement And Homeland Security For Federal, State, And Local Governments
108	8/3/04	Moving From ``Need To Know" To ``Need To Share": A Review Of The 9/11 Commission's Recommendations
108	8/24/04	Too Many Secrets: Overclassification As A Barrier To Critical Information Sharing
108	9/9/04	Creating Secure Borders and Open Doors: A Review of DHS-State Collaboration on U.S. Visa Policy
109	6/9/05	Assessing The Department Of Homeland Security's Mission Effectiveness: Is It Enough To Meet The Terrorist Threat?
109	9/13/05	Combating Terrorism: Visas Still Vulnerable
109	7/10/06	Securing Our Ports: Information Sharing Is Key To Effective Maritime Security
110	4/9/08	Federal Security: Id Cards And Background Checks

While the method of attack may vary, i.e., explosive shoes and explosive undergarments, our vulnerability inevitably resides in a lack of communication between relevant agencies, and a culture of complacency among critical personnel. You echoed this sentiment in a June 20, 2002 Committee hearing, at which you stated:

It is our responsibility and challenge to ensure the safety of the American people and to take whatever steps are necessary to prevent terrorists from claiming the lives of innocent civilians. The tragic attacks revealed a vulnerability fed by organizational deficiencies throughout our government and the intelligence community. The question has not just revolved around our ability to gather information, but also to analyze it and communicate it in a responsible manner.³

I agree with this assessment you offered. However, I am concerned that this committee has yet to hold a hearing during the current Congress on the Administration's efforts to prevent terrorist attacks and is not adhering to the responsibilities you outlined in your 2002 statement. These issues fall squarely within the Committee's jurisdiction and must be immediately addressed. Indeed, our Committee mandate requires us to do so and a failure to conduct necessary oversight and investigate potential problems places the lives of Americans in heightened danger.

³ The Department of Homeland Security: An Overview of the President's Proposal: Hearing Before the Comm. on Govt. Reform, 107th Congress p. 134 (2002) (statement of Congressman Edolphus Towns).

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Accordingly, I ask that you join me in developing an effective and bipartisan oversight strategy that will investigate and hold hearings on how missteps and failures, coupled with a dramatic shift in counterterrorism policy, allowed another bomb-wielding terrorist to enter the United States. I am available to discuss this matter with you at your earliest convenience. I look forward to resolving these important national security issues for the American People.

Sincerely,



Darrell Issa

Ranking Member