

**“Moving from ‘Need to Know’ to ‘Need to Share’:
A Review of the 9/11 Commission’s Recommendations”**

Opening Statement of Chairman Davis

Committee on Government Reform

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2154 Rayburn House Office Building

Good morning and thank you for coming. We are here today, nearly three years removed from the terrible day that was 9/11, to simultaneously look back and look forward.

We grieve again for the men and women who lost their lives, and pray once more for their loved ones. But it’s also a time to remind ourselves of the important challenges ahead, the tasks of securing our nation and eradicating terrorist networks around the globe.

I would like to commend the work of the National Commission on Terrorist Attacks on the United States, also known as the “9/11 Commission,” for its hard work and dedication in issuing its report on the 2001 terrorist attacks, once again bringing reforms to the federal government structure to the forefront of the homeland security discussion.

Yesterday, the President endorsed the creation of a presidentially-appointed, Senate confirmed National Intelligence Director, as well as the creation of a National Counterterrorism Center to coordinate and monitor counterterrorism efforts. The President’s call to action demonstrated that the Administration, like Congress, is working overtime to move forward with the 9/11 Commission’s recommendations. The key to success in implementing the Commission’s recommendations is making sure we’re not simply repackaging what we have now. We need to avoid creating another layer of bureaucracy. We need to align authority with responsibility to make sure information is reaching all the people it needs to reach.

While the creation of a National Intelligence Director and a National Counterterrorism Center are the most highly publicized aspects of the Commission’s recommendations, this Committee will be focusing on the broad range of recommendations made by the 9/11 Commission. The National Intelligence Director will be the subject of considerable debate in the coming weeks and months, but the Commission’s recommendations regarding border security, information sharing databases, emergency preparedness, homeland security funding, and inter-governmental coordination are at least as important -- if not more so -- than the higher profile recommendations.

We have before us today a diverse group of panelists – from Commissioners and family members of victims of the World Trade Center and Pentagon attacks, to federal officials, public policy experts and industry representatives. The collective expertise of these witnesses, along with the expertise and experience that exists among Members of this Committee, will no doubt lead to an interesting and fruitful discussion on the future security of our nation.

We need to hear from our witnesses which recommendations they view as most urgent; which they see as important but dependent on other acts or events; and which they think will require

sustained effort over time to achieve. We need to discuss what's achievable administratively and what needs congressional action.

The Commission's report and the focus of this hearing are especially timely given the recent elevation of the Threat Advisory Level for the financial sectors in New York, Newark and Washington, D.C. The news articles about the intelligence information that led to the elevation suggest the decision was the result of shared information between the CIA, FBI, NSA, DIA, and senior military officials. This type of coordination is critical to the future security of our homeland, and the purpose of today's hearing is to discuss whether or not it is possible to institutionalize this type of inter-agency coordination.

As we move forward – today, next week, next month, next year – we should be encouraged that Congress, frequently through this Committee's oversight, has already laid a solid foundation on which we now must build.

Even before 9/11, this Committee held hearings on impediments to information sharing and analysis. As part of the Homeland Security Act, we passed legislation aimed at encouraging the critical infrastructure industry to share information about vulnerabilities with each other, and with the government.

Beginning anew today, we need to examine what's preventing better and more accurate sharing and analysis between federal agencies; between federal, state and local governments; and between the private and public sectors. How can we overcome those impediments? Is the voluntary information sharing mechanism between the private sector and government that we established in 2002 working as we envisioned?

Unlike much of the debate and press coverage and committee hearings, we need to be talking about more than just *intelligence* information per se. It's not just quote-unquote "intelligence" information that impacts our ability to prepare for and respond to a terrorist attack. The realm of information that's not being adequately shared is not merely the province of the CIA or FBI or NSA. Nor is it encompassed by the public sector alone. What about information on public health coordination between federal, state and local providers? What about the fact that the private sector owns and operates 85 percent of the nation's critical infrastructure?

This Committee has also been looking long and hard at government organization challenges. Part and parcel of moving from a system of "need to know" to "need to share" is the need to restructure the Executive Branch to match 21st Century needs and requirements. The Commission rightly recognized that we need a government better organized than the one that exists today, with its national security institutions designed half a century ago to win the Cold War.

I believe the Commission's report makes the need for reauthorization of Executive Reorganization Authority all the more urgent. The obsolete, redundant, and duplicative nature of the federal bureaucracy is the single greatest impediment to moving from a system of "need to know" to "need to share."

An editorial in last week's Federal Times framed the issue well:

Take any mission – say, counterterrorism intelligence gathering and analysis – and divvy it up among a dozen or more agencies. Then let those agencies set their own goals and priorities, follow their own standards and practices, and decide their own resources and budgets. What you end up with is a design for failure.

That's what exists now in government – not only with counterterrorism, but with many missions: job training, combating homelessness, environmental care, food safety inspection, to name just a few.

To take on a mission successfully, there must be cohesiveness in strategy, coordination in planning and practices, effective sharing of information, common priorities in budgeting, and clear direction by a competent, accountable leader.

That's why, 18 months ago, the...Volcker Commission called for all of government to be reorganized around distinct mission areas... As the 9/11 Commission points out, this lack of leadership and cohesive management also plagues one of the government's most pressing missions now: counterterrorism.

The problem of government ineffectiveness in counterterrorism and other important missions is not a lack of solutions. The solutions to effective government are obvious and articulated compellingly by both the 9/11 and the Volcker commissions.

Let me be clear: I do not think any discussion of impediments to effective information sharing can be complete without discussing the need to reorganize the Executive Branch.

This Committee has held several hearings on the need to reauthorize the Executive Reorganization Authority, which expired in 1984. The authority existed off and on for a period of fifty years, giving Presidents the ability to submit Executive Branch reorganization proposals to the Congress for a guaranteed, up or down vote. In doing so, Executive Branch reorganizations could come before Congress without getting buried in the congressional committee jurisdictional turf battles that have spelled the demise of many governmental reorganization proposals in recent history.

I may take some heat for saying this, but we need look no further than the deliberations that led to the creation of the Homeland Security Department for evidence that Congress is not terribly well-equipped to tackle organizational challenges: Too much turf, too many egos, far, far too much time.

The recommendations made by the 9/11 Commission make reauthorization of this authority all the more urgent. The obsolete, redundant, and duplicative nature of the federal bureaucracy is the single greatest impediment to improving information sharing. As hearings held by this Committee over the past two years have shown, this same problem of poor organization exists in federal food safety oversight, federal child welfare programs, and multiple homeland security functions.

In our battle to move forward, to better protect ourselves, there are no Republicans or Democrats, only Americans. Talking to my kids and countless others in Northern Virginia, one thing is clear: a whole generation of Americans will grow up with 9/11 as its most formative experience.

This younger generation is no longer cynical about the idea of 'We, the People.' They realize these attacks were not just on the people who were killed and injured, but also on the very things

that define us as a society: religious freedom, equality, economic opportunity, political choice. And this generation will know that the ruthless will not inherit the earth.

Without further ado, I welcome all of the witnesses to today's hearing and I look forward to their testimony.