



*Report Prepared by the Majority Staffs of the
Committee on Homeland Security and
Committee on Foreign Affairs*

Wasted Lessons of 9/11: How the Bush Administration Has Ignored the Law and Squandered Its Opportunities to Make our Country Safer



U.S. HOUSE OF REPRESENTATIVES
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EXECUTIVE SUMMARY

On September 11, 2001, this country suffered the most devastating terrorist attacks ever experienced on our soil. The series of coordinated attacks, perpetrated by 19 hijackers affiliated with al Qaida, killed 3,000 people, inflicted hundreds of millions of dollars of economic damage, brought commercial aviation to a standstill, and opened the eyes of the American people to the threat of terrorism as never before.

To establish how the perpetrators were able to execute their deadly plot, Congress chartered the independent, bipartisan National Commission on Terrorist Attacks Upon the United States (9/11 Commission). In addition to providing a full account of the circumstances surrounding the attacks, Congress directed the 9/11 Commission to develop recommendations for corrective measures that could be taken to prevent future acts of terrorism.¹ On July 22, 2004, the 9/11 Commission issued its final report, which included 41 wide-ranging recommendations to help prevent future terrorist attacks. Many of these proposals were put in place in 2004 with the passage of the Intelligence Reform and Terrorism Prevention Act², which brought about the most significant reorganization of the intelligence community since 1947. Among the key provisions of that law was the establishment of a Director of National Intelligence to oversee the intelligence community and the creation of a National Counterterrorism Center to analyze domestic and international threats, share that information, and integrate activities to ensure unity of effort against terrorism.

Yet, a year after it was issued, the lead authors of the 9/11 Commission Report, Governor Thomas H. Kean and Representative Lee H. Hamilton, asked “[a]s a result of these and other reforms, are we safe? We are safer – no terrorist attacks have occurred inside the United States since 9/11 – but we are not as safe as we need to be. . . . [T]here is so much more to be done. . . . Many obvious steps that the American people assume have been completed, have not been. . . . Some of these failures are shocking.”³ The 9/11 Commission concluded that “the 9/11 attacks revealed four kinds of failures: in imagination, policy, capabilities, and management.”⁴

Determined to fill the gaps left by the Bush Administration and the Republican-controlled Congress, and to provide the American people the security they deserve, the House of Representatives under the new Democratic leadership passed H.R. 1, the “Implementing the 9/11 Commission Recommendations Act of 2007” within the first 100 hours of the 110th Congress. This comprehensive homeland security legislation included provisions to strengthen the nation’s security against terrorism by requiring screening of all cargo placed on passenger aircraft; securing mass transit, rail and bus systems; assuring the scanning of all U.S.-bound maritime cargo; distributing homeland security grants based on risk; creating a dedicated grant program to improve interoperable radio communications; creating a coordinator for U.S. non-proliferation programs and improving international cooperation for interdiction of weapons of mass destruction; developing better mechanisms for modernizing education in Muslim communities and Muslim-majority countries, and creating a new forum for reform-minded members of those countries; formulating coherent strategies for key countries; establishing a common

coalition approach on the treatment of detainees; and putting resources into making democratic reform an international effort, rather than a unilaterally U.S. one.

When President George W. Bush signed H.R. 1 into law on August 3, 2007 without any limiting statement, it seemed that the unfulfilled security recommendations of the 9/11 Commission would finally be implemented. To ensure that they were, over the past year the Majority staffs of the Committees on Homeland Security and Foreign Affairs have conducted extensive oversight to answer the question, *How is the Bush Administration doing on fulfilling the requirements of the “Implementing the 9/11 Commission Recommendations Act of 2007” (P.L. 110-53)?* The Majority staff of the two Committees prepared this report to summarize their findings. While the Majority staffs of the Committees found that the Bush Administration has taken some steps to carry out the provisions of the Act, this report focuses on the Administration’s performance with respect to key statutory requirements in the following areas: (1) aviation security; (2) rail and public transportation security; (3) port security; (4) border security; (5) information sharing; (6) privacy and civil liberties; (7) emergency response; (8) biosurveillance; (9) private sector preparedness; and (10) national security. In each of the 25 individual assessments in this report, a status update is provided on the Bush Administration’s performance on these key provisions. The table below sets forth the status of the key provisions identified in the report and help explain why the report is entitled “WASTED LESSONS OF 9/11: HOW THE BUSH ADMINISTRATION HAS IGNORED THE LAW AND SQUANDERED ITS OPPORTUNITIES TO MAKE OUR COUNTRY SAFER.”

PROVISION OF P.L. 110-53	STATUS UPDATE
<i>Aviation Security: Advanced Passenger Prescreening System (Sec. 1605)</i>	Plan transmitted but little progress on the program
<i>Aviation Security: Screening of Air Cargo Aboard Passenger Aircraft (Sec. 1602)</i>	Missed opportunities
<i>Aviation Security: General Aviation Security (Sec. 1617)</i>	Failure to take action
<i>Rail & Public Transportation Security: National Strategy for Public Transportation Security (Sec. 1404) and Security Assessments and Plans (Sec. 1405)</i>	Incomplete, putting public transportation at risk
<i>Rail & Public Transportation Security: Public Transportation Security Training Program (Sec. 1408), Railroad Security Training Program (Sec. 1517), and Over-the-Road Bus Security Training Program. (Sec. 1534)</i>	Missed opportunities
<i>Rail & Public Transportation Security: Railroad Transportation Security Risk Assessment and National Strategy (Sec. 1511)</i>	Incomplete; limited progress
<i>Port Security: Maritime Cargo Security (Sec. 1701)</i>	No progress
<i>Border Security: Modernizing the Visa Waiver Program (Sec. 711)</i>	Initial steps taken but significant implementation challenges remain

<i>Information Sharing:</i> Department of Homeland Security State, Local, and Regional Fusion Center Program (Sec. 511)	Failure to take action
<i>Information Sharing:</i> Homeland Security Grants For Intelligence Analysts (Sec. 101)	Acted in a manner inconsistent with the intent of the provision
<i>Privacy and Civil Liberties:</i> Federal Agency Data Mining Reporting Act of 2007 (Sec. 804)	Some progress but required reports have not been submitted
<i>Emergency Response:</i> Interoperable Emergency Communications Grant Program (Sec. 301)	Delivery of key plan late; risks delays in grants
<i>Emergency Response:</i> Credentialing and Typing (Sec. 408)	No progress
<i>Biosurveillance:</i> National Biosurveillance Integration Center (Sec. 1101)	Initial steps taken but little progress
<i>Private Sector Preparedness:</i> Private Sector Preparedness (Sec. 901).	Limited progress
<i>Private Sector Preparedness:</i> National Asset Database (Sec. 1001)	Some progress but little use of the National Asset Database
<i>National Security:</i> Interdicting Weapons of Mass Destruction (Sec. 1821)	Failure to take action
<i>National Security:</i> Coordinating U.S. Nonproliferation Programs (Sec. 1841)	Failure to take action
<i>National Security:</i> International Muslim Youth Opportunity Fund (Sec. 2012)	Failure to take action
<i>National Security:</i> Establishment of a Middle East Foundation (Sec. 2021)	Missed opportunities
<i>National Security:</i> United States Policy Towards Detainees (Sec. 2033)	Progress is slow and uncertain
<i>National Security:</i> Strategy For the United States Relationship with Pakistan (Sec. 2042)	Lack of comprehensive strategy yields disastrous results
<i>National Security:</i> Strategy for the United States Relationship with Afghanistan (Sec. 2041)	Still diverted from the crisis in Afghanistan
<i>National Security:</i> United States Policy Towards Saudi Arabia (Sec. 2043)	Progress is slow and uncertain
<i>National Security:</i> Advancing Democracy Around The World (Title XXI)	Key elements unmet

As this report demonstrates, the Bush Administration has not delivered on myriad critical homeland and national security mandates set forth in the “Implementing the 9/11 Commission Recommendations Act of 2007” (P.L. 110-53). Democratic Members of the Committees are alarmed that the Bush Administration has not made more progress on implementing these key provisions. Without them, the Administration has failed to provide the American people the security they expect and deserve. This report is intended as a wake-up call to the Bush Administration. In the short time left in office, the President should redouble his efforts to make America more secure by acting expeditiously to make progress as identified in this report. Fulfilling the unfinished

business of the 9/11 Commission will most certainly be a major focus of President Bush's successor, as many of the statutory requirements are to be met in stages, with the final implementation deadlines occurring during the Administration of 44th President. However, for the next President to succeed in implementing this critical law, this President needs to deliver on the commitment he made on August 3, 2007 and fulfill the statutory requirements of this major homeland security law.