

Statement of  
**The Honorable Joseph R. Biden, Jr.**

United States Senator  
Delaware  
August 19, 2004

Mr. Chairman, Senator Leahy, thank you for calling this important hearing to examine several of the recommendations of the 9/11 Commission. Unfortunately, I am unable to attend today's session as I was previously committed to attend a biotechnology conference with the University of Delaware and the National Institutes of Health, but I would like to offer several observations on the matters before us.

The Commission makes several constructive suggestions for the FBI. I agree with all of them. But we should first pause to compliment the work of Director Mueller in this area, as the reforms he has put in place to redirect the FBI towards fighting and preventing acts of terror are largely blessed in the Commission's report. In May, I sat down with Director Mueller and outlined for him my view of the coming debate over the FBI's mission. We discussed the relative merits of the creation of a domestic security force along the lines of the British Security Service, or MI-5. I was impressed then with the Director's grasp both of the problems facing the Bureau, the concerns we both had about the MI-5 model, and the steps we both believed the Bureau should take to better prevent acts of terrorism while remaining the Nation's premier law enforcement agency. In June, in testimony in the other body, the Director outlined his vision for a new intelligence service within the FBI. I had indicated to Director Mueller in our May meeting that this sort of proactive, intelligent approach would counter those then calling for a wholesale creation of a new domestic security agency, and I am gratified to see the Commission endorse the Director's plan in their report. While more clearly needs to be done to reform the Bureau - its information needs to be better shared, its information technology systems still lag woefully behind, and its level of resources needs to be examined so that traditional crime-fighting needs do not go unmet - the suggestions made by the commissioners and the steps taken by Director Mueller are excellent ones.

Let me also compliment Asa Hutchinson in the job he is attempting to do at the Department of Homeland Security. We still miss him over at the DEA, but the work he and Secretary Ridge have undertaken is critical to our domestic security. I understand the Undersecretary's testimony today will focus largely on the border security efforts underway in his department; but I want to comment for a moment on the transportation security steps his agency is taking. At the outset, let me say that the Commission's observation that fully 90 percent of our transportation security resources have been dedicated to airline security - and that in so prioritizing we are effectively "fighting the last war", to use the Report's words - is both accurate and startling. I compliment Undersecretary Hutchinson for his efforts to secure the nation's air travel system, but the Administration's efforts on other modes of transportation have been sorely lacking.

What are we doing about rail security? Since 9/11, specific intelligence reports and official public warnings have confirmed that passenger rail systems in the United States have been targeted by terrorists. Between 1997 and 2000, surface transportation systems worldwide were attacked 195 times by terrorists. Yet the Administration has requested no new authority to protect rail passengers. Since 9/11, and despite the terrible bombings in Madrid, the Administration has requested no new resources to protect rail passengers. Since 9/11, no new legislative authority to protect passenger rail has been passed by either the House or Senate. DHS has declined to fund Amtrak's priorities for improving security. As best I can tell, the only DHS actions to protect passenger rail in the wake of the Madrid attacks have been two pilot programs for screening passengers, one for sniffing explosives at the New Carrollton station and one for baggage screening at Union Station. A third pilot program will be the design and construction of a single new "smart car" with new security technologies - just one concept vehicle, not immediate actions that could enhance security.

Amtrak itself has been historically underfunded - it does not have the funds to undertake substantial security upgrades on its own, and it needs significantly more federal dollars to secure its rails. More people pass through Penn Station in New York City every day than through all three major New York airports. The fact is that Amtrak, carrying just intercity traffic, logs 23 million passenger miles a year. In May of this year, National Journal asked security experts to rank the efforts of the Department of Homeland Security. Rail security came in dead last, with a failing score of 1.6 out of a possible 5. I am well aware that securing the trains is difficult - it is an essentially open system, connected to mass transit and commuter rail systems in every city, and it is unlike the sealed systems we create around airports. But there are obvious, simple, easy and effective first steps we can take to make our rail system much safer: improve lighting; install blast-resistant trash cans; add closed circuit TV cameras; increase public awareness of security threats such as unattended baggage; increase the numbers of rail security personnel. This Administration has chosen to do none of them. In fact, DHS has been shown Amtrak's priorities for improving security, and has declined to fund Amtrak requests for assistance.

So when the Commission reports that we are "fighting the last war" when it comes to transportation security, I could not agree more. I also agree with their recommendation that DHS develop an integrated plan to focus resources in a manner to best protect all the transportation modes. It is intolerable that such a plan has not been developed and put in place already, and I call on Secretary Ridge to develop an infrastructure protection plan and submit it to Congress for our consideration within the next ninety days.

Finally, let me take a moment to comment on a subject that I understand is not necessarily a topic of this morning's hearing, but one that I fear is getting lost in the debate over appropriate post-9/11 improvements: our state and local law enforcement agencies. The heroes of 9/11 - the New York City cop, the local law enforcement officer - are being shortchanged by this Administration. We have not put one new cop on the street since those terrible attacks. Studies indicate police departments across the country are being forced to lay off officers due to budgetary constraints. The war in Iraq has resulted in the depletion of many cities' and towns' police forces. The President insists upon ending the COPS program, the one Washington-based initiative proven to have helped lower crime rates. Mindless budget cutting at the Department of

Justice is threatening our public safety and homeland security efforts, to the point where police chiefs throughout the country have labeled the Administration's plans unacceptable.

We should be doing exactly the opposite. We should be infusing a refocused COPS program with new resources, resources to help police department build their intelligence units, add officers to the streets, and in so doing assist the FBI and DHS prevent the next attack. Just yesterday, the Washington Times published an editorial by a Brookings Institute fellow calling for a "COPS II" to efficiently beef up local police anti-terrorism units. I agree with this proposal, and reiterate my call for a dramatic boost in local law enforcement spending so we can truly help our first responders -- our cops on the street -- prevent the next attack.

Mr. Chairman, I thank you again for calling this critical hearing. I look forward to reviewing the record of today's proceeding, and to working with you to implement the effective recommendations of the 9/11 Commission.