

Testimony of the Hon. Ileana Ros-Lehtinen

Before the House Permanent Subcommittee on Intelligence

April 17, 2024

Thank you. I'm honored to give the Committee my very limited perspectives.

To begin, I'd like to commend the Committee on its return to bi-partisanship, a condition without which this Committee cannot function effectively. But you already know this, the Chair and Ranking Member having received the Publius Award for leadership and bipartisanship from the Center for the Study of Congress and the Presidency.

On the issues, I will omit any detailed argument in support of my belief that both Ukraine and Taiwan must be strongly supported against Russia and China, both for their own survival and for maintenance of confidence in the US among our allies. Likewise, I will not discuss the need for awareness of the threats which both Russia and China pose to the US. Nor will I discuss the threat of Iran, whose leaders pervert the doctrine of *jihad* from an internal struggle to live the right path, to a deadly mandate to destroy non-believers, especially the Little Satan (Israel) and the Great Satan (the United States). Instead, let me address three more directly-related "intel" and "security" matters.

First, we all need to read the *9/11 Commission Report*, particularly regarding the border, or (as the Commission described it in 2001), our "porous borders and the weak enforcement of immigration laws." From a national security perspective, it was "an overwhelming problem" that "a large population lives outside the legal framework". The Commission urged the US to "design a comprehensive screening system" enabling "frontline border officials...to establish that people are who they say they are...".

The Commission asserted that an effective “entry-exit system is an essential investment in our national security.” “It is elemental to border security to know who is coming into the country.”

A chilling finding of the Commission fits our state of abject neglect today: “Protecting borders was not a national security issue before 9/11.” One look at the southwest border today tells us that “protecting borders” is still not a “national security issue”. We’ve gone backwards. The 9/11 Commission warns us that we are neglecting our duty to the American people.

Despite our chaotic and often non-existent border screening, this negligence continues today. In fiscal year 2023, one-hundred seventy-two (172) known or suspected terrorists were encountered between ports of entry. Also, an Al Shabab member was improperly released into the US and lived here for a year before apprehension.

Second, I join the chorus of folks in congratulating the House on passing some version of the Foreign Intelligence Surveillance Act (FISA), one of the most important tools in our national security arsenal.

But as useful as the FISA system is, I believe that its continued existence and viability depends on public confidence in its application. Past abuses, sometimes for political purposes, create cynicism weaken confidence in FISA and in the rule of law more generally. Furthermore, the failure to punish past abusers (such as misrepresentation to the FISA Court, leaks for political gain, etc.) re-enforces such cynicism.

FISA is a victim of the declining confidence of the American people in the rule of law in this country, in the Department of Justice, and in the FBI. If citizens are to trust the fair use of FISA, these institutions must earn back the respect that they have lost.

A thorough review by the Committee of past abuses of FISA would be useful in this regard. The Committee should consider what strengthened sanctions may be added to FISA to combat abuse and punish abusers. The public deserves to know whether to what extent the reports of government misrepresentations to the FISA Court were true, and what sanctions were levied against those who misrepresented. Why were there no criminal prosecutions?

Third, I commend study of the various methods by which foreign adversaries, especially China, are planning to use artificial intelligence (AI) to create an artificial reality (AR) in the US. This is a particular danger among young users of tech platforms. These young people think they are sophisticated, but they are not likely to recognize complex forms of manipulation through artificially-created impressions and images. The Tik Tok situation is just one example of the threat.

Again, I trust that difficult, intense debate and good faith differences of opinion need not impair your fine bi-partisanship. Our national security demands no less and I am confident in your success in this regard.