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NOMINATION OF LIEUTENANT GENERAL JAMES CLAPPER, JR., USAF, RET., TO BE DIRECTOR OF NATIONAL INTELLIGENCE

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

TUESDAY, JULY 20, 2010

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NOMINATION OF LIEUTENANT GENERAL JAMES CLAPPER, JR., USAF, RET., TO BE DIRECTOR OF NATIONAL INTELLIGENCE

TUESDAY, JULY 20, 2010

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:43 p.m, in Room SDG–50, Dirksen Senate Office Building, the Honorable Dianne Feinstein (Chairman of the Committee) presiding.

Committee Members Present: Senators Feinstein, Wyden, Mikulski, Feingold, Nelson of Florida, Whitehouse, Levin, Bond, Hatch, Snowe, Chambliss, Burr, Coburn, and Risch.

OPENING STATEMENT OF HON. DIANNE FEINSTEIN, CHAIRMAN, A U.S. SENATOR FROM CALIFORNIA

Chairman FEINSTEIN. The hearing will come to order. This room is on the cool side, probably the coolest place in Washington today. But I'd like to welcome everyone to this hearing. We meet today in open session to consider President Obama's nominee to be the nation's fourth Director of National Intelligence, General James Clapper. So welcome, General Clapper.

The position of the DNI, as we call him, the Director of National Intelligence, is the senior most intelligence position in the government. The DNI is by statute, the head of the 16 different intelligence offices and agencies that make up the intelligence community, the principal advisor to the President on intelligence matters, and the official in charge of developing the intelligence budget.

As has been made clear over the first five years of the existence of the position, the true extent of the director's authority and the exact nature of the job he is supposed to do are still a matter of some debate. As the articles yesterday and today in The Washington Post have made clear, the DNI faces major management challenges caused by the enormous growth throughout those intelligence agencies and other parts of the government's national security complex since 9/11.

The articles raised several issues such as the high infrastructure expansion of buildings and data systems. Yesterday's article specifically names—and I won't read them out, but one, two, three, four, five, six—seven, huge new buildings, all of which, as was pointed out, will obviously have to accommodate individuals and all kinds of support services and positions.

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The article also describes a contractor number that now reaches approximately 28 percent to 30 percent of the entire intelligence workforce and carries out inherently governmental functions, contrary to policies of the Office of Management and Budget. The authors count 1,271 government organizations and 1,931 private companies that work on programs related to counterterrorism, homeland security and intelligence.

Under the past two DNIs and CIA directors, the number of contractors has been coming down slightly. And I'm pleased that they are no longer being used to conduct interrogation. Nonetheless, the use of contractors needs to continue to decrease substantially, and I intend to keep pushing on this point until contractors are not used for any inherently governmental purpose.

Our original fiscal year 2010 intelligence authorization bill contained a requirement that would have reduced the number of contractors across the community by 10 percent from 2009 to 2010. But because of the delay in passing the bill, this cut has not gone into effect.

Like the Post's articles, this committee has found, as evidenced by our report on the Christmas Day plot, that intelligence growth has not always led to improved performance. Growth in the size and number of agencies, offices, task forces and centers has also challenged the ability of former Directors of National Intelligence to truly manage the community.

As a sponsor of the first legislation calling for the creation of the position, I have long believed that the DNI needs to be a strong leader and have real authority. Clearly there is need for a strong, central figure or the balkanization of these 16 agencies will continue.

However, this cannot be just another layer of bureaucracy. The DNI must be both a leader as well as a coordinator of this increasingly sprawling intelligence community. But the DNI must also be, at times, more than that. He must be able to carry out Presidential direction and shift priorities based on national security concerns and emerging needs.

In actual practice, the DNI is constrained from directing 15 of the 16 elements of the community because they reside in various federal departments. And the Intelligence Reform and Terrorism Prevention Act of 2004 states that, in carrying out his responsibilities—and this is the rub—the DNI may not abrogate the statutory responsibilities of the Secretaries. This is often interpreted in real life to prevent centralized direction. The 16th agency, the CIA, is not housed within a department, but it, too, has demonstrated its ability to thwart the DNI's directives it dislikes by importuning the White House.

We understand from former officials in the DNI's office that both problems have greatly frustrated past DNIs' ability to lead. Every day of every week, month by month, the DNI must assure coordination between intelligence agencies to eliminate duplication and improve information sharing. And, when necessary, he must put an end to programs that are not working and avoid redundancy and overlap. I increasingly believe that this is becoming a major issue.

The 2010 Intelligence authorization bill reported out, again unanimously, in revised form last week, which the White House

has approved and the House intelligence committee supports, contains 10 provisions that would strengthen or add management flexibilities for the DNI. Eight of those 10 were requested by this or prior administrations. I urge the House to pass this bill.

The primary mission of the DNI is to make sure that the intelligence community produces information that enables policymakers to make informed decisions. This mission includes ensuring that the Department of Defense and military commanders have the information they need to carry out military operations and force protection. Yet it also covers the full range of national security, foreign policy and homeland security information needs.

I want to make sure that General Clapper, if confirmed, will wear the mantle of the Director of National Intelligence, not just the hat he wears today as Director of Defense intelligence, and that he will have the necessary broad, strategic focus and support that this position requires.

So I will be interested in continuing to discuss with our nominee the proper role of the DNI, what the mission should be and how strong the authority should be to carry out that mission.

Not in question is General Clapper's vast experience or dedication to public service. He has served his country for more than 40 years in a variety of capacities, 32 of those 40 years in active duty in the United States Air Force, retiring in 1995 as a lieutenant general. He has led two of the larger intelligence agencies, the Defense Intelligence Agency and the National Imagery and Mapping Agency, since renamed the National Geospatial-Intelligence Agency, or NGA. And he is currently the Under Secretary of Defense for Intelligence, a position he has held since 2007, meaning that he is one of the few national security officials to serve under both the Bush and Obama administrations.

In short, this nominee has as much experience in intelligence as any serving or retired official. So, General Clapper, I want to be clear that we do not question your service, your knowledge or your capability. We only ask that you clearly indicate your vision and commitment to head the intelligence community this afternoon and work to give it direction and prevent sprawl, overlap and duplication.

Before I turn to our distinguished Vice Chairman, I understand, General, that you have family and friends with you today. If you'd like to introduce them at this time—well, I think I'll change this and ask the ranking member to go ahead, if that's agreeable, then ask you to introduce your family, and then I know Senator Mikulski would like to say a few words, I suspect, on your behalf. I call on the Vice Chairman.

Mr. Vice Chairman.

OPENING STATEMENT OF HON. CHRISTOPHER S. BOND, VICE CHAIRMAN, A U.S. SENATOR FROM MISSOURI

Vice Chairman BOND. Thank you, Madam Chair, and as usual, I agree with your opening statements, and I join you in welcoming General Clapper to the committee for consideration of his nomination to serve as the Director of National Intelligence.

The outgoing Director of National Intelligence, Admiral Dennis Blair, deserves our thanks for his many years of service to the na-

tion, including his work as the previous DNI. Admiral Blair faced a number of unfortunate challenges during his tenure, as other administration officials increasingly assumed greater control over intelligence community activities. The next DNI must have the political clout, the willpower to ensure that our intelligence agencies are able to get their vital work done without being micromanaged by the Department of Justice or the National Security Council.

It is my hope that the next DNI will assert this needed leadership over the intelligence community. Something the George W. Bush administration got right in this area was placing key people in the jobs who were responsible to the Congress. For example, there was no question that John Negroponte, and then, most notably, Admiral Mike McConnell, were the President's principal intelligence advisors, as they should be under United States law. At that time, the public did not even know the names of intelligence staffers on the National Security Council. Today, the paradigm has been reversed. We have a staffer on the National Security Council, who most people in the intelligence community believe acts as the DNI.

He calls the shots and even goes on national television to pitch the administration's viewpoint. A June 6 Washington Post article was spot on in describing his role in today's intelligence. This is not good for the country and is contrary to Congress' intent for the IC. If the President would like him to act as his principal intelligence advisor and head of the intelligence community, then I'll be happy to co-host his confirmation hearing with the Chair. But if not, then this template needs to change.

Turning to you, General Clapper, as the Chair has already mentioned, you've served our nation well. You have a long background in very demanding leadership roles in the military and the intelligence community, and I think we all thank you for an impressive 46 years of service to our nation in the field of, primarily, intelligence. But you know that I have concerns about whether you will be able to do what Director Blair could not.

You've talked about leaving federal service for some time, yet you are now seeking one of the hardest jobs in Washington, one fraught with maximum tensions. Frankly, today I ask you to tell us why? Our nation is at a critical point. We're six years into this experience of intelligence reform, and I'm afraid we have a long way to go. The recent Washington Post top secret series highlights what I and others on the committee have been saying for a long time. The intelligence community is lacking effective oversight. And today, I hope we can focus on whether you, General Clapper, will have the horsepower needed in the White House to use the DNI as the position for reform and management it needs to be.

The DNI, in the next round, will need to be a fire in the gut guy who is willing to break paradigms and trends against business as usual. He needs to be someone who is not reluctantly accepting the job, but is willing to take on the old guard and change broken ways of going about intelligence. We don't need our top spy chief to be a figurehead who cedes authority to the Justice Department. Instead, we need a DNI who can oversee our nation's terror-fighting policy.

We need a DNI who will push the envelope on his authorities and advance the institution's ability to lead our intelligence agencies. Just as important, we need someone who can throw some elbows and take back control of our intelligence agency from DOJ, White House bureaucrats and even the DOD. Also, he must establish a clear chain of command between the CIA and the DNI.

While the 2004 intelligence reform bill was certainly a step forward in our efforts to reform the intelligence community, it fell well short of what I hoped Congress would achieve—namely, as I've said many times and said to you, the DNI was given a load of responsibility without the authority or all the tools needed truly to lead our intelligence agencies.

The arm wrestling that took place between DNI Blair and the CIA director over who would appoint the DNI's representatives overseas was a clear sign to me that we do not yet have the right balance, but we have to get it right if we hope to meet the national security challenges ahead.

Now, previously you've been inconsistent in whether the DNI should be granted additional authorities to lead our intelligence agencies. While some have rationalized this wavering as an example of the old adage, "Where you sit is where you stand"—in other words, you protect the turf of whatever institution you lead—I don't take much comfort in that explanation. That's not the hallmark of the sort of leader that we need at the head of the intelligence community.

You reference in your prepared opening statement that a number of Members have raised concerns about your affiliation with the Department of Defense. Well, I think that is a valid concern. When the President called the Chair and me to inform us of your nomination, his first selling point was that you were strongly supported by the Defense Secretary and the Senate Armed Services Committee.

I have to tell you, General, that's not the best way to put you forward to this committee as the next leader of the intelligence community. We're happy that the Defense Department and Armed Services Committee love you, but frankly, that's not what we're looking for.

Now, I am a big supporter of the Defense Department. And as I said, my son was in Iraq and three of my staff on the committee voluntarily took leaves of absence over the past two years to serve in harm's way in uniform in Iraq and Afghanistan, and we appreciate their service like all of the members of the armed services.

But at the strategic level, an overemphasis on DOD within the intelligence community can be counterproductive. We've seen this problem with the State Department, and it's struggled to regain the lead from the Pentagon in smart power activities.

This is one reason the memo from your office to the Senate Armed Services Committee a few weeks ago, which criticized 13 specific provisions in this committee's authorization bill, was not well received here. You said you felt obligated to afford the Armed Services Committee the opportunity to hear your criticisms of the bill. We would have appreciated that same courtesy being extended to this committee, first and foremost, since you are dual-hatted as under our structure.

It is our bill; you are the DNI, Director of National Intelligence. The memo is something that I believe you should have addressed to us upfront, and on the record at the end of your opening statement today I would hope you might reference it.

We have to get the relationship between the IC and its overseers right. Congressional oversight is instrumental in advancing the DNI's leadership of the intelligence community. Through such oversight Congress can ensure that not only the DNI understands the expectations of his position but that other agencies recognize the DNI's leadership.

General, too much of your previous contact with this committee has been too reluctant and reactive. We have to have a DNI who works proactively to meet his obligations under the law, to keep the Senate Intelligence Committee fully and currently informed. And that requires a good and open working relationship.

Today is your opportunity to instill in this committee the confidence that you're up to the task of leading the intelligence community while complying with your statutory obligations to work with this committee. And I wish you the very best, sir.

Madam Chair, we've had far too many DNI confirmation hearings in our time together on the SSCI. I believe this high turnover rate is a symptom of the inadequate authorities that the IRTPA invested in the DNI. If we are unable to address those legislative shortcomings in the remaining time in this Congress, then I hope this is something you and the next ranking Republican will begin to address next year in the new Congress.

And I thank you, Madam Chair and General.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman.

Senator Mikulski, it's my understanding you have a few comments you'd like to offer.

OPENING STATEMENT OF HON. BARBARA A. MIKULSKI, A U.S. SENATOR FROM MARYLAND

Senator MIKULSKI. Thank you, Madam Chair. I'm going to be very brief, because I know we want to get quickly to the hearing.

I'm one of the people that's worked hands-on with Mr. Clapper. And I would like to just say to the committee, first of all, like you, I know we've been through four DNI confirmations, four DNIs. And if there is a failure in or questions about the authority and the functionality of the DNI, then it's incumbent on Congress to look at the legislation, but not necessarily fault the DNI nominee for the failures of the legislative framework.

But let me just say this about Mr. Clapper: One of the things—look, you all know me as straight-talking, plain-talking, kind of no-nonsense. And one of the things in working with Mr. Clapper as head of the NGA was, again, his candor, his straightforwardness, his willingness to tell it like it is—not the way the top brass wanted to hear it—I thought was refreshing and enabled us to work very well.

I think that in his job he will be able to speak truth to power—which God knows we need it—and he will speak truth about power, which we also need. And I would hope that as we say, oh, gee, we don't know if we want a military guy chairing or heading the DNI, Mr. Clapper left the military service in 1995. He's been a civilian.

He doesn't come with the whole extensive, often military staff that people bring with them when they take a civilian job. And I think in my mind he's probably the best qualified to do this job, because he's not only been a night hawk standing sentry over the United States of America, but he's actually run an intelligence agency and he's actually had to run a big bureaucracy. And he's had to run with sometimes very inadequate leadership at the top.

So we ought to give him a chance and I think we ought to hear what he has to say today. I acknowledge the validity of the questions the Chair and the ranking member have raised, but I think we would do well to approve General Clapper.

Vice Chairman BOND. Madam Chair, if I may thank my friend from Maryland for helping me get my voice back and wish her a very happy birthday.

Chairman FEINSTEIN. Happy birthday, Senator. We did this in caucus and gave her a rousing verse.

Senator MIKULSKI. I thank you for your gallantry, but sometimes state secrets ought to be kept state secrets.

[Laughter.]

Vice Chairman BOND. I didn't mention any years or anything. Just the date.

Senator MIKULSKI. Well done.

Chairman FEINSTEIN. Clapper, if you would like to introduce your family, please, we'd like to welcome them and then proceed with your comments.

STATEMENT OF LIEUTENANT GENERAL JAMES CLAPPER, JR., USAF, RET., DIRECTOR OF NATIONAL INTELLIGENCE–DESIGNATE

General CLAPPER. I'd like to introduce my family and friends who are with me today. First, my wife of 45 years, Sue, who herself is a former NSA employee, my daughter Jennifer and her husband Jay. She is a principal of an elementary school in Fairfax County and Jay is a high school teacher; my brother Mike from Illinois, and my sister, Chris, who just moved to North Carolina; and a close friend of ours who is with us today.

Chairman FEINSTEIN. We welcome you all.

General CLAPPER. Chairman Feinstein, Vice Chairman Bond and distinguished members of the committee, it is indeed a privilege and an honor for me to appear before you today as President Obama's nominee to serve as the fourth Director of National Intelligence. Additionally, I want to thank Senator Mikulski for your introduction. It was very thoughtful and touching to me personally.

Being nominated for this position for me was an unexpected turn of events. I'm in my third tour back in the government. My plan was to walk out of the Pentagon about a millisecond after Secretary Gates. I had no plan or inkling to take on another position. But as in the past, I've always been a duty guy at heart, and so when approached by Secretary Gates, followed by the President of the United States of America, both of whom I have the highest respect for, I could not say no. I'm honored that President Obama has expressed confidence in my abilities and experience by this nomination.

I've submitted a longer statement for the record, subject to your concurrence. If I can deliver one message to you here today, it is this: I've served over 46 years in the intelligence profession in many capacities—in peace, in crisis, in combat, in uniform, as a civilian, in and out of government and in academe. I've tried hard to serve in each such capacity with the best interests of our great nation first and foremost. Should I be confirmed as Director of National Intelligence, I can assure you that will continue to be my central motivation.

We have the largest, most capable intelligence enterprise on the planet. It is a solemn sacred trust to the DNI to make that enterprise work for the sake of this nation and its people. Intelligence is a team endeavor and the DNI is in the unique and distinctive position to harness and synchronize the diverse capabilities of the entire community and make it run as a coherent enterprise.

I want to repeat something here today publicly that I've said to many of you privately. I do believe strongly in the need for congressional oversight, and if confirmed, I would continue to forge an even closer partnership with the oversight committee.

It's the highest distinction in my professional career to have been nominated for this extremely critical position, particularly in this difficult time throughout the world.

This concludes my formal statement. I'd be prepared to respond to your questions, or Madam Chairman, if you'd like, I can respond now to your commentary as well as that of the Ranking Member.

[The prepared statement of General Clapper follows:]

PREPARED STATEMENT OF LIEUTENANT GENERAL JAMES R. CLAPPER, JR., DIRECTOR OF NATIONAL INTELLIGENCE-DESIGNATE

Madam Chairman, Vice Chairman Bond, and distinguished Members of the Committee, it is a privilege to appear before you today as the President's nominee for Director of National Intelligence: I am truly honored that the President has confidence in my ability to lead our Intelligence Community. My deepest appreciation goes out to him for the nomination, and. my sincere thanks to all of you, the overseers of our nation's intelligence services, for the opportunity to address you and answer your questions here today.

When President Obama asked me to lead this organization he said he wanted someone who could build the Intelligence Community into an integrated team that produces quality, timely, and accurate intelligence; be his principal intelligence advisor; be the leader of our Intelligence Community; and be someone who would tell policymakers what they needed to know, even if it wasn't what they wanted to hear. Lastly, he needed someone who knew how to get things done in a bipartisan, professional manner.

While humbled by the nomination, I reflect upon my 46 years of experience in the intelligence business and find confidence in my ability to serve diligently and competently in the position of Director of National Intelligence, should I be confirmed.

I have heard expressions of concern about my independence; as a long-time denizen of the Department of Defense, and whether I might be too beholden to it, and, thus, skew things in favor of the military. I have been out of uniform for almost 15 years, over six of which were completely out of the government. The former Secretary of Defense ended my tenure as Director of NGA three months earlier than originally planned, because I was regarded as too "independent." I am a "truth to power" guy, and try always to be straight up about anything I'm asked.

Having said that, I feel my experience in the military—starting with my two tours of duty during the Southeast Asia conflict—provided a wealth of experience in intelligence which has been expanded and honed by the things I've done since retiring from military service in 1995. Thus, I have been a practitioner in virtually every aspect of intelligence.

Over the course of my career, I served as a Commander in combat, as well as a Wing Commander and Commander of a Scientific and Technical Intelligence Center. I have also served as a Director of Intelligence (J-2) for three war-fighting com-

mands and led two intelligence agencies. I learned every aspect of intelligence collection, analysis, operations, planning and programming, and application and in all other disciplines—HUMINT, GEOINT, MASINT, Foreign Material, Counter-intelligence, and other more arcane forms of technical intelligence. I have been widely exposed to the workings of the entire U.S. Intelligence Community around the globe.

I have also worked as a contractor for four companies, with intelligence as my primary focus. This gave me great insight into the roles as well as the strengths and limits of contractors, how the government looks from the outside, and what drives a commercial entity as it competes for, wins, and fulfills contracts.

I served on many government boards, commissions and panels over my career. Specifically, I served as Vice Chairman of a Congressionally mandated Commission chaired by former Governor of Virginia, Jim Gilmore, for almost three years. Based on this experience I learned a great deal on how issues are perceived at the State and local levels, and helped formulate recommendations, which, in part, presaged the subsequent formation of the Department of Homeland Security.

As the Under Secretary of Defense for Intelligence, I helped exercise civilian control over the military, served as Program Executive for the Military Intelligence Program, and developed and promulgated standards and policy across the entire range of the intelligence, counter-intelligence, and security dimensions of the Department of Defense.

Apart from all this functional experience, I have lived the history of the Intelligence Community for that same time span. I think the amalgam of this experience—the breadth, depth, and scope—equips me to deal with the demands of the DNI—a position which demands extensive knowledge of the entirety of the US intelligence enterprise.

I think, too often, people assume that the Intelligence Community is equally adept at divining both secrets (which are theoretically knowable) and mysteries (which are generally unknowable) . . . but we are not. Normally, the best that Intelligence can do is to reduce uncertainty for decision-makers—whether in the White House, the Congress, the Embassy, or the fox hole—but rarely can intelligence eliminate such uncertainty.

But in order to provide the best intelligence support to our nation, our leaders and decision-makers, the DNI can and must foster the collaboration and cooperation of the Intelligence Community. Intelligence is a team effort. Given the complexity and diversity of the Intelligence Community—we must view it as an enterprise of complementary capabilities that must be synchronized. To be specific, the DNI will need to serve the President and work with all members of the community and the Congress as well as with many others, to be successful in fulfilling the President's vision.

Madam Chairman, Mr. Vice Chairman, if confirmed, I pledge not only to follow the law, but to go a step further and endeavor, as best as I am able, to build upon and increase the trust between Congress and DNI. That's not to say we'll always see things the same way. And that's not to say you won't question us and hold us accountable where appropriate—I expect nothing less. But our objective ought to be the same: to give the Intelligence Community all that it needs to succeed, consistent with our laws and values. If confirmed, I believe I can do that. I have had very positive discussions with CIA, FBI, and other leaders across the Intelligence Community, and I am quite encouraged by their commitment to making this team work should I be confirmed.

Additionally, keeping this Committee "fully and currently" informed is not an option. It is the law, and it is our solemn obligation. I was a young Air Force officer at NSA in the seventies, and watched the Church-Pike hearings, which led to, among other things, the establishment of the intelligence oversight committees in both Houses of Congress. I am a strong believer in the need for an informed Congress. I say this not only as an intelligence-career professional, but as a citizen. I have interacted with the intelligence oversight committees since the mid-eighties in several capacities. If confirmed, I would seek to forge a close partnership with the oversight committees.

Moreover, I would observe that the Congress will be hugely influential in ensuring the DNI succeeds. The Congressional DNI partnership is crucial in all respects, and this is one of the most important—keeping Congress fully and currently informed of intelligence activities and receiving your feedback, support, and oversight. Indeed, it is my conviction that, partly through the Congress, the DNI has a great deal of authority already; the challenge is how that authority is asserted. I believe my experience in the community would serve me, and the position, well.

Finally, the men and women of the Intelligence Community are courageous, smart and patriotic; if confirmed, it would be my honor to lead them in support of our nation's security. Thank you and I look forward to your questions.

Chairman FEINSTEIN. Well, that is up to you, General. If you would like to, proceed; otherwise we can take that up in questions. It's up to you.

General CLAPPER. Well, we have Members here waiting to ask questions, so I would suggest we go ahead with that, and then perhaps I'll get to these points, or if not later, I will get to them subsequently.

Chairman FEINSTEIN. All right. We will begin with 10-minute rounds, and we will proceed in order of seniority and we will alternate sides. I hope that's acceptable.

General Clapper, as I mentioned in my opening statement, I believe that the DNI must be able to be a strong leader as well as a coordinator. In the Oxford Handbook of National Security Intelligence from February 2010, you wrote, "I no longer believe as strongly as I once did in greater centralization of intelligence activity or authority, and I realize that the individual needs of each department for tailored intelligence outweighs the benefits of more centralized management and control."

Secondly, in answer to the committee's initial questionnaire, you wrote that the responsibilities of the DNI entail "supervision and oversight," which to me seems weaker than "direction and control."

Here's the question: If you were confirmed as DNI, in what way specifically will you be the leader of the IC as opposed to simply a coordinator of the 16 agencies that make up its parts? And can you give specific examples of where you see more forceful leadership is necessary?

General CLAPPER. Well, Madam Chairman, I think first that with all of the discussion about the lack of authority or the perceived weaknesses of the Office of the Director of National Intelligence, I believe it already does have considerable authority, either explicit in the law, the IRTPA, or implicit, that can be exerted. It's my belief that the issue, perhaps, in the past has been the art form by which that authority has been asserted.

And it would be my intent to push the envelope, to use your phrase, on where those authorities can be broadened. And I refer specifically to programming and financial management, since that's the common denominator in this town, as one area where, having been a program manager twice in the national intelligence program as well as the program executive for the military intelligence program, I think I know how those systems work and how that can be leveraged.

When I speak of centralization, I don't think that everything has to be managed and run from the immediate confines of the office of the Director of National Intelligence. I think Director of National Intelligence authorities can be extended by deputizing or delegating, if you will, to various parts of the community things that can be done on the DNI's behalf but which do not have to be done within the confines of the DNI staff. So I would want to clarify that.

I would not have agreed to take this position on if I were going to be a titular figurehead or a hood ornament. I believe that the position of Director of National Intelligence is necessary, and, whether it's the construct we have now or the Director of Central Intelligence in the old construct, there needs to be a clear, defined,

identifiable leader of the intelligence community to exert direction and control over the entirety of that community, given its diversity and its heterogeneity, if you will, the 16 components that you mentioned.

Chairman FEINSTEIN. Given our present budget problems, this growth of the entire community, which has doubled in budget size since 9/11, is unlikely to continue. We've all had occasion to discuss this with recent heads of individual departments. It's my belief that everybody is well aware of that. In fact, the budget may actually end up being decreased in coming years.

So here's the question: Has this growth, in your view, as you've participated at least at DIA and other areas, been managed correctly? Are there areas where you believe work remains to be done to consolidate and better manage prior growth?

General CLAPPER. Madam Chairman, I think, with particularly the publication of the two articles in the Dana Priest series, that it would seem to me that some history might be a useful perspective. And I go back to when I served as Director of DIA in the immediate aftermath of the Cold War where we were under a congressional mandate to—the entire intelligence community was—under a mandate to reduce the community by on the order of 20 percent. And put another way, that meant that one out of every five employees that we then had on the rolls had to be removed from those rolls.

The process started before I left active duty in 1995 and continued through the 1990s. I left the government, was away for six years, came back to then NIMA, later NGA, took over there two days after 9/11. And that downward profile was then in progress. And we were constricting facilities, fewer people, then 9/11 occurred. We put the brakes on, screech, and then we had to rejuvenate and re-expand the intelligence community.

And of course, the obvious way to do that, to do it quickly, was through contractors. That certainly happened in my case when I was director of NGA for five years in the immediate aftermath of 9/11.

And so I think the questions that are raised in the article that you point out about the profligate growth of contractors and attendant facilities and all this sort of thing is, in my view, part of a historical pattern here, a pendulum that is going to swing back and we are going to be faced, I think, with a somewhat analogous situation as we faced after the fall of the Wall when the charge was to reap the peace dividend and reduce the size of the intelligence community.

With the gusher, to use Secretary Gates's very apt term, of funding that has accrued particularly from supplemental or overseas contingency operations funding, which, of course, is one year at a time, it is very difficult to hire government employees one year at a time. So the obvious outlet for that has been the growth of contractors.

Now, if you go back even further in history, at least in my mind, you think back to World War II where we had the arsenal of democracy, which turned out ships and planes and trucks and jeeps in unending numbers and that's actually how we won the war. In a sense, we're doing somewhat the same thing analogously today;

it's just a different war. It's much more of an information-driven war, where intelligence, instead of being as it was in my day, my first tour in Vietnam in 1965, where intelligence was a historical irritant, it now drives everything.

So it's not surprising, in my view, that intelligence is so prominent and that we have so many contractors doing so many things. I think the article today is in some ways testimony to the ingenuity, innovation and capability of our contractor base. That's not to say that it's all efficient; it isn't. There's more work that needs to be done there. I think this is a great area to work with the oversight committees.

What is lacking here are some standards. Should there be limits on the amount of revenue that would accrue to contractors? Should there be limits on the number of full-time equivalent contractors who are embedded in the intelligence community? And I think those are issues that I would propose we work together on if I'm confirmed as the DNI. And I would start, frankly, with the Office of the DNI, which in my sensing, at least, I think has got a lot of contractors and we ought to look hard at whether that's appropriate or not.

With respect to the buildings that have accrued, most of the buildings that—and NGA is a case in point, a $2.1 billion facility that will go in at Springfield, Virginia, at the former engineering proving ground at Fort Belvoir. I was very instrumental in that and that, of course, came about because of the BRAC, the base relocation and consolidation round that occurred in 2005.

So the NGA facility, the consolidation of the central adjudication facilities at Fort Meade, the consolidation and then the co-location of the counterintelligence facilities at Quantico, at DISA, going to the Defense Information Support Agency at Fort Meade, all came about because of the BRAC rounds.

In the case of NGA, what the business case was, we got out of leased facilities which over time cost more than a government-owned facility, not to mention the quality of life working conditions that will demonstrably improve for NGA.

Chairman FEINSTEIN. One last quick question. It's my understanding that a contractor costs virtually double what a government employee does and has cost that. We have set as a mark 10 percent reduction a year. I don't know that that's quite achievable. I know the CIA has tried to do 5 percent.

What is your view on this as to what would be a practical and achievable number to aim for the reduction of contractors, assuming they're 28 percent to 30 percent of the entire workforce today?

General CLAPPER. Well, ma'am, I think that we need to try to come up with some organizing principles about where the contractors are appropriate and where they are not, since there are wide variances in terms of the percentages and prevalence of contractors in various parts of the community. In the case of the military services, with the exception of perhaps right now of the Army, which I think is understandable, it's a fairly low percentage of contractors that are working in intelligence. In the case of the intelligence agencies, the percentage is higher and, of course, one agency in particular, the NRO, which has classically, traditionally been heav-

ily reliant on contractors, not only for acquisition, but for operations.

So I think I'd want to try to come up with some organizing principles, some standards that would determine—some formulas, if you will, that would determine where contractors are appropriate and where they are not rather than just keying on a fixed percentage, which could, in some cases, be damaging or not.

So I certainly agree with, again, it's time for that pendulum to swing back as it has historically. I'm just reluctant to commit to a fixed percentage because I'd want to see what the impact was in individual cases.

Chairman FEINSTEIN. Well, we will ask you for that assessment as soon as you're confirmed.

Mr. Vice Chairman.

Vice Chairman BOND. Thank you, Madam Chair.

General, let me pose a hypothetical that has some base in reality. Let's pretend you are the DNI and you worked for years with the oversight committees to produce an intelligence authorization text. It's safe to say the administration's OMB director writes to the committees saying the President will sign the text, and let's pretend that an Under Secretary of Defense, Intelligence—in a sense, it would be your successor—sends a discussion draft to the majority staff of the Armed Services Committee alerting them to provisions in the text that need modification because they conflict with longstanding authorities of the Secretary of Defense.

Let's also pretend that you did not clear this, the Under Secretary did not clear it with you, the DNI, or the intelligence oversight committees.

How would you view this action of your dual-hatted Under Secretary of Defense, Intelligence? And how would you view his meddling in this operation? And how do you think you as the DNI would react to the USD/I doing this?

General CLAPPER. Well, I probably would have chastised him for not having provided a copy of the staff paper that was exchanged in response to requests from the House Armed Services Committee staff. And in retrospect, it would have been better had I seen to it that a copy of that went to the two respective intelligence committees. That happened anyway at the speed of light without my taking any action, but that would probably have been the more appropriate course.

I have been for the last three years the Under Secretary of Defense for Intelligence and I considered it my responsibility and my obligation to defend and protect the Secretary's authorities and prerogatives to the maximum extent I could. If I were confirmed as the DNI, I will be equally assiduous in ensuring that the DNI's prerogatives and authorities are protected and advanced.

Vice Chairman BOND. Well, we would hope so. Now, in our discussion—we had a good discussion last week—I believe you said that the Senate Intelligence Committee should have jurisdiction over the Military Intelligence Program budget, which is currently under the jurisdiction of the Armed Services Committee.

Would could you clarify that for me? Do I understand that correctly?

General CLAPPER. Well, I'm probably risking getting in trouble with the Senate Armed Services Committee, who apparently likes me now, so——

Vice Chairman BOND. You used up a chit or two there.

Senator LEVIN. I'd continue to worry if I were you, General Clapper.

[Laughter.]

General CLAPPER. It would be better, frankly, and I guess I don't want to get into jurisdictional gun battles here between and among committees, but from my viewpoint, having done this in several incumbencies, it would be better if the oversight were symmetrical. In the House, the House Intelligence Committee does have jurisdiction over the Military Intelligence Program, and it's a different situation here in the Senate. And I will leave that——

Vice Chairman BOND. That's very clear and I appreciate that, and you have, as anyone around here knows, entered into the most deadly minefield in Washington, D.C.

General CLAPPER [continuing]. Yes, sir.

Vice Chairman BOND. So step carefully, but we appreciate you taking that step.

A very important question about habeas. A number of habeas decisions have resulted in release of Guantanamo Bay detainees, government-conceded in some cases; in others, the government argued against the release and recently the government won a case on appeal.

We know the recidivism rate for Gitmo detainees is now above 20 percent. Do you agree with the public statement of the national security staffer who said that a 20 percent recidivism rate with terrorists isn't that bad?

General CLAPPER. He was comparing it, I believe, to what the recidivism rate is here in the United States. I think in this case a recidivism rate of zero would be a lot better. That would be a great concern. I think it is incumbent on the intelligence community institutionally to make the soundest, most persuasive, authoritative and accurate case possible when these cases are addressed, when decisions are being made to send people back to host countries.

A particular case in point in Yemen, as we discussed in February at a closed hearing when Steve Kappes and I appeared before you, that's something you have to watch very carefully in Yemen because their ability to monitor and then rehabilitate anyone is problematic at best. And these decisions were made, as we also discussed, sir, this is an interagency thing, a process in which intelligence is an important but not the only input to that decision.

Vice Chairman BOND. Would you agree that the committee should be given the intelligence assessments on Guantanamo Bay detainees which we have not fully received yet?

General CLAPPER. As far as I'm concerned, yes, sir, you should have that information.

Vice Chairman BOND. I have some concerns, and I would like your views on having the DNI sit in a policymaking role for the purposes of voting on the disposition of Guantanamo detainees. Is that over the line of intelligence gathering and getting into a policy area?

General CLAPPER. I don't know the exact mechanics of how those meetings work, but I would say as a general rule I don't believe intelligence should be in a "policymaking" role. I think intelligence should support policy. It should provide the range of options for policymakers, but I do not believe intelligence—other than for intelligence policy, but not broader policy—should be involved.

Vice Chairman BOND. But I assume you would not hesitate if the intelligence agencies' conclusions point to a different direction than the ultimate policy decision, that you would share your honest assessments with the oversight committee in our confidential deliberations.

General CLAPPER. Yes, sir, I would.

Vice Chairman BOND. All right. One of the questions we have is whether there should be a statutory framework for handling terrorists' habeas corpus challenges, a redefinition under the new circumstances of the law of the war, because we are in a different kind of battle than we have been. Do you think we need a new law on habeas with terrorists who don't belong to any nation's army?

General CLAPPER. Sir, that's one I think I would need to take under advisement. It's kind of a legal issue, a little out of my domain. Off the top of my head, I'm not sure I can answer that.

Vice Chairman BOND. If you're confirmed, we would ask that you work with your legal counsel and with us to see if something is appropriate, if you would have any recommendations.

In your meeting with me last week you said that the Department of Justice, in my words, meddling in our intelligence agencies was not an acute problem. I respectfully disagree.

The DOJ prevented IC agencies from complying with their statutory responsibility to share intelligence with the committee on the Times Square attack, and the DOJ did not defer to the IC in decisions about whether to Mirandize terrorists. I think those are acute.

If you are confirmed, what input do you expect to have over the decision whether or not to Mirandize a terror suspect?

General CLAPPER. Well, we hope to be consulted and in the decisionmaking process if such a situation arose.

Vice Chairman BOND. Have you ever had an opportunity to discuss these issues with the Attorney General?

General CLAPPER. I have not.

Vice Chairman BOND. What do you think ought to take precedence—making sure defendants' statements can be used in court, or obtaining needed intelligence to thwart future attacks?

General CLAPPER. Well, obviously my interest, or the interests of intelligence institutionally, is in gaining information. How the detainee is treated legally, that's another decision that I don't make, but my interest is in procuring the information.

There is some commonality here between a straight intelligence interrogation, say done by the military or agency, versus interrogations done by the FBI, in that in both cases the interrogator is trying to achieve or develop rapport with the detainee or the person being interrogated. That is a major factor for the FBI, for example, when they are interrogating, even in preparation for Mirandizing somebody. So again, I think the interest of intelligence is in gaining the information.

Vice Chairman BOND. Do you believe there are legitimate reasons for Department of Justice instructing entities within the DOJ or elsewhere in the intelligence community not to share intelligence information otherwise under the jurisdiction of this oversight committee?

General CLAPPER. Sir, I'm not sure I understand the question. I'm sorry.

Vice Chairman BOND. Are there situations, do you see any situations in which the Department of Justice can or should say to an intelligence entity, or even to the FBI, don't share that intelligence with the intelligence committee?

General CLAPPER. I can't think of a situation like that, or something I wouldn't be very supportive if that were the case.

Vice Chairman BOND. I can't either. Thank you very much.

Chairman FEINSTEIN. Thank you, Mr. Vice Chairman.

Senator Wyden.

Senator WYDEN. Thank you very much, Madam Chair.

Mr. Clapper, it is well known that the world of counterterrorism and homeland security is a sprawling enterprise. Yet yesterday the Washington Post made what I believe is a jaw-dropping assertion, and I would like to get your comment on it. It is a really extraordinary assertion of fact, and they said here, "No one knows how much money it costs, how many people it employs, how many programs exist within it, or exactly how many agencies do the same work."

Now they made this as an assertion of fact. Do you agree with that?

General CLAPPER. Well, no, sir, I really don't. The statement implies that this is completely out of control, and I believe that it is under control because in the end the common denominator for all this is the money that is appropriated, whether it's intelligence or for other purposes. The money is appropriated with fairly specific strings attached. There are allocations on a program-by-program basis. I know I've been the recipient of that.

And in the end the intelligence community can do many things, but printing more money is not one of those things we can do. So that does serve, I think, as a means of control over the allegedly profligate intelligence activities.

Senator WYDEN. Let's take the various judgments made in that assertion. Is it clear how many people are employed?

General CLAPPER. We can certainly count up the number of government employees that we have, absolutely. Counting contractors is a little bit more difficult.

I was a contractor for six years, after I left, in the interval after I left active duty.

And when you have—I would sign off, depending on which company I was working for, I might charge to four or five different contracts. So you have different parts of people, if you will, so it gets to be a little more difficult to actually count up, on a head count, on a day-by-day basis, exactly how many contractors may be doing work, all or in part, for a contract in intelligence.

Senator WYDEN. I have to cover a lot of ground here. So the answer to that is, it's not clear how many people are employed.

Is it clear how many agencies do the same work?

General CLAPPER. Well, again, this is a determination that Dana Priest made, that agencies——

Senator WYDEN. I'm asking for your——

General CLAPPER [continuing]. I don't believe that, sir. I don't believe, as a general commentary. There are cases, as there have been in the history of intelligence, where there has been a conscious decision to have some duplication. One man's duplication is another man's competitive analysis. So there is a certain amount of that that does go on, which I do think is a healthy check and balance.

That's not to say, sir, and I would not assert that this is completely efficient and that there isn't waste. There is. And, you know, the community does work to try to eliminate that.

Senator WYDEN [continuing]. Let me ask you about another important area to me, and that's the relationship between the director and the Central Intelligence Agency.

And let me use a hypothetical—a short one—to get your assessment of how you'd deal with it. Supposing a particular foreign government has solid intelligence on al Qaeda but has refused to share it with the United States. You've dealt with the government before, and in your professional judgment, the best way to get the cooperation is to fly there, confront them directly, insist that they share the information.

And let's suppose, just for purposes of this hypothetical, the CIA disagrees with your judgment: They would say, "No, Clapper, that's not the way to do it. The best way to get the foreign government's cooperation is to be patient and wait six months before asking for the information." What would you do, so that we can get some sense of how you would see your job interacting with the CIA?

General CLAPPER. If I felt, for whatever reason, that the only way to secure that information would be for me personally to engage with that foreign government, I would do so. I would certainly, though, consult and discuss that with the director of the CIA.

Senator WYDEN. But ultimately do you believe that you would have the authority to overrule the CIA director?

General CLAPPER. I do.

Senator WYDEN. The third area I want to ask you about, Mr. Clapper, involves the contractor issue. We've talked about it in a variety of ways.

One of the areas that I have been most concerned about is that I think that this is a real magnet for conflicts of interest. Often you've got a situation where one of the biggest potential sources of conflicts is when you have expertise on a particular topic residing mostly in the contractor base rather than the government workforce, and you get into a situation where the contractors are being asked to evaluate the merits of programs that they're getting paid to run.

I'd like your judgment as to whether you think this is a serious problem, and if so, what would you do about it?

General CLAPPER. It is a problem, sir, that you have to be on guard for.

When I served as director of NGA for almost five years, half the labor force at the time, of NGA, was contractors. And you do have

to safeguard against—you have to have a mechanism for watchdogging that to prevent this conflict of interest, where you have contractors who can gain an unfair advantage, in terms of competing for more work and this sort of thing. So you must be on the look-out for it. I don't think it is a widespread thing, but it does happen and you must have the management mechanisms in place to ensure that doesn't happen.

And to me, that's the crux here on contractors and their management, is the maintenance of a cadre of government employees who do have the expertise to assess and evaluate the performance of the contractor. And when you're in a situation where the contractor has a monopoly of knowledge and you don't have a check and balance in your own government workforce, you've got a problem.

Senator WYDEN. I think you're going to find that it is a more widespread problem than you see today. But I appreciate the fact that you've indicated that you understand that there are conflicts there, and you want to be watchful for it.

The last area I want to get into is the question of declassification abuse. And it just seems to me that so often the classification process, which is supposed to protect national security, really ends up being designed to protect political security, and you and I have talked about this on the phone.

And I would just like to get your assessment about how you would weigh the protection of sources and methods with the public's right to know. Because as far as I can tell, there really isn't a well-understood process for dealing with this. And in the absence of well-understood process the political security chromosome kicks in—and everything is just classified as out of reach of the public and the public's right to know is flouted.

So how would you go about trying to strike that balance?

General CLAPPER. Well, first, I agree with you, sir, that we do overclassify. My observations are that this is more due to just the default—it's the easy thing to do—rather than some nefarious motivation to, you know, hide or protect things for political reasons. That does happen too, but I think it's more of an administrative default or automaticity to it.

And in the end it is the protection of sources and methods that always underlie the ostensible debate about whether to declassify or not. Having been involved in this, I will tell you my general philosophy is that we can be a lot more liberal, I think, about declassifying, and we should be.

There is an executive order that we are in the process—we, the community—are in the process of gearing up on how to respond to this, because this is going to be a more systematized process, and a lot more discipline to it, which is going to also require some resources to pay attention to to attend to the responsibilities we have for declassification.

Senator WYDEN. Would you be the person—and this is what I'm driving at—who we can hold accountable? Because I think in the past there has been this sense, on classification issues, it's the President's responsibility. Then you try to run down who at the White House is in charge.

I want to know that there is somebody who's going to actually be responsible. I appreciate your assessment that——

General CLAPPER. If it is for intelligence. Now, classification——

Senator WYDEN [continuing]. On intelligence issues.

General CLAPPER [continuing]. Yeah, exactly, because it's broader than just intelligence. But certainly if it's intelligence, yes, I believe ultimately the DNI, if I'm confirmed, is the guy in charge.

Senator WYDEN. Thank you, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Senator Wyden.

Senator Hatch.

Senator HATCH. Well, thank you, Madam Chairman.

General Clapper, I want to thank you for your long years of service to this country. You have really an impressive experience in the intelligence world, experience that I think you can draw on to help you in this job, and I think there's no question that we're grateful that you're willing to serve again.

Now, I appreciated your courtesy call last week. When I asked my first question, why you could possibly want this job, you responded, two points: First, you said I was not the first to ask that; and second, you said you were taking the job out of a sense of duty. So I personally appreciate it.

Another thing I believe you told me in our meeting was that you had no intention of shaking up the DNI structure, that you intended to make it work as it is. Recognizing the weak authorities and large responsibility of your office, you told me that the DNI can enhance its authority if it has the support of the oversight committee, and you're certainly right about that.

And to have our support, you're going to have to spend a lot of time here sharing with us your problems and propose solutions. Chairman Feinstein initiated a series of meetings with your predecessor, and I was always grateful for that participation. I know Vice Chairman Bond would agree with me that one of the reasons we managed to pass the FISA Amendments Act—a politically prickly piece of legislation—was because of the long hours that then-DNI McConnell had dedicated to the passage of it. Now, you're only the fourth DNI, but there are lessons that I know that you have learned from your predecessors, and I appreciate it.

Now, reform and transformation has as much to do with new ways of thinking as it does with new boxes in an organization chart. Congress is good at legislating new boxes, but it's much harder to legislate cultural change within organizations.

We've seen that new ways of thinking about threats, capabilities, doctrine and training are hard to adapt in well-established bureaucratic cultures. You need leadership at the IC to do this, and that of course means you. Do you believe that organizational culture is important in the IC? And how do you define intelligence culture? And along with that, do you believe that cultural change is important? And how would you address that?

General CLAPPER. Great question, sir. If I may sir, clarify something that I may not have made myself clear on before——

[Pause.]

Chairman FEINSTEIN. There we go.

General CLAPPER [continuing]. First of all, Senator Hatch, I probably should clarify, if I didn't make clear when I said that no intent to shake up the DNI, that actually I do have that intent.

What I meant to say or to clarify that remark is that I don't—I am in the mode of making the model we have work rather than going through the trauma of yet another reorganization, whether it's to some other structure. And I believe that the model that we have, with all its flaws and the legal ambiguities in the IRTPA can be made to work. And that's certainly my intent, and I wouldn't have taken this on at my age and station in life if I didn't think that were the case.

Senator HATCH. Well, that's the way I took it, anyway.

General CLAPPER. A very important point—and Senator Bond alluded to this in his opening remarks; I'd like to get back to that—is that—and I have said this to the President, and we spoke again about it this morning—is the fact that the manner in which the DNI relates to the oversight committees, the manner in which the DNI relates to the President are very important. And both the optic and the substance of those relationships can do a great deal to compensate for the ambiguities of the law and the perceived weaknesses of the position.

That's why I'm so intent on forging a partnership relationship with the oversight committees, because you play a huge role. You play a huge role in compensating for those ambiguities. And so it would be incumbent upon me as the DNI, if I'm confirmed, or anyone else who serves in that capacity to ensure there is that constructive partnership relationship with the oversight committees. So I do want to make that point clear.

The President again assured me—and I asked him specifically—about his support for the position as the leader of the intelligence community. And he affirmed that when we spoke this morning on the phone.

Cultural change, I have some experience with that, particularly at NGA. I was brought on specifically to implement the mandates that the NIMA commission, a commission which did great work, mandated by the Congress, on reorienting and refocusing and bringing the vision to life of what the original founding fathers and mothers of NIMA had in mind.

And so I learned a great deal the hard way about how to forge cultural change in a large bureaucratic institution in intelligence, which is the case with NGA. And I'm very proud of the way NGA has evolved and how it has turned out as an agency. And I think it's moving to the new campus here in another year or so will further bring that cultural change about.

There is, indeed, a unique culture in the intelligence community, and there are in fact subcultures very much built around the tradecraft that each of the so-called "stovepipes" foster.

And that term is often used pejoratively, whether it's the SIGINT stovepipe or the GEOINT stovepipe or the HUMIN stovepipe. Well, that's also the source of the tradecraft which allows us to conduct those very important endeavors. The trick, of course, is to bring them together and to synchronize them, mesh them, and to bring together the complementary attributes that each one of those skill sets bring to bear.

So there is an important dimension. And you're quite right. It's one thing to enact laws, draw wiring diagrams, but the cultural as-

pects, I think, are quite important. And that's where I think leadership is huge, and that's something that you cannot legislate.

Senator HATCH. Well, that's great. Have you read the July 2004 report by this committee cataloging and analyzing the Iraq WMD intelligence prior to 2002? Did you have a chance to read that?

General CLAPPER. Yes, sir. I'm very familiar with that, and I'm also very familiar with the WMD National Intelligence Estimate. My fingerprints were on it. I was then a member of the National Intelligence Board, so I'm very familiar with what were the flaws in that NIE. I believe there have been substantial process improvements to preclude, hopefully, such an event from occurring again.

But I will tell you that was an indelible experience for me in how we did the country a great disservice with that National Intelligence Estimate.

Senator HATCH. What do you believe explains the failure of the intelligence community in assessing the presence of WMD in Iraq in 2002? And do you believe the lessons from these failures have been learned inside the intelligence community? And if you do, why do you believe that?

General CLAPPER. Well, sir, I think that had a profound impact on the intelligence community at large. I think we have learned from that. The whole process used with the NIEs today is quite different. These were actually improvements that started under George Tenet's time when he was still the DCI, and they've continued to this day.

And so I think one of the first things we do, which we didn't do with that NIE, was that the standard practice when you meet to approve an NIE is to first assess the sources that were used in the NIE, which was not done in the case of the infamous 2002 WMD report.

The use of red-teaming; the use of outside readers, with their input included in the NIE; the use of other options; what if we're wrong; confidence levels; the degree of collection capability gaps or not—all of those features are now a standard part of national intelligence estimates drawn primarily from the egregious experience that we had with that particular NIE.

And I thought the report you did laid out exactly what went wrong. I can attest, since I was there, it was not because of politicization or any political pressure. It was because of ineptness.

Senator HATCH. Well, thank you.

And now, General Clapper, the administration and the previous one made great efforts to explicitly state that our response to global terrorism was not against Islam. In my opinion, the fact that the vast majority of adherents to Islam are nonviolent would certainly underscore that point.

Now, do you believe that ideas and ideology have a role in motivating violent extremist terrorism? And, if so, do you believe that we have adequately analyzed the ideological component? And one last thought, do you believe that closing down Guantanamo would undermine terrorist ideology in any way. And if so, why?

General CLAPPER. Well——

Senator HATCH. That's a lot of questions, I know.

General CLAPPER [continuing]. On the first issue of the ideological dimension here, I think that's a very important one. My experi-

ence there most recently was my involvement in the aftermath of the Fort Hood shootings. And the question that has certainly been a challenge, a huge challenge, for the Department of Defense is the discernment of self-radicalization, when people take on an ideology, internalize it and use that for radical purposes.

And I will tell you, sir, in my view, we have a challenge there in how to discern that, how to explain that to others, particularly a 19- or 20-year-old soldier, sailor, airman or Marine. How do you discern if before your very eyes someone is self-radicalizing, and then what do you do about it.

I think with respect to the second question on a closure of Gitmo, I think that will—when we get to that point, I think that probably would help the image of the United States, if in fact we're able to close it.

Senator HATCH. Okay. I think my time is up.

Chairman FEINSTEIN. Thank you very much, Senator Hatch.

Senator Mikulski.

Senator MIKULSKI. Madam Chairwoman, first of all, I want you to know, I've really enjoyed listening to the questions raised by you and the Ranking and the other members. Once again, we're learning from each other.

Senator Feinstein, I would just like to suggest to you, with the presence of Senator Levin—presuming you're in charge in November, but whoever is—that the first area of reform has to be with Congress. My concern is that DNI, whoever he is—and I hope it's General Clapper—appears before so many committees and so many subcommittees—I think by my count, it's over 88 different committees and subcommittees between the House and the Senate—that the oversight—that's one thing.

And the other, that we really press for the reform of the 9/11 Commission that we establish the Intelligence Appropriations Subcommittee. I think Mr. Clapper makes a great point, that it does come in appropriations. I have it in the FBI; Inouye has DOD. It's not the subject of this conversation here, but I think we need to just get together among ourselves and discuss how reform starts with us, meaning the Senate and the House.

Chairman FEINSTEIN. If I might respond, with respect to the Appropriations Committee, the three of us that serve on it—yourself, Senator, Senator Bond and myself—we have all supported that. The problem is, we're only three out of a couple dozen members, and it's those couple dozen members that need to be convinced.

Senator MIKULSKI. Well, I think they will be.

But, picking up, General Clapper, Dana Priest has done her series, and I believe that once again she's done a great service to the nation. It was Ms. Priest who brought to the public's attention the terrible stuff going on at Walter Reed. Secretary Gates and the President responded, and we dealt with it. I'm not saying there is a scandal within the intelligence community, but it has grown.

And my question to you, if confirmed, will you look at the series in the Post and others that have raised similar ones, for a review of the allegations, flashing yellow lights, about the growth and duplication, et cetera, and make recommendations to the executive and legislative branch for reform?

General CLAPPER. Yes, ma'am.

Senator MIKULSKI. Well, and thank you, because I think it would give us an important guidepost.

The second is, I'd like to go to the issue of cybersecurity. As you know, you and I have worked on signals intelligence, but cybersecurity is a—we're part of a task force chaired by Senator Whitehouse, Senator Snowe, and myself. And we've looked at four issues—governance, technology, technology development, maintaining our qualitative edge in that area, workforce, and the beginning of civil liberties and privacy.

Governance has befuddled us. Governance has befuddled us. We know how to maintain our technological qualitative edge. We're making progress on how to have an adequate workforce. But what we see is overlapped turf warfare, turf confusion. And I wonder, as DNI, what role do you have, and what role will you assume in really straightening out this governance issue?

Congress has the propensity to create czars. We've got czars and we've got czars by proxy. You know, a czar—we have a White House now on cyber, a very talented and dedicated man. We have you as the DNI; you're a czar by proxy. But we don't give those czars or czars by proxy any power or authority. Now, we get into cybersecurity, and I think the governance structure is mush. There's no way for clarity, there's no answer to who's in charge, and there's no method for deconflicting disagreements or turf warfare. Do you have a comment on what I just said.

General CLAPPER. Well, first, I think I'll start with, the commentary about NSA—I know an organization near and dear to your heart. NSA must serve, I believe, as the nation's center of excellence from a technical standpoint on cyber matters. I think the challenge has been how to parlay that capability, the tremendous technical competence that exists at NSA, in serving the broader issue here of support, particularly to supporting the civilian infrastructure.

The Department of Defense's response has been to establish Cyber Command by dual-hatting the Director of NSA, General Keith Alexander, as the commander. So in a warfighting context in the Department of Defense, that's how we organize to do that.

I think we need something to fill that void on the civilian—if you will—the civil side. Now, there's some 35 pieces of—there are legislative proposals, as I understand it, throughout the Congress right now. I think the administration is trying to figure out what would be the best order of march or combination.

I think, though, the bill that Senator Bond and Senator Hatch have sponsored, without speaking specifically, but it certainly gets to what I would consider some sound organizing principles and having somebody in charge, having a budget aggregation that——

Senator MIKULSKI. But what will your role be in this, as DNI?

General CLAPPER [continuing]. Well, I think the role of the DNI is to ensure that the intelligence support for cyber protection is provided and that it is visible to the governance structure, whatever that turns out to be. I do not believe it is the DNI's province to decide what that governance structure should be, but rather to ensure that it gets sufficient and adequate and timely intelligence support.

Senator MIKULSKI. But what advisory role do you play to the President? There's Howard Schmidt, a great guy. We've met with him and so on, but he has no power. So we have what has been stood up with the United States military—excellent. I think we all recognize that. But when it gets to the Department of Homeland Security, when it gets to the FBI, when it gets to the civilian agencies, and also it gets—what gateways do the private sector have to go to who to solve their problems or to protect them, it really gets foggy.

General CLAPPER. Well, one solution, I believe, is in the legislation that has been proposed by Senators Bond and Hatch on this committee.

Senator MIKULSKI. I'm not asking for your comment on legislative recommendations. I'm asking what is the role of the DNI to help formulate, finally, within the next couple of months, the answer to the question, who is in charge? What is your role? Who do you think makes that decision? I presume you're going to say the President.

General CLAPPER. Well, I guess——

Senator MIKULSKI. How is the President going to get to that? Is he going to be having, you know, coffee with Brennan? Is it going to be you? Is it Howard Schmidt? Is it what?

General CLAPPER [continuing]. I do not believe it is the DNI who would make the ultimate decision on the defense for cyber—and particularly in the civil sector. I don't believe that is a determination or decision that should be made by the DNI. I think I should play a role there.

Senator MIKULSKI. Again, what role do you think you should play, with whom?

General CLAPPER. For the provision of adequate intelligence support, what is the threat posed in the cyber domain, to this nation. And I think that is the oversight responsibility of the DNI, to ensure that that is adequate.

Senator MIKULSKI. I think maybe we've got a little—well, then let's go to the role of the DNI with the civilian agencies, the FBI and the Department of Homeland Security. What authority do you have in those domains?

General CLAPPER. Well——

Senator MIKULSKI. And bringing them in more, now, particularly the FBI, which has, I think, done a great job. In fact, I think it's all been great, because here it is 2010, July 20th, and there's not been an attack on the homeland.

General CLAPPER [continuing]. I think the FBI has done great work, and I spent some time with them in the last week or two. And I think the transformation that they are effecting to become an effective part of the intelligence community has been actually very—is very impressive. I think they have a rigorous management process to ensure that this takes place at the field.

They too have a cultural challenge that we spoke of earlier in the preeminence of the law enforcement culture in the FBI, which is still important, and how they bring along their intelligence arm and their intelligence capabilities to match that in terms of its prestige and stature within the FBI; that is a work in progress,

and they acknowledge that. But I think they've made great headway.

And I think the conversations that I've had with Director Mueller, who's been marvelous and very supportive of making the DNI function work. The FBI is one of the elephants in the intelligence living room, if I can use that metaphor. It has a huge responsibility and a huge contribution to make, and I intend to work with the FBI closely if I'm confirmed.

Senator MIKULSKI. Very good.

Madam Chair, I think my time is up.

Chairman FEINSTEIN. Thank you very much, Senator Mikulski.

Senator Snowe.

Senator SNOWE. Thank you, Madam Chair, and welcome, General Clapper.

You certainly bring an illustrious career and qualifications to bear on this particular position, and it certainly comes at a critical juncture, once again, for this position and for this office that we continue to struggle with in terms of its definition and the type of leadership that should be brought to oversee the intelligence community.

And that's what I'd like to explore with you this afternoon first and foremost on an issue that I have been advocating, actually, even since before we passed the legislation that created the position for which you have been nominated and even before the 9/11 commission report, and that was to have a community-wide Inspector General. Because I think that one of the issues that has evolved from all of this in creating this vast department is being able to look across the spectrum

And one of the things that's developed in all this and the number of reports that have been issued by this committee, and of course most recently, which was the scathing review of what happened on the Christmas Day attempted attack and the systemic breakdown both in terms of policy, follow-through, information-sharing, technology, to name a few, across the agencies. And clearly, it is something that I think underscores the serious and fundamental problems that we continue to have, and obviously we've got an unwieldy bureaucracy before us with this department.

In addition, of course, with The Washington Post series that was written by Dana Priest this week, I think it's also a manifestation of many of the problems that continue to exist. And certainly we've had many definitions of the type of leadership that has been brought to bear in this position, whether it's an integrator, a coordinator, a facilitator, and whether or not we should have a strong acknowledged leader that oversees all of these agencies who's going to exert that leadership.

And so I would like to explore with you today in terms of whether or not you would support a community-wide Inspector General. That is pending in the current legislation between the House and Senate. It's in conference at this point. I have fought tooth and nail for it in the past because I happen to think that it could initiate, conduct investigations and, frankly, could produce the types of reports that were put forward by The Washington Post this week in illustrating the redundancies, the inefficiencies, and also producing, I think, the type of information that is sorely lacking because you

cannot reach across the spectrum across all agencies in terms of ascertaining what types of problems have emerged and how you solve them. And that's where this Inspector General could come in and play a critical role.

That's what I argued from the outset because I do believe it will break down the barriers and stovepipes and the parochial concerns and the turf wars that have evolved and emerged. I mean, I think that that's indisputable. And so I believe that you would find this as a tremendous asset in having someone that can conduct an overview and examine those issues independently and to give you I think the vantage point of seeing the forest through the trees, and many of the issues that arose in this Washington Post series and other problems that have emerged and certainly in the problems that have been identified in the Christmas Day terror bomb plot that was identified by this committee in its very extensive analysis certainly could have been averted if we had somebody at hand who was looking across the spectrum.

So I would like to have you respond to that, because I noticed in your pre-hearing questions you said that you support a strong and independent Inspector General and will ensure the Inspector General has access to appropriate information and cooperation from the Office of DNI personnel. But you limit it by virtue of the wording of your statement to imply that the access only would be accorded to the 1,500 or so personnel that reside within that office, as opposed to all the other agencies and most notably the Department of Defense that obviously has the preponderance of the personnel and certainly the overwhelming majority of the budget.

General CLAPPER. Well, Senator Snowe, first of all, I guess at some risk, but I would refer to my military background in having served as a commander and used IGs. I think they are a crucial management tool for a commander or a director. The two times I've served, almost nine years as director of two of the agencies, DIA and NGA, I considered an IG crucial. So I feel similarly about a community-wide IG.

My only caveat would be to ensure that I use the IG who—they have limited resources as well—would do systemic issues that apply across more than one agency, and using the agency IGs or the department IGs, in the case of those that don't have large agencies, to focus on agency- or component-specific issues. But I think there's great merit in having a communitywide Inspector General.

Senator SNOWE. So, in the responses that you submitted to the House Armed Services Committee in which you said that a community-wide IG would overlay the authority for the IG for the entire community over all matters within the DNI's responsibility and with similar authority of the DOD and the IG of the Armed Services and certain DOD combat support agencies, that, obviously, you were suggesting that it would duplicate those efforts.

General CLAPPER. No. What I'm saying now is that I do think there is merit in having an ODNI IG, a community-wide IG, who can look across intelligence as an institution for systemic weaknesses and problems and identify those.

All I would try to foster, though, is a complementary relationship rather than a competitive one with either agency IGs, particularly

in the case of DOD, or the DOD IG, which also has an intelligence component.

So I would just try to use—marshal—manage those resources judiciously so they're not stepping on one another, but I think there is great value in having a community-wide Inspector General to address community-wide issues.

Senator SNOWE. Well, I appreciate that because I think that that would be critical and a useful tool to ferret out a lot of the inefficiencies, anticipate the problems before they actually occur, and, obviously, redundancies and the waste.

Was there anything that surprised you in The Washington Post series this week?

General CLAPPER. No, ma'am.

Senator SNOWE. No? I mean, they saw the redundancy in functions and so on. Do you think——

General CLAPPER. I didn't agree with some of that. I think there was some breathlessness and shrillness to it that I don't subscribe to. I think she's extrapolated from her anecdotal experience in interviews with people.

I must say I'm very concerned about the security implications of having—you know, it's great research, but just making it easy for adversaries to point out specifically the locations of contractors who are working for the government, and I wouldn't be surprised, frankly, if that engenders more security on the part of the contractors which, of course, the cost will be passed on to the government.

Senator SNOWE [continuing]. Well, are you going to evaluate this, though, on that basis? I just think it is disturbing to think in terms of the number of agencies and organizations of more than 1,200, for example. I mean, nothing disturbs you in that article from that standpoint?

General CLAPPER. Well, it depends on what does she mean by an agency. It's like in the Army. You know, an organization can be a squad or a division. So, you know, I think she's striven for some bit of sensationalism here. That's not to say that there aren't inefficiencies and there aren't things we can improve.

Threat finance is a case in point. She cites, I think, some 51 different organizations that are involved in threat finance. That is a very important tool these days in counternarcotics, counterterrorism, weapons of mass destruction because it is, in the end, the common denominator of how money works and how money supports these endeavors. If I'm confirmed, that's one I would want to take on with Leslie Ireland, the new Director of Intelligence for the Department of Treasury, because it's my view that Treasury should be the lead element for threat finance. So that's one area I will take to heart.

But I think the earlier discussion is germane to the number of contractors and what contractors are used for, and this article certainly brings that to bear.

Senator SNOWE. Well, I just hope that you won't dismiss it out of hand.

General CLAPPER. No.

Senator SNOWE. Because I always think that it's worthy when, having other people who are doing this kind of work at least to examine it very carefully, very thoroughly, obviously. I mean, I think

just given the mega bureaucracy that has been developed, we certainly ought to be looking at it, and certainly, this committee as well. So I hope that you are going to give it that kind of consideration it deserves.

One other question. On the April paper, the response that you gave to House Armed Services Committee and the information paper, you mentioned these grants of unilateral authority, referring to the Intelligence Authorization Bill, that it was expanding the authority to the DNI are inappropriate, especially for personnel and acquisition functions. You said that some intelligence community efforts could be decentralized and delegated to the component.

I'm just concerned, on one hand, that you would subscribe to sort of embracing some of the cultural and territorial battles that we're trying to overcome. When you're using words such as "infringe" or "decentralize" to all of the other agencies, to have them execute many of those functions, it concerns me at a time in which I think that your position should be doing more of the centralizing with respect to the authorities.

So I'm just concerned about what type of culture that you will inculcate as a leader, if you're suggesting decentralizing, infringing upon other agencies' authority at a time when, clearly, you should be moving in a different direction to break down those territorial barriers.

General CLAPPER. I agree with that, but I do not think that everything in the entire intelligence community has to be run within the confines of the office of the Director of National Intelligence. I do think there are many thing that can be delegated to components in the intelligence community that can be done on behalf of the DNI and with the visibility of the DNI, but does not have to be directly executed by the DNI at its headquarters staff, which I believe is too large.

Senator SNOWE. Thank you.

Chairman FEINSTEIN. Thank you very much, Senator Snowe.

Senator Whitehouse, you're next.

Senator WHITEHOUSE. I yield to Chairman Levin.

Chairman FEINSTEIN. Please go ahead.

Senator LEVIN. Madam Chairman, first, we thank Senator Whitehouse for that courtesy, as always.

General, let me ask you first about information sharing. In your answers to the committee's prehearing questionnaire, you state that you believe obstacles remain to adequate information sharing. You said that the obstacle was cultural. Our congressional investigations by a number of committees of recent terrorist attacks reveal, for instance, the CIA will not share its database of operational cables with the DOD's Joint Intelligence Task Force for Counterterrorism or with the NSA's counterterrorism analysts and watch center.

NSA itself feels it cannot allow non-NSA personnel to access the main NSA signals intelligence databases on the grounds that these personnel cannot be trusted to properly handle U.S. persons' information. Can you comment on that question, on information sharing among agencies?

General CLAPPER. Well, sir, it continues to be a problem. I think we've got a challenge, I guess. It's better than it was. It's better

than it was before 9/11, but it needs improvement. I think NSA is, understandably, very conscientious about the protection of potential data on U.S. persons. They're very, very sensitive to compliance with the FISA, as they should be. So that does, that is one inhibitor to full and open and collaborative sharing that we might like. That's an area that I intend to work, if I'm confirmed.

Senator LEVIN. You also said that you'll achieve progress in information sharing by the "disciplined application of incentives, both rewards and consequences." Why do we need incentives? Why don't we just need a directive from the President by executive order, for instance, or otherwise? Why do we need incentives, rewards and consequences?

General CLAPPER. Well, that's one way of inducing change in culture, is to provide rewards for those who collaborate and, I suppose, penalties for those that don't.

Senator LEVIN. Should they be needed?

General CLAPPER. And obviously, directives are effective, too.

Senator LEVIN. Should they be needed? In this kind of setting, where this has been going on so long, should——

General CLAPPER. Yes, sir. That's an area, if I'm confirmed, I'll certainly look at to see if there is a need for further direction, or what other remedy there might be.

Senator LEVIN [continuing]. Now, you also indicated, relative to a related subject which has been very much on our minds here in the Congress, the need for a single repository of terrorism data. Your statement in the prehearing questions is the following. "An integrated repository of terrorism data capable of ingesting terrorism-related information from outside sources remains necessary to establish a foundation from which a variety of sophisticated technology tools can be applied." I gather that does not exist now?

General CLAPPER. I think, sir, and I, at least, this is my own observation watching from somewhat afar, the Christmas bomber evolution. And I believe what is needed, and this is from a technology standpoint, is a very robust search engine that can range across a variety of data and data constructs in order to help connect the dots. I think we still are spending too much manpower to do manual things that can be done easily by machines. And if confirmed, that's an area I would intend to pursue.

Senator LEVIN. Do you know if it's true that NCTC analysts have to search dozens of different intelligence databases separately, that they cannot now submit one question that goes out to all of them simultaneously? Is that true, do you know?

General CLAPPER. I don't know the specifics, but that's certainly my impression, and that's why I made the statement in response to your previous question. I think what's needed here is a very robust, wide-ranging search engine or search engines that can do that on behalf of analysts so they don't have to do that manually.

Senator LEVIN. I want to go to some structural issues now. The Intelligence Report and Terrorism Prevention Act says that the director of the CIA reports to the DNI. Is that your understanding?

General CLAPPER. Yes, sir.

Senator LEVIN. Is that clear enough? Is that the reason for some complications in this area?

General CLAPPER. Well, I think it's—yes. That language is clear, but there's also language in there about, for example, the governance of foreign relationships, which are the province of the director of the Central Intelligence Agency, and they are to be "overseen" by the DNI, and so that is an area of ambiguity, I think.

Senator LEVIN. Is section 1018 of the Act, which says that the President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence, and these are the key words, in a manner that respects and does not abrogate the statutory responsibilities of the heads of departments, have those guidelines now been—were they issued by President Bush?

General CLAPPER. Well, yes, sir, they were essentially promulgated in the revision to Executive Order 12333. And in that, Secretary Gates and I and Admiral McConnell, at the time, worked to attenuate some of the ambiguities created by the famous section 1018. The specific case in point is the involvement of the DNI in the hire and fire processes involved with intelligence leaders who are embedded in the Department of Defense.

Senator LEVIN. And are you satisfied with those guidelines?

General CLAPPER. I am at this point. Yes, sir. My view may change, if I'm confirmed.

Senator LEVIN. Do you know in advance that your view is going to change?

General CLAPPER. No, I don't.

Senator LEVIN. But as of this time, you're satisfied with those guidelines?

General CLAPPER. Yes, sir, I am.

Senator LEVIN. Now, in answer to our committee's prehearing questionnaire regarding the DNI's role with respect to the DIA, NGA, NSA and NRO, you said that the DNI supervises their performance, sets standards and formulates policies governing these agencies and ensures that they fulfill their missions. You noted multiple times that three of those agencies are combat support agencies, which means that they provide critical wartime support to the combatant commands.

And my question is the following: Do you believe that that authority which you mention is a shared authority with those agencies or is this exclusive in the DNI?

General CLAPPER. You mean the combat support agency?

Senator LEVIN. Those agencies, yes. Do you believe, for instance, that they must ensure that they fulfill their missions, that they supervise their performance? Is this a shared responsibility or are you, if you're confirmed, exclusively responsible for those functions of supervision and ensuring that they——

General CLAPPER. I believe that is a shared responsibility. I think obviously the Secretary of Defense has obligations and responsibilities both in law and executive order to ensure that the warfighting forces are provided adequate support, particularly by the three agencies who are designated as combat support agencies. Obviously the DNI has at least a paternal responsibility to ensure that works as well.

Senator LEVIN. Was that word "fraternal"?

General CLAPPER. "Paternal."

Senator LEVIN. Paternal, not fraternal.

General CLAPPER. Institutional obligation. I'll amend what I said.

Senator LEVIN. All right. Now, in your current position have you taken a look at the Haqqani network? Have you determined whether or not they have engaged in terrorist activities that threaten U.S. security interests and, if so, do you support them being added to the State Department's list of foreign terrorist organizations?

General CLAPPER. Sir, I'd rather not answer that off the top of my head. I'll take that under advisement and provide an answer for the record.

Senator LEVIN. All right. Now, during the previous administration, we got conflicting prewar intelligence assessments from the intelligence community and the administration said in public and what the intelligence community was willing to assert in private. Do you believe that the importance of Congress as a consumer of intelligence products and advice is no less than that of senior officials of the administration? Do you owe us? Do you owe us, if you're confirmed, all of the unvarnished facts surrounding an issue, not just the facts that tend to support a particular policy decision, and do you believe that Congress, as a consumer of intelligence products, is entitled, again, to no less than that of senior officials of an administration?

General CLAPPER. I believe that and not only that, but it's required in the law. The IRTPA stipulates that the DNI is to attend to the proper intelligence support to the Congress.

Senator LEVIN. On an equal basis.

General CLAPPER. Yes, sir.

Senator LEVIN. Thank you. Thank you, Madam Chairman.

Chairman FEINSTEIN. Thank you very much, Senator Levin. Senator Chambliss.

Senator LEVIN. Thank you.

Senator CHAMBLISS. Thanks, Madam Chairman. And welcome, General. As I told you in our telephone conversation after the President nominated you, I'm not sure why you want to come back before this committee again for this job because, as you stated in your article you wrote recently, this is probably the toughest job in the intelligence community, and your willingness to serve, particularly with your background in the intel community, says an awful lot about you, and we're fortunate to have you.

Obviously, though, General, there's some problems out there within the office of the DNI, within the community itself that are going to have to be addressed. And these issues are very serious. They're not just matters of the size of the bureaucracy and I'm not sure what all they are. But again, as you and I talked, there are going to have to be some major changes. We just can't afford for another Christmas Day situation or a New York Times bomber situation to occur because we were fortunate there and it was not necessarily the great work of the intelligence community that prevented a very serious situation occurring within the United States.

You do bring a wealth of intelligence background to this job, but so did the three predecessors to this job. You probably have more experience than all of them. But still, you have been involved. And these are friends of yours. They're individuals you have worked with, you've associated with and somewhere along the line there

have been some apparently systemic failures that are going to have to be addressed to individuals that you have worked with. So it's not going to be any easier for you than for any of your predecessors.

My question is, knowing that we can't afford for another situation like Christmas Day or the New York Times Square situation or the Fort Hood situation to occur where we had an awful lot of signs and where nobody connected the dots in spite of the statute being very clear as to who is to connect those dots, and that's going to be under your jurisdiction, what specific changes do you know now that you think need to be made as we go forward to make the community better, to make the office of the DNI stronger and to make the colleagues that you're going to be working with on a day-to-day basis more responsive to you as the chief intelligence officer of the United States?

General CLAPPER. Sir, first of all, thanks for your introductory comment. I appreciate that. I think that I—or at least I would hope I can bring to bear this experience I've had over the last 46 years of having run a couple of the agencies, having been a service intelligence chief, having spent two years in combat getting shot at, what the value of intelligence is, that understanding of the intelligence community institutionally and culturally, that I can bring about a better working arrangement.

I think, in my book at least, to be very candid, I think our most successful DNI to this point was Admiral Mike McConnell precisely for the same reason, because he had some experience in the business. He had run an agency, NSA, and had done other things in intelligence. And I think that does give one an advantage, an understanding where the problems are, where the skeletons are, if you will, and where the seams are and how to work those issues.

I think that is in fact the value added, potentially, of the DNI, is to get at those seams and to work those issues where I perhaps don't require a lot of time learning the ABCs of intelligence. So I can't at this point list you chapter and verse. I certainly will want to get back—if I'm confirmed—get back to the committee on specific things. I do have some things in mind but some of the people affected don't know what those are and I certainly didn't want to presume confirmation by announcing those ahead of time. But certainly, if confirmed, I'd want to consult with the committee on what I would have in mind.

Senator CHAMBLISS. And have you, as a part of your communication and conversation with the President, prior to your nomination and maybe subsequent there to, engaged him in the fact that there are some changes that are going to need to be made and you're going to have to have the administration's support.

General CLAPPER. Yes, sir, and I had done that in writing before I was nominated. Whether it was me or someone else as DNI, at Secretary Gates' suggestion, I wrote a letter to the President and made that point clear.

Senator CHAMBLISS. And you mentioned that letter to me and that you had hoped that the White House would at least share that with the Chairman and Vice Chairman. Do you know whether that's been done?

General CLAPPER. I don't know, sir. I don't know that actually the request has been made to the White House.

Senator CHAMBLISS. Okay. Well, General, I've known you for a long time, seen you operate, and you are certainly well-qualified for this job. It is going to be a tough job, but I hope you know and understand that this committee's here to help you and we want to make sure from an oversight standpoint that you've got the right kind of policy support and political support from this side of Pennsylvania Avenue. And we know soon that it will be there from the other side. So we look forward to working closely with you.

General CLAPPER. Sir, I appreciate that. And that is absolutely crucial. I don't believe oversight necessarily has to be or implies an adversarial relationship. And I would need—if I'm confirmed, I would need the support of this committee to bring about those changes that you just talked about.

Senator CHAMBLISS. Well, thanks for your willingness to continue to serve. Madam Chairman, I don't know whether we've formally requested that, but I think certainly we should.

Vice Chairman BOND. I would join with Senator Chambliss if we can make that request.

Chairman FEINSTEIN. Fine. Certainly can. Thank you. Thank you, Senator Chambliss.

Senator Feingold.

Senator FEINGOLD. Thank you, Madam Chair. Congratulations again, General Clapper, on your nomination to this critically important position. I agree you are clearly well qualified for this.

Madam Chair, I'd like to put a statement in the record.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL FEINGOLD

General Clapper's nomination comes at a critical moment for the Intelligence Community and for our national security. Reform—of the IC and of congressional oversight—is long overdue. To save taxpayer dollars, I have supported in this committee, and incorporated into my own Control Spending Now bill, provisions requiring reporting on long-range budget projections for the IC, the costs of acquisition systems, cost overruns, and the risks and vulnerabilities of intelligence systems. We must also ensure that the GAO has access to the IC and that there is accountability for impediments to auditing.

At the same time, we cannot afford so much overlap and redundancy when there are still parts of the world, as well as emerging threats, about which we know very little. This is why the Senate has approved, as part of the intelligence authorization bill, legislation I proposed to establish an independent commission that will address these gaps by recommending how to integrate and make best use of the clandestine activities of the IC and the open collection and reporting of the State Department.

Intelligence reform also requires reform of the oversight process. That is why I have introduced a bipartisan resolution to implement the recommendation of the 9/11 Commission to grant appropriations authority to the Intelligence Committee, as well as a bipartisan effort to declassify the top-line intelligence budget request, a requirement if there is to be a separate intelligence appropriations bill as called for by the 9/11 Commission. Finally, we must eliminate once and for all the "Gang of Eight" briefings that leave the full committee in the dark.

Since our meeting last week I hope you had a chance to review the congressional notification requirements in the National Security Act. Have you had a chance to do that?

General CLAPPER. I have, sir.

Senator FEINGOLD. And do you agree that the so-called Gang of Eight notification provision applies only to covert action and not to other intelligence activities?

General CLAPPER. Sir, you're quite right. Section 502 and 503 of the National Security Act of 1947 do only call out covert action as requiring more limited notification. In the opening statement, however, of Section 502, it does allude to the protection of sources and methods, which I think in the past has been used to expand the subject matter beyond covert action, which would require a limited notification.

That all said, I will be a zealous advocate for full notification and timely notification to the Congress.

Senator FEINGOLD. I appreciate the statement and the spirit of it. I just want to point out that when you refer to that preliminary language, that language is in both sections, but the additional language about the Gang of Eight notifications in the section on covert action means, in my view, that limited notifications were not intended for other intelligence activities.

General CLAPPER. Yes, sir, but as I say that, that opening verbiage has been interpreted to expand that and I'll tell you what my personal attitude is, but at the same time I don't feel it's appropriate to preempt what the President might want to decide. So I'll tell you my attitude again is I will be a zealous advocate for timely and complete notification.

Senator FEINGOLD. And I appreciate that. I just want to say for the record, I think that is an incorrect interpretation, but obviously you're not alone in your view that that can be done. But I really feel strongly that's incorrect.

Senator FEINGOLD. While many of the operational details of intelligence activities are justifiably classified, I believe the American people are entitled to know how the intelligence community, the Department of Justice and the FISA Court are interpreting the law. Do you agree with that general principle?

General CLAPPER. Yes, sir, in general, I do.

Senator FEINGOLD. And I have identified a number of areas in which I think the American people would be surprised to learn how the law has been interpreted in secret. As you consider these types of requests for declassification, will you keep this principle that you and I just agreed upon in mind?

General CLAPPER. Yes, sir, I will.

Senator FEINGOLD. One of the issues that has arisen in the context of your nomination is the Department of Defense's perception that provisions of the intelligence authorization bill may be in tension with the secretary's authorities, but I want to focus for the moment on the reason these are in there in the first place and why I've incorporated them into my own bill, which I call my control spending now legislation. They would improve accountability and help save taxpayer dollars.

General, at our meeting last week, you told me that not all problems require statutory solutions. So how as DNI would you go about fixing the cost overruns and other problems that this legislation is designed to address?

General CLAPPER. Well, I would continue to support the management mechanisms that have been established, specifically an agreement on acquisition oversight signed by, I think, then-Director McConnell and Secretary Gates. That said, of course, acquisition is, in general, a huge challenge, whether it's in intelligence or else-

where. And so I don't have any magic silver bullets here to offer up because if I did, I wouldn't be here to solve these significant acquisition problems.

It does require systematic program reviews. It requires, I think, integrity on the part of program managers to ensure that they are honestly reporting out their problems and identifying issues early enough so that remedies can be afforded.

Senator FEINGOLD. The intelligence authorization bill would also establish an independent commission that would recommend ways to integrate the intelligence community with the U.S. government personnel, particularly State Department personnel who openly collect information around the world. This reform was first proposed by Senator Hagel and myself and I think it's critical if we're going to anticipate threats and crises as they emerge around the world.

Would you be open to a fresh look and a set of recommendations on this issue from this commission?

General CLAPPER. I would.

Senator FEINGOLD. In responding to yesterday's Washington Post story, Acting Director Gompert defended overlap and redundancies in the intelligence community. But given finite resources and budget constraints, to what extent should we be prioritizing efforts to understand parts of the world and emerging threats that no one is covering?

General CLAPPER. Well, you raise a good point, sir, and we did discuss earlier that in some cases one man's duplication is another man's competitive analysis. So in certain cases, I think, as it was during the Cold War, when you have an enemy that can really damage or mortally wound you, that's merited.

I think in many cases what was labeled as duplication, a deeper look may not turn out to be duplication; it just has the appearance of that, but when you really look into what is being done particularly on a command-by-command basis or intelligence analytic element on a case-by-case basis, it's not really duplication.

I think the important point you raise, though, sir, has to do with what about the areas that are not covered, and that has been a classic plague for us. I know what the state of our geospatial databases were on 9/11 in Afghanistan, and they were awful, and it's because at the time the priority that Afghanistan enjoyed in terms of intelligence requirements.

So we can't take our eyes off the incipient threats that exist in places, an area that I know you're very interested in, for example, Africa, which is growing in concern to me, personally.

Senator FEINGOLD. Thank you, General. What is your view of GAO access to the intelligence community?

General CLAPPER. Well, sir, the GAO—in several incumbencies over my time the GAO has produced very useful studies. I would cite as a specific recent case in point the ISR road map that we're required to maintain and the GAO has critiqued us on that. I've been very deeply involved in personnel security clearance reform. The GAO has held our feet to the fire on ensuring compliance with IRTPA guidelines on timeliness of clearances and of late has also insisted on the quality metrics for ensuring appropriate clearances.

So I think the GAO serves a useful purpose for us.

Senator FEINGOLD. I appreciate your attitude on that as well. Meaningful intelligence reform is also going to require some reform of the oversight process. Is it time for the Senate to grant appropriations authority to this committee, as the 9/11 commission recommended? For that to work, however, there has to be an unclassified topline intelligence budget request that would allow for a separate appropriations bill.

Would you support the declassification of the President's topline intelligence budget request?

General CLAPPER. I do support that. It has been done. In fact, I also pushed through, and got Secretary Gates to approve, revelation of the Military Intelligence Program budget. I thought, frankly, we were being a bit disingenuous by only releasing or revealing the National Intelligence Program, which is only part of the story. And so Secretary Gates has agreed that we could also publicize that, and I think the American people are entitled to know the totality of the investment we make each year in intelligence.

And sir, I was cautioned earlier by members about delving into congressional jurisdiction issues. I prefer not to touch that with a 10-foot pole other than to observe that it would be nice if the oversight responsibilities were symmetrical in both houses.

I've also been working and have had dialogue with actually taking the National Intelligence Program out of the DOD budget since the reason, the original reason for having it embedded in the department's budget was for classification purposes. Well, if it's going to be publicly revealed, that purpose goes away. And it also serves the added advantage of reducing the topline of the DOD budget, which is quite large, as you know, and that's a large amount of money that the department really has no real jurisdiction over.

So we have been working and studying and socializing the notion of pulling the MIP out of the department's budget, which I would think also would serve to strengthen the DNI's hand in managing the money in the intelligence community.

Senator FEINGOLD. Thank you for all your answers, and good luck.

Thank you, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Senator Feingold.

Senator Burr.

Senator BURR. Thank you, Madam Chairman.

General, welcome. We're delighted to have you here, and I think you'll be the next DNI, hopefully sooner versus later—and I say that for the Chair and the ranking member. I hope we'll move this as expeditiously as we can. And, as I've publicly said, I think that you bring to this position a rich experience that many have covered, as well as yourself, that benefits one's ability to be successful, and our intelligence community needs that desperately right now.

I've got to say, as it relates to the members' references to The Washington Post article—or articles, plural—it pains me, because I don't believe that what happens within the intelligence community is something that needs to be as public as it sometimes is. It disturbs me as we promote Unmanned Aerial Vehicles on TV, and we do it with the full knowledge of knowing that we give away something every time we do it. I think the American people under-

stand that if you have sufficient oversight in place, you trust the individuals that you've chosen to put in those roles.

So I see this explosion of publicity about what happens within our intelligence community really as a blow to us, the oversight committee, and the inability for us to work effectively with those within the community. So I hope you understand, at least from myself, that I believe the committee has to be robust in our oversight.

It's not a reflection of the leadership of our committee, I might say to the Chair and ranking member. I think it's an overall level of cooperation between the intelligence community and the committee, and I hope that we will work as partners to make sure that the trust of the public, but also the trust of our colleagues, is entrusted in this committee, that we're doing our job and that we've got our eye on the right thing.

Now, you said earlier that the DNI needs to be a leader of the intelligence community and provide direction and control. Can you define direction and control for me in this context?

General CLAPPER. I think what's intended in the term "direction and control" is that the DNI, I think, is ultimately responsible for the performance of the intelligence community writ large, both the producers of intelligence and the users of intelligence which are represented in those 16 components.

And I believe that under the, obviously, the auspices of the President, who I believe intends to hold the DNI—whether it's me or somebody else—responsible for that performance, and that that therefore empowers the DNI to direct the intelligence chiefs as to what to do; what the focus should be; what the emphasis should be, or, if that should change; if there needs to be—if we need to establish ad hoc organizations to perform a specific task; if we need to have studies done, whatever it takes.

I believe that inherent in the DNI—at least the spirit and intent of the IRTPA legislation—was that he would, he or she would direct that and be responsible for it.

Senator BURR. Do you believe there will be times where the DNI has to be a referee?

General CLAPPER. I think there could be times when—yes, I do.

Senator BURR. This has already been covered, General, but I've got to cover it just one more time. I believe that this committee is to be notified quickly on any significant attempt to attack, once an attack's carried out, or there is a significant threat that we have credible evidence of.

Do I have your commitment today that you will, in a timely fashion, or a designee by you, brief this committee on that information?

General CLAPPER. Absolutely, sir. Of course, it carries with it the potential of it not being exactly accurate, because my experience has been most critics are wrong. But I believe that what you ask is entirely appropriate and reasonable.

Senator BURR. And General, do you have any problem if this committee asks for a level of raw data to look at on pertinent threats or attempts—at sharing that raw data with us?

General CLAPPER. I don't have a problem with it philosophically, sir. Just that I would want, as the DNI, if I'm confirmed for that position, would want to ensure that at a given time, to give you the most complete picture I can, which is as accurate as possible. And

oftentimes with raw—so-called raw material, it's erroneous or incomplete or misleading. So, with that caveat, I don't have a problem with it, but I just want you to understand what you're getting when you get that.

Senator BURR. I accept that caveat, and I think most members would. I think that the raw data is absolutely essential for us to do the oversight role that we're charged with. It's certainly not needed on every occasion, but on those that it might play a role, I hope you will, in fact, provide it.

Now, you covered the history of the intelligence community, especially as it related to the 1990s, and how that affected our capabilities post-9/11. Would we have been able to meet the intelligence community needs had we not had contractors we could turn to, post-9/11?

General CLAPPER. No, sir.

Senator BURR. Do you believe that we'll always use some number of contractors within the intelligence community?

General CLAPPER. Yes, sir, I do.

Senator BURR. And I know this has been a focus of a lot of members about downsizing the contractor footprint, and I'm fine with that. But there's a big difference between downsizing and eliminating. And there's a tremendous talent out there that, thankfully, we were able to tap into.

I would hate to see us become so adverse to the use of contractors that we would sacrifice potential. And I applaud the effort to try to downsize the footprint of them, but hope that we leave the flexibility to use them where it's appropriate.

General CLAPPER. Absolutely sir. I couldn't agree with you more.

And I worked as a contractor for six years myself, so I think I have a good understanding of the contribution that they have made and will continue to make. I think the issue is, what's the magnitude? And most importantly, regardless of the numbers of companies, the number of contractor employees, is how the government, and specifically the intelligence community, how do we manage them; how do we ensure that we're getting our money's worth?

Senator BURR. Lastly—and it's covering ground already discussed—you indicated that not all of the intelligence community efforts need to be exclusively managed out of the ODNI, that they can be decentralized and delegated where appropriate.

Do you have any concerns that that might undercut the authority of the DNI?

General CLAPPER. No, sir, I don't. And I'll give you a specific case in point:

When I came into this job, early on—in fact, in May of 2007—and I prevailed upon both Secretary Gates and then-DNI McConnell to dual-hat me as the Director of Defense Intelligence, a position on the DNI staff, as a way of facilitating communication and bridging dialogue between the two staffs. And I think the record will show that we've worked very well together.

I would propose to—Director Blair, to his great credit, I thought, breathed life, great life into that concept—and I would propose, if I'm confirmed, to do the same, and have the same relationship with my successor, if I'm confirmed for this—as USD/I, if I'm confirmed for DNI. And I think that same approach can be used in other rela-

tionships, perhaps with the Department of Homeland Security, just to cite an example off the top of my head.

All I'm saying is, I don't think that everything has to be executed from within the confines of the Office of the Director of National Intelligence, that there are things that can be delegated and done on behalf of the DNI, as long as they are visible to, and with the approval of, the DNI.

Senator BURR. General, I thank you for your candid answers.

In our telephone conversation, I said to you that your tenure as DNI would determine whether the structure we set up actually can work, will work, or whether we need to rethink this. I believe that we've got the best chance of success with your nomination, and I look forward to working with you.

Thank you, Madam Chair.

General CLAPPER. Thank you, sir.

Chairman FEINSTEIN. Thank you, Senator Burr.

And finally, Senator Whitehouse. Thank you for your courtesy to your colleague, too.

Senator WHITEHOUSE. Thank you, Madam Chair.

Welcome, General Clapper. Near the bitter end.

I'd like to go back to cybersecurity and ask you about five topic areas within it.

The first is the information that the public has about cybersecurity. Are you comfortable that the public is adequately aware of the scope and severity of the cybersecurity threat that the country faces?

General CLAPPER. Candidly, no, sir. I don't think there is a general appreciation for the potential threat there.

I think there is widespread knowledge in the cyber community, meaning the cyber industry, if you will. I think there's a less acute awareness, perhaps, out there in what I'll call the civil infrastructure. But I think the general public is not aware of the potential threat, no.

Senator WHITEHOUSE. The reason that I ask that is that it's difficult in a democracy to legislate in an area where the public is not adequately aware of the threat.

So I hope that, as we go forward through the 35, 40, 45 pieces of legislation that are out there, that you will help us bring to the attention, in a—you said we do over-classify, I think we particularly over-classify here—that in areas where it really doesn't adversely affect national security, there's a real advantage to getting this information out to the public. And I hope you'll cooperate with us in trying to do so, so that we're dealing with a knowledgeable public as we face these legislative questions.

General CLAPPER. I will, sir. And I believe that it is, in fact, incumbent on the intelligence community to help provide that education to the maximum extent possible without the undue revelation of sources and methods.

Senator WHITEHOUSE. The basic sort of protective hardware that is out there right now could protect the vast majority of cyber intrusions that take place. Do you agree that trying to establish and monitor basically what I would call rules of the road for participation in our information superhighway is an area that could stand improvement?

General CLAPPER. If you mean, if I understand your question, sir, sort of conventions or rules that, in order to participate, this is what was required, and at sort of minimum levels of security. Is that——

Senator WHITEHOUSE. Yes. For ordinary folks who are getting on, to be aware that their laptop, for instance, is compromised, and willing to do something about it, and that we put a structure in place so that you can't do the cyber equivalent of driving down the road with your headlights out, your tail lights out, your muffler hanging, at 90 miles an hour.

General CLAPPER [continuing]. Well, I personally agree with that. I think there'll be a sales job, a marketing job required to get people to buy into that.

Senator WHITEHOUSE. And in terms of if you sort of step it up to America's business community, do you feel that the private sector or the business community is adequately situated with respect to their own independent self-defense against cyber attack? Or does the networking of private business, say by industrial sector, and the relationship with government need to be improved so that our major businesses can protect their critical infrastructure better?

General CLAPPER. Sir, I'm not technically fluent here, but my general sensing is that, given the sophistication of some of our major adversaries, nation-state adversaries, I'm not sure that, given the rapidity with which new ways of accessing computers, I'm not sure that they're as current on that—those sectors to which you refer are as current as they could or should be.

Senator WHITEHOUSE. And if we're to the point where a private business which provides critical American infrastructure—a major bank, a major communications entity, an electric utility, some other form of infrastructure upon which American lives and property depend—were to be the subject of a sustained and damaging cyber attack, are you confident that, at the moment, we have adequate authorities for the government to be able to step in and do what it needs to do in a clear way to protect American lives and property?

General CLAPPER. Again, I'm not expert on this, but my general sensing is, no, we're not. I think the whole law on this subject is a work in progress. It's still an issue, frankly, even in a warfighting context.

Should we have a declaratory policy or not on what we would do? I would be concerned about the rapidity of response and—which I think is the key, and I think if you speak with General Alexander about that, who I do consider an authority, that he would raise that same concern.

Senator WHITEHOUSE. And lastly on this subject, are you confident that the rules of engagement for our covert agencies in addressing attacks and intrusions that take place on our cyber infrastructure are adequate and fully robust for the challenge that we face, or is that another area of work in progress?

General CLAPPER. Yes, sir. It's a work in progress, and I think perhaps best left for detailed discussion in a closed session.

Senator WHITEHOUSE. I won't go any further than that in this session, but I did want to get your general perspective on that.

I've only been in the Senate for three years. You are my fourth Director of National Intelligence already. You gonna stick around?

General CLAPPER. Yes, sir. I will. I wouldn't take this on without thinking about that.

And I do think my experience has been that it does take time to bring these changes about. When I was asked to take NIMA in the summer of 2001, I was specifically asked would I be willing to stay for five years, and I agreed to do that. Didn't quite last that long; ran afoul of the previous Secretary of Defense. But I believe that kind of commitment is required.

I also would be less than forthright if I said that I'm going to sit here and guarantee that the intelligence community is going to bat a thousand every time, because we're not. And I think I am reasonably confident I can make this better. I don't think I'm going to be able to cure world hunger for intelligence, just to be realistic.

Senator WHITEHOUSE. And I'm not going to hold you to this. It's not intended to be a question of that variety, to pin you down; it's intended to be a question to sort of illuminate the areas that you're most focused on.

Going into this job now, and knowing what you know now, when it comes time for you to go—and let's hope it's five years from now—what now would you think would be the most important things that, at that later date, you would like to look back on as having accomplished?

General CLAPPER. I think, for starters, that I kept the nation safe. I think, obviously, this is somewhat a high-wire act with no safety net. And I think that's probably the thing that will keep me up at night, is worrying about that. So, for whatever my tenure is, if the intelligence community has at least contributed to preserving the safety of the nation and its people, then I think that would be the main thing I'd worry about.

Senator WHITEHOUSE. Well, I wish you well. You've got a hell of a tough job in front of you, if you're confirmed. And any support that we can give you, obviously we'd like to do.

There are significant questions about what the role of the DNI should be, what its authorities should be to complement that role. Some of that is a chicken and egg question, that you have to settle on one to resolve the other. And we really look forward to working together with you to try to get this settled for once and for all.

General CLAPPER. Thanks, Senator.

Senator WHITEHOUSE. Thanks, Madam Chairman.

Chairman FEINSTEIN. Thank you, Senator Whitehouse.

Senator Nelson.

Senator NELSON. Thank you, Madam Chairman.

Good afternoon, and thank you, General, for your public service.

The Congress created this position in order to try to exert some control over the multiple intelligence units that were at times going off in their own directions. And in the compromises that we had to make in enacting this legislation that creates the post that you seek, a great deal of control was still left within the Department of Defense at the insistence of then-Secretary of Defense Rumsfeld.

How can you bring the Department of Defense intelligence operations in under your orbit so that you can function effectively?

General CLAPPER. Well, sir, I don't anticipate a problem there.

I think I know the Department of Defense pretty well, and that is where roughly two-thirds of the manpower and the money for the National Intelligence Program is embedded. And I would argue or suggest, respectfully, that having run two of the agencies in the Department of Defense and having served as a service intel chief actually will help empower me to, you know, sustain having I'll call it a positive relationship with the Department of Defense components. I've been there, and done that, got the t-shirt, so I think I know how to take advantage of that.

Senator NELSON. Well, the old adage, he who pays the piper calls the tune, and a lot of that Defense intel activity does not have to report directly to you on the appropriations. How do you get into that when somebody wants to go off on their own?

General CLAPPER. Well, I would intend to further crystallize the relationship that Secretary Gates, and then-DNI McConnell established in May of 2007 designating the Under Secretary of Defense for Intelligence as the Director of Defense Intelligence.

I have fostered, with the two DNIs I've served with in this job, a close working relationship on synchronizing the two programs—the National Intelligence Program and the MIP. In fact, Director Blair and I, you know, twice, two rounds, testified together on those two programs.

We've had an aggressive program effort, which has been going on for a couple of cycles now, to further synchronize and deconflict the two programs, and to coordinate between the NIP and the MIP. And I would certainly want to continue that with my successor in the USD/I job, if I am confirmed to be the Director of National Intelligence.

I don't think, frankly, although there's much made of it sometimes, I think it's somewhat hyperbole about the strained relationship between the DNI and the Department of Defense. I just don't think that that's—I haven't seen that. And I have certainly endeavored, working with Secretary Gates, to actually enhance and strengthen the role of the DNI. The DDI is one such approach. And certainly Secretary Gates and I worked during the revisions to the Executive Order 12333 to actually strengthen the position of the DNI.

Senator NELSON. Why don't you share, for the record, what you shared with me privately about your forthcoming relationship with the Director of the CIA?

General CLAPPER. I'll provide that for the record. Yes, sir.

Senator NELSON. Well, I mean, share it now.

General CLAPPER. Well——

Senator NELSON. Basically, you saw the relationship was strained. There was a little dust-up between the two in the immediate past DNI. How do you intend to smooth that out?

General CLAPPER [continuing]. Well, just to continue, sir, with my comments earlier, as you know, the intelligence community is, as you know, composed of 16 components, 15 of which are in someone else's Cabinet department. And actually the most strained relationship has been with the one component that isn't in someone's Cabinet department, and that is the Central Intelligence Agency.

That has been true regardless of who the incumbents were. It has nothing to do, really, with the people involved. All of them are

good people. I have had some excellent discussions with Director Panetta about this, and I think I'm very, very encouraged and pleased by his support. He's been extremely gracious and supportive, and I think he wants to make this arrangement work as much as you do.

Senator NELSON. Will you participate in the President's daily morning brief?

General CLAPPER. I will participate—I plan to participate, yes, sir. I don't plan to give it, necessarily, but I plan to participate in it.

Senator NELSON. Will the Director of the CIA participate as well?

General CLAPPER. He could, depending on the subject matter, I suppose. But I wouldn't—I certainly wouldn't object to that.

Senator NELSON. Do you get the sense that that was a little bit of contention since suddenly what had been historically the role of the CIA Director was suddenly not the role once the DNI was established?

General CLAPPER. That obviously has been a challenging transition. It's my belief and my observation from somewhat an outside perspective that that is an arrangement that has evolved for the better, since increasingly more input finds its way into the PDB from other than the CIA.

The CIA will continue to provide the lion's share of the finished intelligence analysis that goes into the PDB. But under the new structure and the new set-up, under the auspices of the DNI, it is much more—it's much broader and involves more of the community. I recently reviewed some statistics that bear that out.

Senator NELSON. Recently we've had some cases of homegrown terrorists—the Colorado folks, the Times Square folks, the Fort Hood person. Do you want to comment for the committee about what you think ought to be done?

General CLAPPER. Well, I think, sir, this is a very—we did speak about this earlier—a very serious problem. And I was pretty deeply involved and intensely involved in the Fort Hood aftermath, particularly with respect to the e-mails exchanged between the radical cleric Aulaqi and Major Hasan.

And what it points out, in my view, is a serious challenge that I don't have the answer for, and that is the identification of self-radicalization, which may or may not lend itself to intelligence detection, if you will. And this requires, you know, in the case of the Department of Defense, some education on how to tell people, or instruct people, or suggest to people how they discern or identify self-radicalization that's going on right in front of them with an associate.

And to me it's almost like detecting a tendency for suicide ahead of time. It's a very daunting challenge and we cannot necessarily depend on intelligence mechanisms to detect that self-radicalization.

Senator NELSON. On page 23 of your testimony, you consider counterintelligence to be under-resourced. You want to share with us why and also where you would increase the resources?

General CLAPPER. I think, given the profound threats posed to this country both by nation-states and others who are trying to collect information against us, and we have some very aggressive for-

eign countries that are doing this, I'm not convinced that—and this is more intuitive or judgmental or impressionistic—that we have devoted sufficient resources to counterintelligence in the Department of Defense, certainly, which is a major player in counterintelligence, or with the FBI or CIA which are the three poles, if you will, involved in counterintelligence.

And this is something I intend to explore to see what we can do to expand resource investment in counterintelligence. This is particularly crucial in the case of cyber. We have the same challenge in cyber for counterintelligence as we do more conventionally.

Senator NELSON. Madam Chairman, are we going to do a classified session at any point?

Chairman FEINSTEIN. We can if there is a request. We will not do it today, however.

Senator NELSON. Thank you, Madam Chairman.

Chairman FEINSTEIN. You're very welcome. Thank you, Senator.

General Clapper, let me just say I think you've done very well. I think what comes through very clearly is your expertise in the specifics of intelligence. I think that's appreciated and I think it'll make your job a lot easier. I do have a couple of questions, and I know the Vice Chairman has a couple of questions. So I'd like to just continue this a little bit longer, if I might.

Have you had a chance to take a look at the 13 recommendations we made on the Abdulmutallab situation?

General CLAPPER. Yes ma'am, I have, and I had an excellent session with Mike Leiter last week on this very topic, so he kind of went over that with me.

Chairman FEINSTEIN. Okay, then the problem clearly is for me, still, connecting the dots. Huge expenditures in computer programs, often bought separately by various departments, organizations, et cetera, can't connect in certain critical but very simple areas. I would like to suggest that that be high in your portfolio and that you take a very careful look at it, because I would think we are spending billions of dollars on high technology which, candidly, doesn't work nearly as well as it should, particularly in this area, where an identification can be really critical and one letter or one number should not make a difference. Do you have a comment?

General CLAPPER. No, I agree with you. As I alluded to earlier, I think, despite all the huge investments in IT that we've made, that we still depend too much on the minds of analysts to do things that we ought to be able to harness with our IT to connect those dots.

Chairman FEINSTEIN. Okay, the second is PREDATOR–REAPER oversight. I think this is an area that we have been very concerned about, and this committee is taking that oversight very seriously and has been very active in seeing that this is carefully done, that the intelligence is excellent. And I'm one that believes that the CIA in particular has had a remarkable record, with very good intelligence, and in some ways really the best of what can be. I just hope that you will have this at a high level for your own oversight.

General CLAPPER. Absolutely.

Chairman FEINSTEIN. Thank you.

The third is Afghanistan. I read a quote by Major General Michael Flynn earlier in the year that said—and I'm paraphrasing—that eight years into the war, the intelligence community is only marginally relevant to the overall strategy. U.S. intelligence officers and analysts can do little but shrug in response to high-level decisionmakers seeking knowledge. Would you take a look at that and perhaps talk with him and see where we are, if we are in fact lacking?

General CLAPPER. Well, I already have had extensive dialogue with Mike Flynn when the article first came out. And a careful read of it I think is—I think it's a Pogo article. We weighed the enemy, and it's ourselves, because what the article really talks to is the situation in Afghanistan, much of which is, I think, under his control.

I think what occasioned the article was the change in our strategy from a classic CT or counterterrorist mission to a much, much broader counterinsurgency mission. And it's true. We did not have the intelligence mechanism there to make that shift that quickly. I think what he's really getting to is the cultural, the human terrain—if I can use that phrase—perspective and insight that's required to understand the village dynamics down to the very nitty-gritty level. And so that's what his complaint was about.

As I told him, if he felt that they had too many intelligence analysts at the brigade combat, at the BCT level and he needed more down at the battalion or company level, it's up to him to move them. We're certainly not going to sit back here in the confines of the beltway and orchestrate intelligence in Afghanistan. He's the senior intelligence officer; that's his responsibility, and we back here will certainly support him.

Chairman FEINSTEIN. Okay, and finally, contractor analysis. Could you put that high on your agenda? I very much appreciate what you said. And that was that it all depends on what, where, the necessity, the type of thing. And I think we need to get that under control, and we do not currently have it under control. We need to know where, from an intelligence perspective, contractors should serve a vital use, and where they do not.

As you know, the cost is about 70 percent more than a government employee, so it is a very expensive enterprise as well.

General CLAPPER. Yes, it is. And of course, per our earlier discussion, you know, the reason why we got to where we are and the sudden re-expansion of the intelligence committee after 9/11 and intelligence being an inherently manpower-intensive activity, so the natural outlet for that was contractors, whom we can hire one year at a time, which you can't do with government employees. And you can also get rid of them more quickly, so the expansion or contraction.

So, for example, the Army right now has about 6,000 contractor Pashtu linguists. Well, I'm not sure we want to keep them on as government employees when the need for Pashtu linguists hopefully goes down in the future. So I think rather than rote numbers or percentages, I think what we need to—and I do intend to get into this, if I'm confirmed—what are the ground rules, the organizing principles that govern where it's proper to use contractors and where it's not.

Chairman FEINSTEIN. Well, we will schedule a meeting in your ascendancy to come in and brief us on that, so be prepared. But I'd like just quickly to tell you what my intention is.

I'm going to request that all members submit questions by noon tomorrow and ask you to answer them as quickly as you can. And as soon as we receive the answers, Members have a brief opportunity to digest them, we will schedule a markup. If we can do it in a week or ten days, that's fine; hopefully we can. Is that agreeable with you?

General CLAPPER. Yes, ma'am. I would hope that whatever action is taken would be taken before the Senate adjourns in August.

Chairman FEINSTEIN. Well, we will certainly strive to do that, and the questions become a vital part, first of all, of us getting them, and secondly, your responding. But you've been very prompt in your responses, and I've no reason to believe it would be otherwise, so we will try to do our best to accommodate that.

Let me just end by saying I think you've performed really very well. And once again, your expertise in this area is very much appreciated and I think will be very well used.

General CLAPPER. Thank you.

Chairman FEINSTEIN. Mr. Vice Chairman.

Vice Chairman BOND. Madam Chair, thank you for making it clear that we will have more questions for the record. I frankly have some questions for the record. I'd like to have your fuller explanation because they seem to be inconsistent with previous positions and some are not clear. I do want to have those.

Madam Chair, if it's possible, Senator Nelson said that he would like to have a closed hearing.

I think there are some things that you are interested in that might be best covered in a classified hearing, and I have a couple of areas of overlap between military and civilian that I prefer not to discuss in an open session. So we will do that, and I would join you saying that the nominee has certainly stayed with it for a long time. We appreciate that.

Chairman FEINSTEIN. He says he does not need one. But if you do——

Vice Chairman BOND. Well, we might be able to have some classified questions at least then that we can submit for response, because there's just a couple of things that probably I'd prefer not to discuss in an open session.

But let me go back. A general question you'll be asked in writing—and I think it's good to have on record—will you cooperate with both the Chair and the Vice Chair, as well as with our staffs, by promptly responding to written and phone inquiries, sharing information, being proactive in sharing it with us?

General CLAPPER. Yes. Yes, sir.

Vice Chairman BOND. That's something we talked about, and I wanted to—we mentioned that. I wanted to make sure that the staff knows that on both sides. And we will look forward to your full answers, but I want to go back—I was going down a road talking when I ran out of time on the first round.

Talking about Guantanamo detainees and their release, when I communicated to the national security advisor that members of this committee had been told that the CIA and the DIA did not

concur in sending a particular detainee back to Yemen, the national security advisor told me that those agencies would be reminded of the administration's decision.

Now, as I think we discussed once before, the administration's decision is their decision, but if there is an implication that the intelligence committee should not be told honestly and frankly of advice that you give to the policymakers—whether it's accepted or not—that troubles me. So will you commit to providing the committee the honest and forthright recommendations and assessments that you make, regardless of whether they are accepted ultimately by policymakers?

General CLAPPER. Yes, sir, I would. Again, as we discussed before, this is an interagency process. Intelligence is a very important, but not the exclusive, determinant. And it would be my view that intelligence should be as thorough and accurate as possible on making such assessments. And I don't see any problem with, once we've spoken our piece and if that was ignored, that's the process. And I certainly have no trouble—I wouldn't have any trouble conveying that to the committee.

Vice Chairman BOND. Good, because in case you're advised of the position, we want the intelligence regardless of what the position may come up with.

Let me go into another interesting area. You gave a conference speech in 2008 to GEOINT, which my staff managed to track down. And you said that at that point, "I hope the next administration will give some thought, I mean the Congress as well, to maybe another look at the National Security Act of 1947, maybe a Goldwater-Nichols for the interagency."

But in the answers to the committee's questionnaire you said you had no plan to recommend to the President any dramatic change, but rather look to improve it. There are some of us that think the Goldwater-Nichols recommendation was similar to what came out of the Project on National Security Reform that General Jones, Susan Rice, Jim Steinberg participated in before they joined the administration. The administration apparently has not gone along with that. As your recommendation—did your recommendation change as a result of the administration's position, or do you think we need to take another look at the National Security Act of 1947?

General CLAPPER. I think—what has been discussed about it, and I don't exactly remember the GEOINT discussion. I think it had to do with the discussion that was at the time. I remember specifically former chairman of the JCS, Pete Pace, who was a proponent for a Goldwater-Nichols for the interagency, which could—you know, that might have merit.

I do think it's a different proposition, as Secretary Gates, I think correctly, points out, that Goldwater-Nichols in its original form, of course, only applied to one department. So perhaps the principles of Goldwater-Nichols could be applied perhaps in an interagency context.

Vice Chairman BOND. Well basically, that's what the DNI is; it's an interagency agency. And that's maybe—well, we will discuss that further. But are there any particular aspects of Goldwater-Nichols you believe should apply to the interagency?

General CLAPPER. Well, one of the benefits of Goldwater-Nichols—and I was around and was probably part of the legion of people that wrote papers in the Pentagon against it at the time in the early 1980s, but now of course it is the accepted norm. And what it meant in the department was placing a very high premium on jointness and on joint duty. And so that is one of the principles that was taken on, particularly by Director McConnell, which I certainly agree with.

And we are experiencing a lot of mobility in the intelligence community so that people get out of their home stovepipe and move to other parts of the community. So that's a principle of Goldwater-Nichols that I think applies in the intelligence community and, for that matter, could apply in the interagency.

Vice Chairman BOND. You suggest in answers to the committee questionnaire that the area of greatest ambiguity in IRTPA is the relationship with and authority of the DNI over the CIA. What do you think is ambiguous in the law?

General CLAPPER. As I cited earlier, the IRTPA does stipulate that the Director of CIA—Director of the Central Intelligence Agency—is in charge of foreign intelligence relationships. And of course, that's what gave rise to the dispute between DNI Blair and the Director of CIA. And I think the law says that the DNI oversees those foreign relationships, whatever that means. So I think that is an area of ambiguity.

Vice Chairman BOND. All right. Three changes that I think might go a long way—I think you've addressed at least one of them—would be giving the DNI milestone decision authority for all intelligence programs funded 50 percent or more by NIP; two would be changing the non-abrogation language in section 1018; and the third is appropriating NIP funds directly to the DNI, rather than through DOD and other departments.

What are your feelings on those three measures—1018, milestone authority over——

General CLAPPER. Well, I think there is an agreement now, which took the form of a memorandum agreement that was signed by Secretary Gates and Director McConnell that governs milestone decision authority. And of course it is a shared arrangement, depending on the predominance of the funding, whether it's in the department or in the NIP.

Non-abrogation, section 1018, was addressed in the revision to Executive Order 12333. And there was some language appended to that that basically amplified the process for potential resolution of disputes, if in fact they had to go to the White House.

So at this point, I'm not prepared—as a nominee, certainly—to make any recommendations about amending section 1018.

On DOD funding, I have been a proponent for taking the NIP out of the DOD. Now, that carries with it some baggage, if you will, in terms of the staffing mechanisms and processing, but I think the long-term impact of that would be to actually strengthen the DNI's authorities over the National Intelligence Program.

Given the revelation of the top line appropriated number of the National Intelligence Program, the original reason for burying that number in the Department of Defense budget kind of goes away. And I have similarly argued—and the Secretary has approved—

publicizing the Military Intelligence Program for the sake of completeness, both for the Congress and the public to know the totality of the investment in intelligence in this country.

Vice Chairman BOND. Finally, you mentioned that you had looked over the bill that Senator Hatch and I had on setting up a national cyber center and a cyber defense alliance. Are there any further thoughts that you have to share about that bill or where we should be going on cyber?

General CLAPPER. Well, sir, there are, as you know, many—I think there's 34, 35 legislative proposals now in play which address a whole range of cyber, cyber-related issues. So I don't want to preempt the administration on picking and choosing which bill they like.

I do think, though, there are some appealing features in the bill that you and Senator Hatch are sponsoring, which is putting someone clearly in charge, having an identifiable budget aggregation, colocation either physically or virtually, I think. So those features—I have not read the bill itself but I've read about it—I think are appealing.

Vice Chairman BOND. And the other thing, the importance that—I think the thing that was different, the cyber defense alliance would be a means for the private sector to come together with government agencies and each other, protected from FOIA and antitrust or other challenges, to discuss and share information on the threats that were coming in. And if you have any further information on that, I would appreciate hearing it, either now or later.

General CLAPPER. Sir, I would recommend—if you haven't already—some dialogue with the Deputy Secretary Bill Lynne, who has been very much in the lead for engaging with the civilian sector, particularly the defense intelligence base, on doing exactly this. And he's done a lot of work, given this a lot of thought. So I would commend a dialogue with him.

Vice Chairman BOND. All right. Well, thank you. And we've talked with many, many different private sector elements who are concerned that they don't feel comfortable, don't know where to go, or how to get information and share it. And I think they can be very, very perhaps helpful to each other and to the government in identifying the threats that are coming in.

Well, thank you very much, General. As I said, we'll have some questions for the record. And I think there may be some classified questions for that, and we'll wait to hear a response. And thank you for the time that you've given us.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman and General Clapper. I think we've come to the end of the afternoon.

Again, for all staff, if you can let your Members know, please get the questions in by noon tomorrow. General Clapper will address them as quickly as possible. We will then make a decision whether we need a closed hearing. Perhaps these questions can be asked in a classified fashion in writing. If not, we will have a closed hearing, and we will try and move this just as quickly as possible.

So, well done, General, and thank you everybody, and the hearing is adjourned.

[Whereupon, at 5:43 p.m., the Committee adjourned.]

Supplemental Material

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SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

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SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

QUESTIONNAIRE FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART A - BIOGRAPHICAL INFORMATION

1. NAME: James Robert Clapper, Jr
2. DATE AND PLACE OF BIRTH: 14 March 1941; Ft Wayne, Indiana
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Susan Ellen Clapper
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Terry
6. NAMES AND AGES OF CHILDREN:

NAME	AGE

REDACTED

7. EDUCATION SINCE HIGH SCHOOL:

INSTITUTION	DATES ATTENDED	DEGREE RECEIVED	DATE OF DEGREE
St Mary's University	Aug 64 to May 70	M.A.	May 70
University of Maryland	Sep 59 to Jun 63	B.A.	Jun 63

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

EMPLOYER	POSITION/TITLE	LOCATION	DATES
Department of Defense	Under Secretary Of Defense (Intel)	Pentagon	Apr 07 – Present
DFI International	Chief Operating Officer	Washington DC	Oct 06 – Apr 07
Georgetown University	Professor	Washington DC	Oct 06 – Dec 06
Department of Defense	Director, NGA	Bethesda, MD	Sep 01 – Jun 06

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SRA, International, Inc.	Vice President, Intel	Fairfax, VA	Nov 98 – Aug 01
Booz, Allen and Hamilton	Principal	McLean, VA	Mar 97 – Nov 98
Vredenburg	Special Assistant to President	Reston, VA	May 96 – Mar 97
Department of Defense	Active Duty USAF officer (2Lt to Lt Gen) Various Positions	Various Locations	Jul 63 – Sep 95
Department of Defense	Inactive Reserve USMC/USAF Enlisted		Feb 61 – Jun 63

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

Served as a member of the NSA Advisory Board from 1998-2001.

Served as Vice Chairman of a Congressionally-mandated commission to address homeland security issues from 1999–2001. The Gilmore Commission which was active 1999–Feb 2004, chaired by former Governor of Virginia Jim Gilmore, was charted to assess domestic response capabilities for terrorism involving weapons of mass destruction.

Served as head of the intelligence assessment team for the Downing Commission in 1996. The Commission was charted to examine the facts and circumstances surrounding the Khobar Towers bombing.

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

Nearly every position I have held during my 46+ year career has focused on intelligence — as a collector, analyst, staff officer, commander, or Director — spanning all phases of the Intelligence cycle. Specifically, I served for 32 years on active duty in the Air Force, worked in the private sector supporting the Intelligence Community for 6 years, served for 5 years as a civil servant, taught intelligence tradecraft at the graduate-level, and most recently, as a political appointee (Under Secretary of Defense for Intelligence) for over 3 years.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

Defense Distinguished Service Medal (two)
Air Force Distinguished Service Medal
Defense Superior Service Medal
Legion of Merit (three)

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Bronze Star Medal (two)
Defense Meritorious Service Medal
Meritorious Service Medal (two)
Air Medal (two)
Joint Service Commendation Medal
Air Force Commendation Medal
National Intelligence Distinguished Service Medal (three)
National Security Medal (conferred by President Clinton, 1995)
Department of Defense Distinguished Civilian Service Award
U.S. Coast Guard Distinguished Public Service Award
French Republic *Ordre national du Mérite* (National Order of Merit) (*Commandeur*)
Republic of Korea Order of National Security of Merit, Chonsu Medal
Norwegian Fursuarsmedaljen Med Laurb/Ergen Award
Canadian Force Medallion for Distinguished Service
Slovak Memorial Medal of the Military Intelligence Service
Top 100 Information Technology Executives (Federal Computer Week, 2001)
NAACP National Distinguished Service Award
Honorary Doctorate in Strategic Intelligence from Joint Military Intelligence College (1995)
Baker Award (Intelligence and National Security Alliance-2006)

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

ORGANIZATION	OFFICE HELD	DATES
None		

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT OR TRANSCRIPT. TO THE EXTENT POSSIBLE, PLEASE PROVIDE A COPY OF EACH SUCH PUBLICATION, TEXT, OR TRANSCRIPT):

"The Role of Defense in Shaping U.S. Intelligence Reform," in Loch K. Johnson, *The Oxford Handbook of National Security Intelligence*. Oxford University Press: New York, 2010, pp. 629-639. Copy attached.

"Fresh Thinking Prepares NGA for Future Intelligence Challenges," in *Earth Imaging Journal*, November/December 2005. Copy unavailable.

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"America's Image Issue; Friends Indeed," Letter to the Editor, *U.S. News & World Report*, 23 May 2005, http://www.usnews.com/usnews/letters/articles/050523/23lett.htm, accessed 6 June 2010. Copy attached.

Speeches: I have made speeches in the course of my employment, but I do not use prepared texts, nor do I know of any that were transcribed.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

My career spans over 46 years in intelligence; I have been responsible for operating and managing at all phases and levels in peace and combat, including 32 years on Active Duty in the Air Force. I have served as the Director of two major Intelligence Agencies (DIA and NGA) for a total of almost 9 years; a Director of Intelligence for three war-fighting commands; and a Service Intelligence Chief. I have also taught Intelligence at the graduate level and have worked as a contractor for the IC. At present I serve as the Under Secretary of Defense for Intelligence and wear a second hat as the Director of Defense Intelligence for the Director of National Intelligence.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

7/21/2000 $1,000 Senator John Warner Committee

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

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A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the DNI's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the DNI's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

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20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

N/A

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

None

22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

None

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.

No

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

No

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

NAME OF ENTITY	POSITION	DATES HELD	SELF OR SPOUSE

None

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27. LIST ALL GIFTS EXCEEDING $100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF $1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

DESCRIPTION OF PROPERTY	VALUE	METHOD OF VALUATION
See Attached Schedule A from SF-278. In addition:		
Personal Residence	$732,000	Recent sales in the neighborhood

29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF $10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

NATURE OF OBLIGATION	NAME OF OBLIGEE	AMOUNT
None		

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No

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31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING $200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

	2005	2006	2007	2008	2009
SALARIES					
FEES					
ROYALTIES					
DIVIDENDS					
INTEREST			REDACTED		
GIFTS					
RENTS					
OTHER (To Capital Gains, I					
TOTAL					

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

Virginia

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN $200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

N/A

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36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No, however in connection with the nomination process, I have consulted with the Office of Government Ethics and the DNI's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the DNI's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

37. IF APPLICABLE, ATTACH THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE FORMS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT.

See Attached forms from 2007, 2008 and 2009

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No, except for the complaints submitted to the DoD IG described in question 44 below.

I am not aware of any other complaints submitted to a court, administrative agency, professional association, disciplinary committee, or other professional group, but for the sake of transparency, I would note that during my confirmation process in 2007, an anonymous letter was sent to the Senate Armed Services Committee alerting them to funds spent on my departure ceremony as Director of the NGA. I had not been involved in the planning of the event, nor was aware of its total cost until I learned about it during the confirmation process. I am not aware of any formal complaint or investigation related to this matter.

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39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

No

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

In May 2000, I appeared as a prosecution expert witness in Federal Trial of 5 Cuban nationals charged with spying against the U.S. in Federal Court in Miami, Florida. All were found guilty.

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No

44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PROVIDE DETAILS.

I am aware that the DOD IG has received five complaints concerning my behavior during my long tenure with the Department. Several of these issues were disposed of so quickly that I was not aware of the complaint at the time, but became aware only when I was subsequently asked about them during my FBI Background Investigation in 2007. In each case, the DOD IG concluded that the complaints were unsubstantiated or without merit.

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- In 1994, a complaint wrongly alleged that I had used my government position to obtain a free hotel accommodation. As best I can tell, the issue related to a time when I received an upgraded hotel room that I had not requested. After a preliminary inquiry, the IG closed the matter with no further action.

- In 1994, a complaint wrongly alleged that I had inappropriately solicited funds for the Air Force Assistance Fund using my official position. After a preliminary inquiry, the IG found that I was authorized to do so, and closed the matter with no further action.

- In 1995, a complaint wrongly alleged that my spouse and I had misused a government laptop computer. Based on the preliminary inquiry, the IG found no violations of policies or regulations and the matter was closed with no further action.

- In 1995, a complaint alleged that I had improperly used my position at DIA and attempted to work as a consultant for the Joint Military Intelligence College. The IG found that there had been no improper conduct at issue, and closed the matter with no further action.

- In 2005, a complaint wrongly alleged that I had engaged in an inappropriate relationship with a female subordinate and that I provided preferential treatment to that subordinate. Based on a preliminary inquiry, the DoD IG found insufficient basis for the allegations to warrant an investigation, and the matter was closed with no further action.

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

Yes, last polygraph conducted May 2005 as Director, NGA. Previous polygraphs conducted circa 1987 as J-2 PACOM, and circa 2000, as a member of the NSA Advisory Board

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47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

The Congressional committees charged with the oversight of the Intelligence Community monitor and are cognizant of activities, programs, and policies executed by the Intelligence Community. The basic obligation imposed by section 502 of the National Security Act of 1947 is to keep the two intelligence committees "fully and currently informed" of all U.S. intelligence activities (excepting covert actions that are covered in section 503), including "significant anticipated intelligence activities" and "significant intelligence failures." The oversight process provides a necessary check and balance structure ensuring that Intelligence Community resources — split between the National Intelligence Program (NIP) and the Military Intelligence Program (MIP) — are appropriately aligned with national priorities. The relationship between the Intelligence Community and its Congressional overseers is mutually-beneficial; the obligation of the overseers is to ensure the nation's security, as well as to be vigilant for potential abuses — particularly in the area of civil liberties.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

The DNI is responsible to the President for the performance of the entire Intelligence Community as an enterprise and to ensure, ultimately, that decision-makers — from the White House to the fox hole — are provided accurate, timely intelligence. This entails supervision and oversight of all aspects of the enterprise: substantive analysis, resource management, intelligence policy development, operational effectiveness, and compliance with the law. The DNI also serves as the principal intelligence advisor to the President and is responsible for ensuring that the Congress is able to carry out its oversight of the Intelligence Community.

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AFFIRMATION

I, JAMES R. CLAPPER, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

7 JUNE 2010 James R. Clapper
(Date) (Name)

David D. Grund
(Notary) DAVID D. GRUND

DAVID D GRUND NOTARY PUBLIC MY COMMISSION NUMBER 7291667 COMMONWEALTH OF VIRGINIA

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TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be the Director of National Intelligence, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

James R Clapper

Signature

Date: 7 JUNE 2010

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CHAPTER 38

THE ROLE OF DEFENSE IN SHAPING U.S. INTELLIGENCE REFORM

JAMES R. CLAPPER, JR.

THE performance of the U.S. Intelligence Community (IC) prior to the terrorist attacks of September 2001 and the invasion of Iraq in March 2003 was consistently questioned and ultimately led to sweeping intelligence-reform legislation in 2004. While several commissions, national-security think tanks, and Congress weighed in during this tumultuous period, it was the 9/11 Commission that proved to be the primary catalyst for legislative remedies.[1]

This chapter will examine the intelligence-reform movement since 9/11, with a particular emphasis on Defense Intelligence reforms. It will explore the role of Defense Intelligence in shaping and implementing law and subsequent executive guidance and policy. It also highlights how long-term, trusted relationships among several key intelligence officials in place during 2007–8 were a critical factor in moving successfully through a number of contentious policy issues. Finally, the chapter concludes with my views on the work still to be done to bring the full spirit and intent of the intelligence-reform movement to fruition.

[1] One of the more important commissions investigating intelligence performance during this period was the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, which did not publish its report until March 31, 2005. Although widely known as the 9/11 Commission, its official name is The National Commission on Terrorist Attacks upon the United States.

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2. The Drive to Reform

The National Security Act of 1947 established a new national-security structure within the United States, including the first components of a national Intelligence Community (IC).[2] In 1950, a new Director of Central Intelligence (DCI), Lt. Gen. Walter Bedell Smith, began to shape the nation's disparate intelligence agencies into something recognizable as an "Intelligence Community," a term first used during his tenure (Warner 2001, 6). He maneuvered the Department of State and the Joint Chiefs of Staff out of clandestine operations and pushed successfully to bring the signals-intelligence capabilities of the armed services under civilian control.

Since that time, a seemingly endless series of studies has examined the IC, typically prompted by a real or perceived abuse of power or shortfalls in the community's performance.[3] The Cuban Missile Crisis drove much of the reform in the 1960s. Concern over the conduct of covert operations and government abuses of Americans' civil liberties fostered many of the reforms in the 1970s that led to greater oversight in both the legislative and executive branches.[4] The signing of Executive Order 12333 by President Ronald Reagan in 1981 was the then-new president's effort to protect the rights of Americans and outline the roles and responsibilities of the members of the IC, particularly the Director of Central Intelligence (DCI). Many of the proposed intelligence reforms of the 1990s were the result of pressure to reap a "peace dividend" by downsizing the IC after the end of the Cold War.[5]

The executive branch once again found itself under significant pressure to reform the IC after the 9/11 Commission report, released just before the 2004 presidential election. Initially, President George W. Bush's National Security Council, working with the senior leadership in the IC, publicly responded to the report by drafting several new executive orders that strengthened the management authority of the DCI.[6] Neither the Congress nor its constituents found them sufficient and continued to push for legislation.

[2] The original members of this early intelligence system were the Central Intelligence Agency and the Departments of Justice, State, War, and Navy.

[3] For more information on the history of intelligence reforms, see DNI Mike McConnell's "Overhauling Intelligence" in *Foreign Affairs* or the ODNI publication, "Six Decades of Intelligence Reform."

[4] The Senate Select Committee on Intelligence was created in 1976 and the House Permanent Select Committee on Intelligence followed in 1977.

[5] The House Permanent Select Committee's Staff Report (IC21) and the Aspin Brown Commission (formally titled "Preparing for the 21st Century: An Appraisal of U.S. Intelligence") are examples of some of the calls to downsize intelligence.

[6] President Bush signed four executive orders on August 27, 2007: "Directing the Strengthened Management of the Intelligence Community"; "Establishing the National Counterterrorism Center (NCTC)"; "Strengthening the Sharing of Terrorism Information to Protect Americans"; and "Establishing the President's Board on Safeguarding Americans' Civil Liberties."

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The consensus of those pushing more aggressive reforms, including an assertive group of family members of the victims of 9/11, began to coalesce around the belief that the IC needed stronger, more centralized management and that the current construct—a DCI charged with both overseeing the performance of the IC as well as managing the day-to-day operations of the Central Intelligence Agency (CIA)—was unworkable. This was certainly central to the recommendations included in the 9/11 Commission Report released in July 2004 and echoed in the draft legislation approved by the Senate.[7] The proposal to create a strong Director of National Intelligence (DNI) was far more contentious within the House of Representatives, which advocated a different vision for intelligence reform.

Despite significant obstacles, the Congress managed to push through, and President Bush signed, the Intelligence Reform and Terrorism Prevention Act (IRTPA) in December 2004. The new law created a DNI whose primary responsibilities were to serve as principal advisor to the president on intelligence matters, to manage and oversee the programs and activities of the sixteen components of the IC—half of which are statutorily housed within the Department of Defense—and to determine the National Intelligence Program (Section 102).[8] While the IRTPA gave the DNI strengthened authorities in a number of areas, neither the Congress nor the American public were willing to go so far as to create a Department of Intelligence, a dream of some reformers. At the end of the day, IRPTA did not provide the DNI much more latitude than the DCI had in managing the IC.

The opposition to centralizing too much authority in a DNI was led by the Department of Defense and the members of Congress on the armed services committees, most notably Representative Duncan Hunter (R-CA) and Senators Carl Levin (D-MI), John Warner (R-VA), and Ted Stevens (R-AK). In the fall of 2004, the Congress had worked to a stalemate, and the legislation was in jeopardy. Reform-minded members of Congress, led by Senators Susan Collins (R-ME), Joseph Lieberman (D-CT) and Representative Jane Harman (D-CA), were concerned that this rare opportunity to pass reform legislation might be squandered if they compromised their original positions significantly to ensure passage. This compromise included what became a controversial provision—Section 1018.

Section 1018 essentially states that the president shall issue guidelines to the DNI explaining how the DNI will manage the components of the IC without abrogating the statutory authorities of other members of the executive branch.[9] Many in the IC and those who closely follow the IC immediately recognized that Section 1018

[7] Some in the Senate, notably Senators John McCain and Arlen Specter, had actually drafted legislation that would in essence create a Department of Intelligence.

[8] The National Intelligence Program is a budgetary aggregation straddling sixteen components which supplanted the National Foreign Intelligence Program. The FY08 top line for the NIP is $42.7 billion.

[9] Section 1018 states: "The President shall issue guidelines to ensure the effective implementation and execution within the executive branch of the authorities granted to the Director of National Intelligence... in a manner that respects and does not abrogate the statutory responsibilities of the heads of departments..."

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effectively neutered the legislation. To be a bit more generous, it did, in military parlance, help promote "unity of effort" within the IC but did not compel "unity of command." The governance system created by the new law relies on the "cooperate and graduate" approach rather than the Clausewitzian "compel one to do your will." Those who sought a strong, central authority figure for intelligence were disappointed.

Section 1018 was written by defense advocates to protect the Department of Defense, but it also prevented the DNI from unilaterally making decisions that would affect the intelligence elements of the Department of State, Federal Bureau of Investigation, Department of Homeland Security, and others. The CIA is the only intelligence component other than the Office of the DNI not housed within a cabinet department and that, by statute, reports directly to the DNI.[10]

Not long after the first DNI, Ambassador John D. Negroponte, was appointed and the Office of the DNI (ODNI) established, it became apparent that creating reform-minded new policies and programs for the IC would be difficult if not impossible. Whether the topic was personnel management, training, information-sharing, coordination of activities in the field, or the improvement of analysis, Negroponte found that his proposed policies and plans overlapped and often contradicted plans and policies already in place—many statutorily based—within the other departments. He quickly learned that the new management paradigm was not that much better than the old DCI model, which relied heavily on the goodwill and cooperation of the departments.

While it is true that Department of Defense intelligence and intelligence-related activities are subject to many of the authorities granted to the DNI in the IRTPA, it is the Secretary of Defense who ultimately exercises "authority, direction, and control" over the eight DoD elements designated as members of the IC.[11] The DNI's authorities do not extend to operational or tactical control over any DoD component. Thus, defense intelligence components must achieve a delicate balance between supporting the DNI and responding to the priorities he establishes while at the same time delivering the optimal set of capabilities to support the Department of Defense.

2.1 The "Dream Team" and its Window of Opportunity

After the Republican Party suffered defeat in both houses of Congress in the fall of 2006, President Bush made a number of changes in his national-security leadership team. By early 2007, he had a new DNI, J. Michael McConnell; a new Director of the

[10] The language from the IRTPA, Sec 104A: "The Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency."

[11] Under Section 3(4) of the National Security Act, the following DoD elements are designated as elements of the IC: "NSA, DIA, NGA, NRO, 'other offices within the DoD for the collection of specialized national intelligence through reconnaissance programs,' the intelligence elements of the Army, the Navy, the Air Force, and the Marine Corps . . ."

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Central Intelligence Agency (DCIA), Michael V. Hayden; a new Secretary of Defense Robert Gates, and a new Under Secretary of Defense for Intelligence (myself), in place. All four of us were intelligence veterans who had worked together for decades. We had all been responsible one or more times for managing the day-to-day operations of a major intelligence agency. We had all been through several rounds of intelligence reform in our careers and understood the difficult job the DNI had undertaken. Both Mike Hayden and I had advocated for something akin to a Department of Intelligence during the debate on the IRTPA legislation, which clashed with the views of our then boss, then Secretary of Defense Donald Rumsfeld.

In early 2007 we all faced significant challenges in our new jobs, but we knew, given the loopholes in the law, that the DNI job that Mike McConnell had accepted was perhaps the most difficult and thankless, and we all vowed to help him carry out his mandate. We recognized that the viability of the IC and the safety and security of the American people (and the security of many outside the United States) depended on our improving the performance of U.S. intelligence.

Director McConnell expressed his reservations to President Bush about accepting the position and told the president he would need his support in order to make any progress on intelligence reform. The president agreed and Secretary Gates pledged his assistance as well. In one of our earliest meetings, I offered to do my part to help the new DNI, and, with the agreement of Secretary Gates, we created a new position—the Director of Defense Intelligence (DDI), which is dual-hatted as the Under Secretary for Intelligence (USD(I)) reporting to the Secretary of Defense *and* as the DDI reporting to the DNI. By doing this, I believed I could use both sets of my delegated statutory authorities (the Secretary's delegated authorities over DoD components, as well as the DNI's delegated authorities) to further the DNI's objectives and work more directly on his behalf. Secretary Gates and DNI McConnell quickly signed a Memorandum of Agreement (MOA) creating the DDI position in May 2007, "dual-hatting" my position. The DNI and Secretary of Defense later approved an annex that elaborated on my duties and responsibilities as the DDI.

According to the MOA, the DDI serves as the principal advisor to the DNI on all matters concerning DoD intelligence, counterintelligence, and security-related matters. The DDI reports to the DNI on three key areas: requirements, intelligence activities, and general "advice and assistance." As a member of the DNI staff, the DDI assists in the execution of DNI responsibilities for the oversight of defense intelligence matters. Under this construct, the DDI will receive direction from the DNI and then implement that direction as the USDI, capitalizing on the authorities delegated by the Secretary of Defense to the USDI. The DDI assists the DNI in bringing greater synchronization across the IC by establishing policies and plans for the Defense Intelligence Enterprise that comport with DNI guidance.[12]

[12] The Defense Intelligence Enterprise consists of the eight DoD components previously cited as members of the IC, as well as all other intelligence elements, including those of the Combatant Commands, within the Department of Defense.

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The first test of the viability of this new concept came with the development of the DNI's new policy on joint-duty assignments. Joint duty is a civilian personnel rotation system aimed at encouraging and facilitating assignments among elements of the IC.[13] Joint-duty assignments assist in developing IC employees and leaders with an enterprise-wide perspective, cultivating cross-organizational networks and facilitating information sharing. This is an example of a sound, logical initiative that proved very difficult to implement. As a result of Section 1018, the IRTPA did not transfer the personnel-management authorities over intelligence personnel accorded the Secretary of Defense when it charged the DNI with establishing this new personnel policy.[14] Thus DoD would have to change its personnel policy before the new joint-duty policy would have any significant effect.

The idea of joint-duty assignments for members of the IC had been around for more than a decade but was given increased prominence during the 9/11 Commission debates. Although many believed that the IRTPA created the joint-duty program under the DNI, in fact a similar IC Assignment Program had been in place under the DCI since the mid-90s. It foundered, as year after year fewer agencies sent their best and brightest out on rotation and many pushed for "waivers" that would allow them to create their own rules on what constituted a rotational assignment.

Although I supported both the spirit and intent of the joint-duty assignment program, I quickly learned in my new job as USD(I) the difficulties it would present within the DoD. Military intelligence officers could not be governed by it, and DoD civilian intelligence officers were managed under DoD rules. Wearing my DDI hat, I worked to create rules within the Defense Civilian Intelligence Personnel System that would support the joint-duty program while at the same time not "abrogate" the Secretary's authorities. After many months, my staff and I finally pushed it through the Department, but not without great difficulty.

This was the first of many seemingly intractable policy issues that I and the other members of the IC Executive Committee grappled with as the DNI continued to push for reforms.[15] On many occasions, as I developed intelligence policy for DoD, and the DNI developed national intelligence policy for the larger IC, we found ourselves at legal impasses as a result of Section 1018. Despite our desire to work toward a reasonable solution, we were informed time and again that legally we could not compromise. We were advised the Secretary of Defense could not legally cede his authority to anyone outside of DoD, even if he wanted to do so.

[13] The military has had a similar system in place since the passage of the Goldwater-Nichols Act in 1986. A seminal work on the Goldwater-Nichols Act and the joint duty concept for the military is Locher (2002).

[14] See 10 U.S. Code 83.

[15] The EXCOM is composed of the heads of the sixteen components of the IC, and the USD(I).

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2.2 Executive Order 12333

The difficulties that the DNI had in formulating policy were magnified by challenges unique to the IC: creating unity of effort in addressing the domestic threat, formulating the intelligence program and budget, changing the culture of secrecy and "need to know," and establishing a new and healthy relationship between the ODNI and the CIA.

Congress was becoming increasingly impatient with what it believed was a lack of progress on these fronts, despite an ever-growing DNI staff. What the Congress and others failed to acknowledge, however, was that the systemic flaw created when Section 1018 became part of the IRTPA could not be overcome by the DNI staff or any cooperative group of IC leaders. The only recourse left to the DNI, short of rewriting the legislation, was to develop the presidential guidelines referenced in Section 1018. The President's Intelligence Advisory Board, after conversations with the DNI, felt this was a necessary next step and encouraged the president to begin the effort to revise Executive Order 12333.

President Bush charged DNI McConnell with redrafting Executive Order 12333, which had been in place, with few revisions, since 1981. Executive Order 12333 is the foundational document issued by the president governing how the IC will operate while safeguarding the rights and civil liberties of all Americans. Even the smallest changes to this executive order are not undertaken lightly. McConnell's policy staff began this effort in the early fall of 2007 by bringing together the IC agency deputies and the senior policy and legal officials of the IC for a two-day offsite to discuss what changes to the order should and should not be made. The group at the offsite was encouraged to take off their parochial hats and put on their "good government" hats in formulating changes to the executive order that would better allow a DNI to do his or her job. The group drafted a fairly lengthy list of recommended changes to the executive order, but recommended that the DNI *not* change the section that protected the rights and civil liberties of the American people.

Several early and important decisions made by the DNI set the redrafting of the executive order on a productive course. After the initial offsite, McConnell established a senior leadership group that included Secretary Gates and me and worked closely with us throughout the drafting process. Both the Secretary and I vowed to help him engage constructively throughout the process and keep the lines of communication open, even when we faced the most difficult and contentious issues. Later, once the DNI had completed an initial draft of the changes to the executive order, the NSC staff established a Principals Committee, a Deputies Committee, and a group of "trusted agents" whose responsibility was to work through the policy and legal issues raised during the redrafting, until only the most difficult policy choices were left. These were then elevated to my level, or if necessary, to the level of the "Principals," which included the National Security Advisor Stephen Hadley, DNI McConnell and Secretary of Defense Gates.

After a great deal of debate and deliberation throughout the winter and spring of 2008, these groups produced an extensive revision to Executive Order 12333,

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which President Bush signed on July 30, 2008. Few believed this could actua accomplished before the end of the administration. But McConnell, Hayden, G and I recognized that we had only a narrow window of time for us to take adva of the lessons learned subsequent to the enactment of the IRTPA and the uni alignment of experienced senior officials.

A few deeply felt issues came close to scuttling the entire effort. The most si nificant of these issues for the Department of Defense was the challenge of resolvi how Section 1018 was to be interpreted and implemented. On the one hand, w recognized that Section 1018 preserved the authorities and responsibilities of t Secretary of Defense in the world of national intelligence, critical to the support the war fighter during times of conflict. Not only did many officials within DoD fe strongly about the necessity of preserving these authorities—the armed servic committees felt strongly as well. On the other hand, we recognized Section 10 hamstrung the DNI in his efforts at reform. Finding some middle ground w clearly necessary.

The DNI felt strongly that he needed the executive order to affirm that t "presumption" would be that he was *not* abrogating the authorities of the oth department heads, unless the departments could prove otherwise. That is, the bu den of proving he was violating their authorities rested with the departments a the DNI would be free to exercise his authorities up until he was "proven" to be violation. This was objectionable to all of the departments, but it was left to Do to devise the argument opposing this language, as well as to help craft suitable alte native language.

After many weeks of haggling over this language, Hadley, Gates, and McConn personally crafted language that would sufficiently explain how Section 1018 is be interpreted and applied. In essence, the new language in the executive orde "presumption clause" still maintains that the DNI may not abrogate departme tal authorities. However, there is an important codicil. It now states that "dire tives issued and actions taken by the Director in the exercise of the Directo authorities and responsibilities" *shall be implemented* by the elements of the I It adds that any department head who believes that a directive or action of t DNI violates the requirements of Section 1018 of the IRTPA must bring the iss to the attention of the DNI, NSC, or the president for resolution. While this m seem convoluted and nuanced, the EO language makes clear that all IC comp nents must implement what the DNI tells them to implement, regardless potential conflicts with departmental directives. It also creates a mechanis whereby departments can bring any potential violations of Section 1018 to t attention of the DNI, and if necessary up the chain of command all the way to t president. In the end, the DNI felt the EO language gave him the president "cover" he needed to push his policies through. Historians may someday wond why so much intellectual energy and effort was put into addressing this one iss but only such effort is necessary to reach consensus in the world of high-stak policy negotiations.

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As the debate over the presumption clause was underway, Secretary Gates and I were obligated to represent DoD's institutional viewpoint and remind all parties that the Congress had not been willing to more strongly centralize the DNI's authorities. DoD also wanted to ensure that we honored an agreement made between Vice President Dick Cheney and the House and Senate Armed Services Committees during the IRTPA debate to inform the committees of any presidential guidelines that would affect Section 1018. In a somewhat unprecedented decision, DoD, DNI, and other stakeholder departments agreed to brief Congressional oversight committees on the actual language of EO 12333 prior to the president's signature.

Despite what were at times heated debates, in the end, we all were satisfied that the revised executive order represented a "good government" compromise, and the language that clarified Section 1018 would help the DNI promulgate new policies without abrogating existing authorities of the department heads. That said, without the trust and mutual respect established over decades among the president's senior intelligence team, I believe the successful revision of EO 12333 would have been in doubt.

3. Where We Go from Here

For true, systemic intelligence reform to take place, both internal and external pressure must be consistently applied for the IC to change its culture, its practices, its procedures, its deeply held beliefs about itself and its role in a changing world.[18] As new notions of how to conduct the business of intelligence in a democratic society faced with a serious domestic threat are explored, the DNI should have the wherewithal to implement good ideas quickly, and if warranted, institutionalize them in new statutes and policies.

Good policy is the key to getting things done in Washington. Although bureaucratic and unglamorous, the IRTPA and EO 12333—including subsequent DNI and DoD intelligence policy directives that will follow—are the legal and policy underpinnings of the current intelligence reform movement. While revising EO 12333 was an important step in bolstering the DNI's ability implement lasting policies, it does not—and really cannot—resolve all of the IRTPA's ambiguity. I have come to believe that we will not see legislation that gives the DNI unambiguous authority in the near term nor do I believe much more authority is warranted.

I no longer believe as strongly as I once did in greater centralization of intelligence activity or authority, and have changed my views on the establishment of a Department of Intelligence. Intelligence has become an integral function within most national-security organizations, and I realize that the individual needs of each

[18] See Barger (2005) and Gill, Marrin, and Phythian (2009).

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department for tailored intelligence outweighs the benefits of more centralized management and control. Five years after signing IRTPA, the time has come for professionals both within as well as outside the IC to reengage in the debate over how much centralized management of intelligence is prudent.

Regardless of the outcome of that debate, IC still has much work to do to resolve the ambiguous lanes-in-the-road issues, which often lead to turf battles, particularly within the area of homeland defense. We need to find less expensive but effective ways to collect data, analyze it quickly, and make that analysis relevant. The notion, adopted by the DNI, of intelligence providing a "decision advantage" must apply not only to the policymaker but to the soldier in Baghdad or Kabul who also needs to have the right intelligence allowing him to react faster than the enemy.[17] We need to share more and hoard less information especially with our domestic state, local, and tribal governments, and with our international partners.

I will end with two final thoughts on the future of U.S. intelligence. First, for the DNI to achieve truly meaningful intelligence reform, the DNI cannot afford to wait for Congress to clarify IRTPA, rather the DNI must rely on the willingness of the Department of Defense to carefully balance the DNI's national intelligence priorities with the burgeoning requirements within Defense for timely, relevant, and actionable intelligence. This cannot be done unless the Secretary of Defense and the DNI work in full partnership to accomplish the nation's security objectives, as Secretary Gates and Director McConnell have done.

Second, people matter. The makeup of the intelligence leadership team must be chosen carefully, not only for their years of experience and knowledge, but for their ability to be team players. Five years after the passage of IRTPA and more than a year after revising EO 12333, the new administration and the incoming intelligence team inherit an Intelligence Community that is in a state of transformation, and the individuals leading the IC will still have a unique opportunity to continue the initial reform efforts. While the IC has made great strides since 9/11 in improving information sharing, for example, there is still work to be done. Based on my experience within the IC and Defense Intelligence Enterprise, the following should be among the priorities of the IC in the new administration: reforming intelligence acquisition, investing in analytical tradecraft, continuing security-clearance reforms, strengthening security and counterintelligence activities, maximizing community collaboration, and forging closer intelligence relationships with foreign partners. Each of these areas will require strong leadership and interagency collaboration to develop and implement policies that will sustain long-term reforms.

[17] As described by Jennifer Sims, "...the key to intelligence-driven victories may not be the collection of objective 'truth' so much as the gaining of an information edge or competitive advantage over an adversary. Such an advantage can dissolve a decision-maker's quandary and allow him to act. This ability to lubricate choice is the real objective of intelligence." For more information, see the DNI's Vision 2015, http://www.dni.gov/Vision_2015.pdf and Sims (2009).

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Friends Indeed

"Help Wanted: A Spy Chief Liked By All" [White House Week, May 9] got it half right. It is true that when asked at a recent National Geospatial-Intelligence Agency town hall meeting if I was leaving, I told my staff nothing official had been said to me about staying at NGA or going elsewhere. It is not true that Defense Intelligence Agency head Vice Adm. Lowell Jacoby and I don't like each other. We have an occasional professional disagreement, but we are personal friends and maintain an excellent relationship.

LT. GEN. JAMES R. CLAPPER JR. USAF (RET.)
Director
National Geospatial-Intelligence Agency
Bethesda, Md.

This story appears in the May 23, 2005 print edition of U.S. News & World Report.

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SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE

Additional Prehearing Questions for

James R. Clapper, Jr.

Upon his nomination to be

Director of National Intelligence

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Responsibilities of the Director of National Intelligence

1. What is your understanding of the following responsibilities of the Director of National Intelligence (DNI)?

a. As the head of the Intelligence Community (IC).

b. As the principal adviser to the President, the National Security Council, and the Homeland Security Council for intelligence matters related to the national security.

c. In overseeing and directing the implementation of the National Intelligence Program.

d. In managing the Office of the Director of National Intelligence (ODNI).

As head of the intelligence community, the DNI not only develops policies and procedures to guide the work of U.S. intelligence agencies, but also oversees their performance to ensure compliance with these policies and procedures. The DNI's ultimate objective, pursuant to the Intelligence Reform and Terrorism Prevention Act, is to create a unified intelligence effort at the national level that is both effective and efficient. A significant part of this responsibility also includes representing the interests and positions of the intelligence community to the rest of the Executive branch, the Congress, foreign governments, and the public.

As principal intelligence adviser to the President, the DNI ensures that the President and senior government officials receive the substantive intelligence support they require to carry out their responsibilities. This entails keeping them apprised of current, ongoing developments around the world; having intelligence analysis prepared to meet short-term needs, preparing longer-term assessments to support longer-term policy decisions; and responding to questions they have about intelligence they have received. In short, the DNI, as the head of the entire intelligence community, including both its collection and analytical capabilities, serves as the President's focal point for the provision of substantive intelligence.

The DNI's responsibility for the National Intelligence Program (NIP) entails building and shaping the NIP and monitoring the activities undertaken by elements of the intelligence community to ensure that appropriated funds are, in fact,

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allocated and spent in accordance with the National Intelligence Program budget, and that they are achieving objectives. Should elements of the community wish to allocate and spend funds that have been appropriated for a different purpose, the DNI must approve such transfers or reprogramming in accordance with applicable law. If the DNI should find that appropriated funds are not being allocated or spent as provided by the National Intelligence Program, it is his responsibility to address such failures with the head of the department or agency concerned, and, if a suitable resolution of the matter cannot be found, to report the matter to the President and Congress.

Managing the ODNI requires clearly setting priorities and direction so that ODNI staff can assist the DNI in leading the IC. The National Intelligence Strategy provides an overall roadmap for the direction of the IC, and the ODNI assists in monitoring the IC's achievement of NIS mission and enterprise objectives. The ODNI contributes by concentrating on areas where issues cannot be resolved by individual agencies, as well as areas where intelligence agencies must be better integrated and more collaborative to produce better intelligence.

2. Please reflect on specific experiences you have had in your profession in intelligence—in the military, private sector and civilian leadership of the DoD—to illustrate how your background and experience will enable you to serve effectively as the head of the IC. With respect to the different aspects of your career and the positions you have held, please identify within your response a description of the issues relevant to the leadership of the IC that you see based on your background and experience.

I feel my experience in the military – starting with my two tours of duty during the Southeast Asia conflict – provided a wealth of experience in intelligence which has been expanded and honed by the things I've done since retiring from military service in 1995. I have been a practitioner in virtually every aspect of intelligence. I was trained as a SIGINT officer, and worked in SIGINT collection and analysis. During my tour in Vietnam, I was a warning watch officer, all-source analyst, and briefer. Following this tour, I was selected to be the Aide-de-camp to two successive commanders of the Air Force Security Service, which was an invaluable "leadership laboratory," as I observed these senior officers lead a world-wide enterprise, with thousands of people, engaged in (at the time) very complex and demanding missions. I learned early on the attributes of command, leadership, and executive skills required of such leaders. I later served in a similar

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capacity as Military Assistant to two Directors of NSA, and was able to observe, and draw lessons learned for later in my career when I was in similar positions as Director of two of the major intelligence agencies.

Over the course of my military career, I served as a Commander in combat, (flying 72 combat support airborne radio direction finding missions over Laos and Cambodia) as well a Wing Commander, and Commander of a Scientific and Technical Intelligence Center. Also, I have served as a Director of Intelligence (J-2) for three war-fighting commands (US Forces Korea, Pacific Command, and the then Strategic Air Command). I learned every aspect of intelligence collection, analysis, operations, planning and programming, and application and in all other disciplines — HUMINT, GEOINT, MASINT, Foreign Material, Counter-intelligence, and other more arcane forms of technical intelligence. I have been widely exposed to the workings of the entire U.S. Intelligence Community around the globe.

As Director of the Defense Intelligence Agency in the early 1990s, I led a major effort to essentially re-shape the Agency, prompted by a mandated reduction of approximately 20%, to help reap "peace dividend" savings by virtue of the demise of the Soviet Union. This required an alternative organizational scheme, a reduction and re-orientation of the work-force, while minimizing negative morale effects. I orchestrated the founding of the Defense HUMINT Service, which moved all strategic HUMINT resources from the Military Services to DIA – a transformation fraught with controversy and opposition, as well as absorbing into DIA two formerly self-standing organizations – the Army Missile and Space Intelligence Center (MSIC), and the then Armed Force Medical Intelligence Center (AFMIC) (now the National Center for Medical Intelligence).

After retirement from active duty in the United States Air Force, I worked as a contractor for four companies, with intelligence as my primary focus. This gave me great insight into the roles as well as the strengths and limits of contractors, how the government looks from the outside, and what drives a commercial entity as it competes for, wins, and fulfills contracts. As the first civilian Director of NGA, I accordingly was able, I think, to deal much more effectively with contractors as a part of the work force.

During the six year interval after I retired from the Air Force in 1995 and before I became Director of NGA in 2001, I served on many government Boards,

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Commissions, and Panels. Notable among them was service as the lead intelligence and counter-intelligence investigator for the Downing Assessment Task Force, which investigated the bombing of the Khobar Towers Air Force facility in Saudi Arabia on June 25, 1996. This was an epiphany experience for me, since I learned directly of the horrific effects of an improvised explosive device planted by terrorists.

I also served as Vice Chairman of a Congressionally mandated Commission chaired by former Governor of Virginia Jim Gilmore for almost three years. The purpose was to study the potential for a weapons of mass destruction attack on the Homeland, to recommend what should be done to prevent such attacks, and how to respond to them should they happen. Governor Gilmore and I briefed the Vice President in May of 2001 on the Commission's findings, and warned him that it was not a question of whether we would be attacked, but when. Because of this experience I learned a great deal about such issues as perceived at the state and local levels, and helped formulate recommendations which in part presaged the subsequent formation of the Department of Homeland Security.

Additionally, I participated in a study led by former Deputy Secretary of Defense John Hamre on the intelligence and counter-intelligence capabilities and shortfalls in the Department of Energy.

I became Director of the National Geospatial Intelligence Agency (then the National Imagery and Mapping Agency, NIMA) two days after 9/11. NIMA was then generally considered the most dysfunctional component of the IC. It had failed to live up to the vision of the original founders of the Agency to meld mapping, charting, and geodesy on one hand, with imagery and imagery intelligence on the other. Using a very useful report produced by the Congressionally-chartered NIMA Commission as a "roadmap". I led the metamorphosis into the now well recognized intelligence discipline of Geospatial Intelligence (GEOINT), and the symbolically important change in the Agency's name. Now, NGA stands as a productive, efficient, and mature component of the IC.

I concurrently gained the experience of serving for almost nine years as manager of two of the major programs in what is now the National Intelligence Program – the General Defense Intelligence Program (GDIP), and the National Geospatial Intelligence Program (NGP), as well as serving as the Executive for the

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Military Intelligence Program in my current capacity as USD(I), for over three years.

As the Under Secretary of Defense for Intelligence, I helped exercise civilian control over the military, served as Program Executive for the Military Intelligence Program, and developed and promulgated standards and policy across the entire range of the intelligence, counter-intelligence, and security dimensions of the DoD. I have taught intelligence at the graduate level at the then Joint Military Intelligence College and, briefly at Georgetown University. I have also worked with the Intelligence Oversight Committees of the Congress since the early 1980s.

I have traveled widely to dozens of countries, and am familiar with their intelligence capabilities, and know many senior foreign intelligence leaders personally. I have known and worked for and with all Directors of Central Intelligence and Directors of National Intelligence for the last two decades. I have accordingly participated at the highest levels of intelligence decision making on allocating scarce resources, determining priorities, approving critical intelligence judgments as a member of the National Foreign Intelligence Board/National Intelligence Board, and briefed senior national security officials both in the United States and overseas.

Apart from all this functional experience, I have lived the history of the intelligence community for that same time span. I think the amalgam of this experience – the breadth, depth, and scope – equips me to deal with the extreme demands of the DNI – a position, which demands extensive knowledge of the entirety of the US intelligence enterprise.

3. Based on your professional experience, and in particular your experience as the Under Secretary of Defense for Intelligence (USD(I)), what is your view of the role of the DNI in overseeing the 16 agencies of the intelligence community and integrating them into an effective intelligence enterprise? Please answer separately for the following:

a. The DoD (DoD) intelligence components.

b. The Central Intelligence Agency (CIA).

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c. The intelligence agencies that reside in other departments of the federal government.

d. If confirmed as DNI, what steps will you take to improve the integration, coordination and collaboration of the agencies of the Intelligence Community (IC)?

With respect to the four intelligence agencies in the Department (DIA, NSA, NGA and NRO), the DNI plays a crucial role in supervising their performance and output. The DNI allocates resources in the National Intelligence Program, and monitors the intelligence agencies' operations and production. The DNI sets standards, and formulates policies governing these agencies, and insures they fulfill their missions. Each has unique missions, requiring unique insights and understanding. Three of them are also Combat Support Agencies, so the DNI, with the support of the USD(I), must also see to their performance in that capacity – striking balance between their national and defense missions. The service intelligence components for the Army, Navy, Air Force, and Marine Corps also play unique and distinct roles for their services, as well as for the national intelligence community. I served as Chief of Air Force Intelligence, so I understand this domain as well, from personal experience. Having served as a Director for two of these agencies (DIA and NGA), and having spent a great deal of time in NSA, both on active duty, and, subsequently after retirement on the NSA Advisory Board, I believe I have a thorough understanding of the distinct roles each of these organizations play both in the Department, as well as in the IC. I tried to use the "double-hat" I wore as the DNI's Director of Defense Intelligence, as a "bridging" capacity, to help the DNI manage the DOD intelligence components.

While I have never been assigned to the CIA, I have worked closely with it over a period of almost 30 years. I believe it is a national treasure, and a crown jewel of the IC. I feel the DNI does have both a partnership and oversight role to play in relation to the CIA. It has unique capabilities, and unique responsibilities which must be synchronized with the other components of the IC.

The intelligence components of four of the other cabinet departments (State, Homeland Security, Treasury, Energy) generally are not "agencies" within those departments, but provide unique staff support to their respective cabinet heads, and, in turn, unique capabilities and perspectives for the larger IC. The FBI, in the

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Department of Justice, represents a unique combination of intelligence and law enforcement responsibilities. Most recently, I worked very closely with the FBI in the aftermath of the Ft Hood shootings. Also in the Department of Justice, the DEA provides unique contributions to the Intelligence Community.

The DNI must understand the complementary contributions of each of these unique components, lead them with a "unity of effort" perspective, and forge a sense of teamwork among their leaders.

If confirmed as DNI, I will continue the efforts of the previous DNIs to "work the seams" between and among the 16 components, to eliminate policy barriers (which have always been more formidable than the technological barriers). I also believe that all such efforts do not have to be exclusively managed within the Office of the DNI, but can be de-centralized and delegated to the components, to act as "executive agents" on behalf of the DNI – thereby extending the reach and authority of the DNI.

4. Based on your four decades of professional experience, do you believe the current organizational structure of U.S. intelligence is the best structure to support the military and national intelligence needs?

1. **If not, what changes would you recommend to the current structure?**

2. **What is your current view of the concept of setting up a cabinet-level Department of Intelligence composed of the major intelligence agencies?**

I have either been a part of, or in fact led, many re-organizations throughout my career in intelligence – some successful, some not so. I have become convinced that there is no such thing as the perfect wiring diagram. I can't say that the current organizational construct is the "best", any more than I can commend some other structure as "better". The current arrangement obviously has its drawbacks, but so did its predecessor, the DCI. I am more from the school of trying to make what we have work better, rather than advocating yet another organizational upheaval – which, too, would incur the law of unintended consequences. I think what we have today provides the best intelligence support to national and military users in our history – and we dwarf the rest of the nations of the world in this respect.

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At this point, I have no plan to recommend to the President any dramatic change to what we have today – but, rather, would work to improve it.

I do not believe a "Department of Intelligence" is a viable alternative. I think such a construct could potentially jeopardize civil liberties. If such a cabinet department were organized, the donor organizations – to include the DoD – would, over time, simply re-generate the resources lost to such an intelligence monolith.

Moreover, the upheaval and disruption this would cause would be highly problematic and profoundly disruptive to the intelligence mission.

5. The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) was a significant reform effort intended to improve the management and coordination of the U.S. IC to meet the national security challenges of the 21st century.

a. **Based on the experience of the last five years under IRTPA, do you believe additional legislation, beyond what has been included in intelligence authorization bills passed by the House or Senate, is needed to either clarify or strengthen the authorities of the DNI? If so, what legislation would you recommend?**

b. **Do you believe new or revised executive orders, beyond the 2008 amendments to Executive Order 12333, are needed to clarify or strengthen the authorities and responsibilities of the DNI with respect to the IC? If so, what would you recommend to the President?**

c. **It has been reported that prior to your nomination you sent the President a letter or memorandum with your views of what the role of the DNI should be and how the IC should function. Please provide a copy of this document or provide an answer that covers the full substance of the views you expressed.**

d. **One possible means of strengthening the DNI's authorities may be through granting the position more statutory administrative (vice operational) control over the national intelligence agencies. What are your views on the benefits of using such a statutory approach to clarify the current ambiguity in the law about the DNI's authority over intelligence information technology (IT) systems?**

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e. Do you believe that granting the DNI more control over the intelligence agencies' personnel and training programs would accelerate the integration of the IC and break down the cultural and bureaucratic walls between agencies?

I believe the area of greatest ambiguity in the IRTPA is the relationship with and authority of the DNI over the CIA. I would be in a better position to judge this, if I am confirmed as DNI, and have some practical, first-hand experience.

The recent amendments to Executive Order 12333 were an important step in the Intelligence Community reform effort. Like the IRTPA, which provided the foundation for the recent intelligence reform efforts, the amending of Executive Order 12333 was another step in the process that includes, among other things, ongoing development and issuance of Intelligence Community policies implementing the Order. As the IC's implementation of the Executive Order progresses, and if confirmed, I will be in a better position to assess whether to advise the President on any need for executive action to clarify or strengthen the authorities and responsibilities of the DNI.

I have shared with the President my views on the role of the DNI. I believe in the importance of the relationships between and among the White House, the CIA, and the DNI, and the importance of clarity as to roles and missions. I have a philosophical "model" for the DNI, and I believe it is important for anyone serving in this position to be a "truth to power" DNI .

With specific respect to the DNI's authorities over Information Technology systems, I think the DNI already has considerable authorities in this area – whether explicit in the law, or implicitly. I am not in position to assess how well this function is being carried out at this time; if confirmed, I would intend to look into this, and then would be in a better position to respond more thoughtfully to this question.

At this time, I do not feel that more authority over Cabinet Department personnel and training is necessarily required. There are many common challenges (e.g. language training and proficiency), but I believe the DNI should focus on "outputs" rather than providing exquisite management of "inputs." Again, if confirmed, I would certainly assess this area, and then would be in a better position

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to judge whether I would recommend to the President that legislation is needed to enhance the DNI's authorities.

Keeping the congressional intelligence committees fully and currently informed

6. What is your understanding of the obligations of the DNI under Title V of the National Security Act of 1947?

a. What steps should the DNI take to ensure that all departments, agencies, and other entities of the United States Government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements in those sections?

b. Under what circumstances do you believe notification may and should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees? In those circumstances, if any, what is the obligation of the DNI to notify subsequently the full membership of the committees as expeditiously as possible?

The basic obligation imposed by section 502 of the National Security Act is to keep the two intelligence oversight committees "fully and currently informed" of all U.S. intelligence activities (excepting covert actions that are covered in section 503), including "significant anticipated intelligence activities" and "significant intelligence failures." Although section 502 provides that congressional notifications must be made "to the extent consistent with due regard for the protection from unauthorized disclosures of classified information relating to sensitive sources and methods or other exceptionally sensitive matters," I believe that this phrase does not limit the obligation to keep the intelligence committees "fully and currently informed." Rather, this phrase provides the DNI with a degree of latitude in deciding how (not whether) to bring extremely sensitive matters to the committee's attention. In certain rare circumstances, I believe it could be appropriate to brief only the Chairman and Vice Chairman of the intelligence committee on particular sensitive matters. Limited initial notifications should be undertaken only in the most exceptional circumstances.

Similar obligations are imposed upon the DNI by section 503 of the National Security Act where covert actions are concerned. The DNI is charged with

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keeping the committees "fully and currently informed" of all covert actions that may be undertaken by elements of the U.S. Government, including any "significant failure."

Most of the obligations imposed by section 503, to include the approval of covert actions and reporting them to the two intelligence committees, run to the President rather than the DNI. The DNI, however, should oversee and provide advice to the President and the NSC with respect to all ongoing covert action activities.

In addition to imposing obligations upon the DNI, sections 502 and 503 impose the same obligations on the "heads of all departments, agencies, and other entities of the United States Government to keep the intelligence committees "fully and currently informed" of both intelligence activities and covert actions they may be involved in. Thus, the statute imposes the obligation regardless of further direction or instruction from the DNI. If I were confirmed as the DNI, I would have an obligation under the National Security Act to ensure that elements of the Intelligence Community comply with the Constitution and laws of the United States, including sections 501, 502, and 503 of the National Security Act. I will also ensure that Intelligence Community directives related to the disclosure of information to Congress are vigorously adhered to.

National Security Threats

7. What in your view are the principal threats to national security with which the IC must concern itself in the coming years?

a. What are the questions that the IC should address in its collection activities and assessments?

b. In your opinion, how has the IC performed in adjusting its policies, resource allocations, planning, training, and programs to address these threats?

c. If not otherwise addressed, discuss your view of the appropriate IC roles and responsibilities with respect to the issues of climate change and energy security, and how well the IC has performed in these areas.

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I believe the principal threats to national security are those portrayed in the Intelligence Community's annual threat assessment. They include:

1. The far-reaching impact of the cyber threat. The U.S. confronts a dangerous combination of known and unknown vulnerabilities, strong and rapidly expanding adversary capabilities, and a lack of comprehensive threat awareness. Malicious cyber activity is occurring on an unprecedented scale with extraordinary sophistication. Acting independently, neither the U.S. Government nor the private sector can fully control or protect the country's information infrastructure. With increased national attention and investment in cyber security initiatives, the US can implement measures to mitigate this negative situation. The Comprehensive National Cybersecurity Initiative (CNCI) is designed to help mitigate vulnerabilities being exploited by our cyber adversaries and provide long-term strategic operational and analytic capabilities to U.S. Government organizations.

2. The continuing terrorist threat. Al-Qa'ida, al-Qa'ida-associated groups and al-Qa'ida inspired terrorists remain committed to striking the U.S. and US interests. We can take it as a sign of progress that while complex, multiple cell-based attacks could still occur, we are making them very difficult to execute. It is even more difficult to identify and track small numbers of terrorists recently recruited and trained, as well as, short-term plots, than to find and follow terrorist cells engaged in plots that have been ongoing for years.

3. The growing proliferation threat, especially from Iran's and North Korea's nuclear programs: Ongoing efforts of nation-states to develop and/or acquire dangerous weapons constitute a major threat to the safety of our nation, our deployed troops, and our allies. Technologies, often dual-use, circulate easily in our globalized economy, as do the personnel with scientific expertise who design and use them. It is difficult for the United States and its partners to track efforts to acquire WMD components and production technologies that are widely available. The IC continues to focus on discovering and disrupting the efforts of those who seek to acquire these weapons and those who provide support to weapons programs elsewhere. The IC also works with other elements of

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the government on the safeguarding and security of nuclear weapons and fissile materials, pathogens, and chemical weapons in select countries.

4. Threats to U.S. troops in Afghanistan and Iraq. Although a generally positive security trend in Iraq over the past year has meant a drop in overall violence, the protracted formation of a government in Baghdad is straining security. The IC has stepped up efforts to support commanders and forces in the field, as well as to assist and inform policymaker efforts in enhancing security, improving governance and extending economic development in Afghanistan and Iraq. In both cases, the IC is particularly concerned about terrorists using Afghanistan and Iraq as safe havens from which they can attack the U.S. or U.S. interests.

Besides these aforementioned immediate threats, we confront numerous concerns and geopolitical challenges equally important for the Intelligence Community to understand in order to help policymakers promote the U.S.'s long term interests. Among the many such issues, are the following illustrative examples:

Notwithstanding some stresses and potentially troublesome long-term effects inside China, Beijing is becoming a more prominent regional and emerging global player.

We see some encouraging signs that Russia is prepared to be more cooperative with the U.S., although Russia also looks at relations with its neighbors largely in zero-sum terms, vis-a-vis the United States.

The financial crisis was transmitted broadly and rapidly through international capital and trade channels and has challenged the view that globalization is the road to prosperity.

The daunting array of challenges facing African nations make it likely that we will see new outbreaks of political instability, economic distress, and humanitarian crises demanding U.S. government attention and response in coming years. In the Middle East, we will face additional uncertainty as several states undergo anticipated changes in leadership following the passing of their heads of state, many of whom have ruled for decades.

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International organized crime, including drug trafficking, continues to threaten U.S. interests.

Health policies of governments and non-state organizations can have long-term detrimental implications for the U.S. The ability to detect and contain foreign disease outbreaks before they reach this country is partially dependent on U.S. relationships with host governments, and state willingness to share health data with non-governmental and international organizations. Working on health matters with foreign governments and non-state organization also provides opportunities for reducing biological threats. Overall, the IC works with other U.S. government agencies to assess foreign preparedness and provide warning of national security implications of health events, whether naturally occurring or the result of intentional use.

Global climate change could have wide-ranging implications for US national security interests over the next 20 years because it would aggravate existing world problems—such as poverty, social tensions, environmental degradation, ineffectual leadership and weak political institutions—that threaten state stability. Since the 2008 publication of the National Intelligence Assessment (NIA) on the national security implications of climate change, the IC has stepped up analysis and collection to look more in depth at climate change implications in individual countries and regions important to U.S. long term interests. The CIA has also created a center to provide all-source analysis on the impact of climate change on political, economic, military and social stability. It is also responsible for the MEDEA program which reviews and declassifies imagery for sharing with the climate scientific community.

Energy security has also been an important topic for Intelligence Community analysis and collection. To meet demand growth in next three to 10 years and reduce the risk of future price spikes, international and national oil companies will need to re-engage on major projects that were shelved when prices fell in late 2008. Within OPEC, Iraq is a bright spot for oil capacity expansion. Recent developments in the U.S. gas sector, primarily shale gas, have made the U.S. essentially gas independent for at least a decade or two, if not longer. The IC has for some time closely followed energy security developments, warning of longer term trends and highlighting potential opportunities for mitigating negative implications for U.S. national security.

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8. What lessons do you see for the ODNI, in particular, and the Intelligence Community as a whole, with respect to the following events and developments in recent months?

a. **The Fort Hood attack and the attempted attacks on Flight 253 and in Times Square. With respect to the Fort Hood attack and the attempted attack on Flight 253, please describe what you would do to carry out recommendations to correct deficiencies identified by the Executive and Legislative Branch panels that have reviewed these incidents.**

b. **The *Cheonan* incident and other provocative activities of North Korea.**

c. **The evolution of the role of the United States in Iraq and Afghanistan.**

The Fort Hood attack and the attempted attacks on Flight 253 and in Times Square: I have reviewed each of the Executive and Legislative Branch reports on the recent attempted terrorist attacks and take all of the recommendations very seriously. In my view, the major themes of the intelligence shortfalls and the resultant recommendations prescribed by the reports are consistent. If confirmed as DNI, I will aggressively work with the agencies across the IC and the Congress to carry out the recommended corrective actions addressing the deficiencies identified by the reviews. Learning from these incidents is a continuing process. I will build upon the work already completed and highlighted below.

The independent review panel established by former DNI Blair to review the intelligence aspects of the 5 November Fort Hood shootings and the attempted bombing of Northwest Airlines Flight 253 on Christmas Day arrayed its recommendations in four broad areas: strengthening our processes for finding terrorists in the ever-growing amount of intelligence data, enhancing information technology support across the IC, closing mission seams, and eliminating existing confusion related to the sharing and handling of U.S. person information.

In parallel with the DNI-directed independent review, NCTC led a community-wide effort to develop an integrated resource proposal and implementation plan for a variety of community initiatives. This action plan and resource recommendation became the basis for the Administration's proposal for FY 2010 and 2011 Overseas Contingency Operations funding. The majority of the

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request is aimed at technology enhancements to aid in the discovery, correlation, and fusion of data consistent with the overall strategy for community information technology under the direction of the IC Chief Information Officer.

In addition to these Executive Branch studies, your Committee *Report of the Attempted Terrorist Attack on Northwest Airlines Flight 253* also found systemic failures across the community. Your report cited inadequate organization at NCTC to fulfill its mission, a lack of clarity in responsibility for tracking and identifying all terrorism threats, as well as the need for technology enhancements to assist analysts in data searches and the correlation of information.

Among other things, the initial IC response to the above Executive and Legislative Branch reviews includes:

1. Pursuit Analysis: In mid-January, NCTC established a center-wide Pursuit Group that incorporates personnel from across the Intelligence Community to pursue intelligence leads to detect and disrupt terrorist activities. The Pursuit Group's work is informed and driven by all-source analysis and its teams—organized by terrorist group and region—focuses on early detection of potential threats to the Homeland and to US citizens and interests abroad. In addition to conducting analytical pursuit of intelligence leads, the Pursuit Group prioritizes threat threads across the IC and coordinates, deconflicts, and synchronizes similar pursuit activities across the IC.

2. Information Technology/Information Sharing: The Intelligence Community Chief Information Officer (IC CIO) and NCTC have developed plans to address near-term technology enhancements and improved data accessibility, as well as longer-term solutions to information availability and usability. NCTC has gained greater access to data since 12/25 and has accelerated efforts to integrate terrorism data, making solid progress in consolidating information and applying tools to streamline searches and correlate data. However, an integrated repository of terrorism data, capable of ingesting terrorism-related information from outside sources, remains necessary to establish a foundation from which a variety of sophisticated technology tools can be applied. These capabilities can help automate the display of links and alerts, as well as provide a mechanism for visualizing complex relationships.

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3. U.S. Persons Rules and FISA handling procedures: The ODNI Office of General Counsel is also leading an interagency effort to assess, refine, and clarify U.S. Person rules and procedures for handling information obtained under FISA to improve IC information sharing, including with respect to SIGINT. By conducting extensive interviews of IC analysts and attorneys, ODNI/OGC has been working to identify each of the specific issues that need to be resolved. The next step is to prioritize these issues and assign them to ODNI offices, IC elements, as well as other U.S. Government entities, to identify and carry out solutions to these critical problems.

   NSA continues to work with the Department of Justice and FBI to fully leverage all current authorities to accomplish its counterterrorism mission and effectively share USP information consistent with the law.

4. DHS Partnership with NCTC: DHS has entered into a series of MOUs with NCTC that provide NCTC with access to appropriate passenger, travel, and border exit and entry information. These new data flows greatly enhance the ability of DHS, NCTC, FBI, and the broader law enforcement and intelligence communities to identify potential threats by having additional information that could allow them to tie together previously disparate pieces of information.

5. Enhanced Watchlisting Procedures: NCTC continues to work with the interagency to enhance overall watchlisting support procedures including: review of those individuals from select counties who were immediately upgraded after 12/25 to a higher watchlisting status as a precautionary measures; coordination with interagency partners to review watchlisting related standards; and examining end-to-end business processes associated with enhancing a TIDE record.

6. Visas: NCTC and the Department of State have improved coordination to ensure that known or suspected terrorist are flagged and visas are denied or revoked as appropriate. Further, the State Department is working closely with the Department of Homeland Security (DHS)/Customs and Border Protection (CBP) to ensure that airlines are aware of any travelers with revoked visas prior to boarding.

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The *Cheonan* incident and other provocative activities of North Korea: As you know, I served as the J2 of U.S. Forces Korea and as the Deputy C2 of the Republic of Korea/United States Combined Forces Command from June 1985 to June 1987. From July 1987 to July 1989, I was the J2 of the United States Pacific Command. In those years, violent North Korean provocations were more common than they have been during the past decade. I am particularly reminded of North Korea's bombing of Korean Airlines Flight 858 on 29 November 1987, killing all 115 persons on board, when I consider in context the recent North Korean ambush of the *Cheonan* in the Republic of Korea's territorial waters and Pyongyang's concurrent, unsuccessful dispatch of an assassination team to South Korea to kill senior North Korean defector Hwang Jang-yop.

The most important lesson for all of us in the Intelligence Community from this year's provocations by Pyongyang is to realize that we may be entering a dangerous new period when North Korea will once again attempt to advance its internal and external political goals through direct attacks on our allies in the Republic of Korea. Coupled with this is a renewed realization that North Korea's military forces still pose a threat that cannot be taken lightly.

For the ODNI, the *Cheonan* attack reemphasizes the importance of the DNI's responsibility to coordinate the IC's analytic and collection efforts against the North Korean threat.

The evolution of the role of the United States in Iraq and Afghanistan: It is critical that the Intelligence Community continue to monitor Iraq's internal stability as the drawdown of U.S. military forces progresses. Intelligence agencies are focused on this and are contributing to national-level assessments that directly inform policy and military decision-makers of potentially worrisome political, security, and economic trends. The IC also must focus on longer-term trends in Iraq and the region after U.S. forces depart in 2011. To this end, the ODNI/National Intelligence Council this summer will examine international and regional reactions to future developments in Iraq in a strategic gaming exercise with regional subject matter experts from government, industry, and academia. In addition, Intelligence Community assessments for the remainder of this year will take a longer-term look at political and security dynamics in Iraq and the region in 2012 and beyond.

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The ODNI also must plan for the allocation of resources during and after the U.S. drawdown from Iraq to ensure that the Intelligence Community can continue to collect on critical trends and threat issues related to U.S. personnel in Iraq. The Intelligence Community's performance in Iraq has been a model of collaboration, innovation, and direct support to a wide range of customers. Intelligence agencies are now demonstrating that same flexibility and teamwork as they respond to the tremendous changes taking place in Iraq – including the transition to a new government – while maintaining their ability to meet the needs of U.S. forces in Iraq. I have been deeply impressed by this degree of teamwork, which will be even more important in the future in addressing the strategic intelligence priorities of U.S. policymakers and senior military officials.

The role of the Intelligence Community in Afghanistan is to assess threats and provide timely warning of developments detrimental to the national security policies of the United States. The IC collects intelligence on threats emanating from the border region between Afghanistan and Pakistan, evaluates terrorist and security trends, provides assessments in support of U.S. military and civilian efforts to stabilize Afghanistan in line with the President's overarching directive to disrupt, dismantle, and defeat al-Qa'ida and its allies and prevent them from reestablishing bases in Afghanistan from which to plan attacks against the Homeland. IC assessments cover military, terrorist, insurgent, governance, political, and economic developments in Afghanistan.

The Intelligence Community provided extensive support to US Special Operations Forces during the ouster of the Afghan Taliban in 2001. For several years after the Taliban's defeat, the U.S. IC focused on counterterrorism (CT) targets in the region. The IC has continued to allocate additional collection and analytical resources following the President's 1 December 2009 West Point speech announcing an increase in U.S. troop and civilian levels to support ISAF's counterinsurgency strategy.

Challenges Facing the Intelligence Community

9. Apart from national security threats discussed in answer to Questions 7 and 8, what do you consider to be the highest priority leadership and management challenges facing the IC at this time?

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- **If confirmed as DNI, what will you do, specifically, to address these challenges?**

High priority leadership and management challenges include continuing to improve information sharing with intelligence customers, improving the integration and coordination of intelligence operations, ensuring that intelligence resources are prioritized against our most important intelligence needs, investing in and rewarding innovative use of technology, and ensuring a diverse, quality workforce.

If confirmed, I will (1) continue to improve information sharing in and outside of the IC through promulgation and implementation of policies, processes and new technologies, and under Attorney General approved guidelines; (2) improve integration and coordination among members of the IC by enhancing mission management and integrating the capabilities provided by functional managers to meet the needs of national, military, homeland security and other departments and agencies; (3) develop timely, accurate, and insightful intelligence to policy makers in support of national security actions through flexible, tailored intelligence products and effective implementation of the roles and responsibilities of DNI representatives; (4) use a fully integrated planning, programming, budgeting, and evaluation system to ensure National Intelligence Program resources are directed toward the IC's highest priorities and deliver effective and efficient capabilities; (5) position the IC to take advantage of cutting-edge innovations by improving how the IC adjusts to the dynamic information environment and by working to maintain needed levels of research and development funding in the National Intelligence Program; (6) continue the Joint Duty program to give IC senior leaders and professionals an understanding of other IC organizations and cultures, and ensure the IC has senior leaders who have an enterprise perspective; and (7) promote a high-quality workforce through effective recruitment, retention, training, and related efforts to make the workforce diverse in the broadest sense of the word—in background, culture, gender, ethnicity, age, and experience.

Office of the Director of National Intelligence

10. There has been considerable debate in the Congress concerning the appropriate size and function of the ODNI. In answering this question, please address the staff

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functions of the ODNI and the specific components of the ODNI, where appropriate, such as the National Counterterrorism Center.

a. **What is your view of the ODNI's size and function?**

b. **Do you believe that the ODNI has sufficient personnel resources to carry out its statutory responsibilities effectively?**

c. **Are there any functions being carried out by the ODNI that should be assigned to another element of the IC?**

For a global enterprise of the size and complexity of the U.S. intelligence community, the ODNI staff, I believe, is a relatively small "corporate headquarters". Some of the functions for which it is responsible are mandated in law; NCTC is a prime example. By virtue of the ODNI's separation from a host agency (i.e. the former Community Management Staff, as it was located in, and supported by, the CIA), it has to provide many support resources as a self-standing entity.

Here is another case where, if confirmed, it would be one of my first orders of business to do a detailed survey of the ODNI organization, and numbers of people and how they are allocated, to determine if there is bloat, or whether the ODNI is perhaps only plagued with urban legend. In general, if confirmed, I would look to see if any functions could be moved to an executive agent somewhere else in the IC. For example, a DNI could use the staffs of other Agencies and Departments to discharge specific functions and activities on behalf of the DNI.

11. What in your view has been the role played by mission managers in the IC since the enactment of IRTPA?

- **If confirmed, would you make changes in the mission manager system?**

The concept of mission managers in the Office of the Director of National Intelligence (ODNI) originated in the 2005 report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction ("WMD Commission"). The WMD Commission recommended that "the DNI bring a mission focus to the management of Community resources for

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high-priority intelligence issues by creating a group of "Mission Managers" on the DNI staff, responsible for all aspects of the intelligence process related to those issues.

As the ODNI took on the creation of Mission Managers, there have been some trials and course corrections along the way, and recognition that different countries and topics require varying degrees of attention on different aspects of mission management. Intelligence Community Directive 900 (*Mission Management*, December 2006) states that Mission Managers are the "principal IC officials overseeing all aspects of national intelligence related to their respective mission areas." Specific responsibilities include: (1) understanding and conveying the full range of customer requirements; (2) driving collection and setting analysis priorities; (3) identifying collection gaps, developing integrated collection strategies, and tasking the collection enterprise accordingly with the Deputy Director of National Intelligence for Collection;(4) identifying analytic gaps and tasking analysis, as well as evaluating analytic quality accordingly with the Deputy Director of National Intelligence for Analysis; (5) ensuring that intelligence related to their targets is shared appropriately; (6) recommending transfer of personnel and funds to the National Intelligence Mission Management Board; (7) identifying outstanding requirements for inclusion in research and development plans and science and technology budgets; and (8) evaluating the effectiveness of the IC's efforts against their assigned missions.

As the concept of mission management became operational reality, the ODNI recognized the importance of the role the National Intelligence Officers play in mission management and expanded that role in Intelligence Community Directive 207 (*National Intelligence Council*, June 2008). Two of the specific responsibilities outlined in Intelligence Community Directive 207 are (1)where there is a DNI-designated Mission Manager, work in close collaboration with that Mission Manager on all analytic issues affecting its mission; and (2) for the issues and countries where there is no DNI-designated Mission Manager, fulfill mission management responsibilities to provide substantive leadership, drive collection, and oversee all aspects of national intelligence relating to its area of responsibility.

The Members are already aware of the DNI-designated Mission Managers we have in place, the expanded mission management roles that certain NIOs have been asked to take on, and the appointment of the Associate DNI for Afghanistan and Pakistan, who fulfills mission management responsibilities in that area. Many

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of you have also been briefed on the outstanding successes that have been enabled by the mission management approach, both by the DNI-designated Mission Managers and by the Directorates for Analysis and Collection working together. In response to your question on what changes I would make, I think it is too early for me to describe specific changes. I will say that I am aware of some of the great work that has been accomplished using the concept of mission management. If confirmed, it will be one of my priorities to review the current construct and make whatever changes are necessary to capitalize on the work that has been done and ensure that it is replicated across as many critical priorities as possible. I look forward to remaining engaged with the Committee on this issue.

12. What is your understanding of the responsibilities of the following officers, and for each of them, how would you ensure that each officer is performing the mission required by law?

- **The General Counsel of the ODNI.**
- **The Inspector General of the IC.**
- **The ODNI Privacy and Civil Liberties Protection Officer.**
- **The individual assigned responsibilities for analytic integrity under Section 1019 of the IRTPA.**
- **The individual assigned responsibilities for safeguarding the objectivity of intelligence analysis under Section 1020 of IRTPA.**

The General Counsel of the ODNI: The fact that Congress required the General Counsel position to be appointed by the President and confirmed by the Senate indicates the enormous responsibility that the General Counsel shoulders in ensuring legal oversight of the IC.

As the ODNI's chief legal officer, the General Counsel assists the DNI by ensuring that all ODNI practices comply fully with the Constitution and laws of the United States, including all relevant Executive Branch regulations, orders, guidelines, and policies. This includes vigilantly advising the DNI, who in turn advises the President, to ensure that the Administration's statutory reporting obligation to keep Congress "fully and currently" informed of all intelligence

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activities is strictly followed. To do this the General Counsel should have visibility into any IC activity that implicates Constitutional, legal, or regulatory equities.

Moreover, the General Counsel is responsible for working with IC elements' General Counsels General to ensure that the country's intelligence operations are also in full compliance with these legal obligations.

Finally, The General Counsel is also a necessary participant in developing directives and policies for the IC.

The Inspector General of the IC: The Inspector General for the Office of the Director of National Intelligence (ODNI) is one of the ODNI's three key oversight offices, along with the General Counsel and the Chief Civil Liberties and Privacy Officer. The Inspector General plans, conducts, supervises, and coordinates inspections, audits, investigations, and other inquiries relating to the programs and operations of the ODNI and the authorities and responsibilities of the Director. The Inspector General is charged with detecting fraud, waste, and abuse; evaluating performance; and making recommendations to promote economy, efficiency, and effectiveness in the ODNI and the Intelligence Community.

If confirmed, I will support a strong and independent Inspector General and will ensure that the Inspector General has access to appropriate information and cooperation from ODNI personnel. I will ensure that reports issued by the Inspector General are promptly considered, and that a process to track the implementation of all management-approved OIG recommendations is strongly supported.

The ODNI Privacy and Civil Liberties Protection Officer: The Civil Liberties Protection Officer's responsibilities include ensuring that the policies and procedures of IC elements incorporate appropriate privacy and civil liberties protections; overseeing compliance by the ODNI with privacy and civil liberties requirements (including under the Privacy Act); ensuring that the use of technology sustains privacy protection for personal information; investigating complaints; and providing advice and oversight relating to privacy and civil liberties matters within ODNI's purview.

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If confirmed, I intend to meet regularly with the Civil Liberties Protection Officer to assure myself that he has the vision, plans, resources, support, and access to information necessary to carry out these important responsibilities.

The responsibility of protecting privacy and civil liberties is not that of this Officer alone. It is a responsibility that is shared by every IC professional. It is a mission imperative. We cannot accomplish our mission without the trust of the Congress and the American people. To earn and retain that trust, we must demonstrate that we can use the authorities we have in a manner that exemplifies America's values and protects privacy and civil liberties.

At the same time, we owe our professionals clear guidance, ample training, and the confidence they need to do their jobs knowing that they are in compliance with applicable requirements. If confirmed, I intend to make sure this Officer is fully engaged with ODNI's OGC and other relevant offices around the community to make sure we are clarifying and simplifying our rules so that we both enhance our civil liberties protections *and* optimize our ability to access and share relevant information.

The individual assigned responsibilities for analytic integrity under Section 1019 of the IRTPA: Analytic integrity is absolutely essential to the Intelligence Community's mission and to ensure the highest quality analysis. It is important to have an official working this issue full time, but the ultimate responsibility lies with the DNI, and, if confirmed, I will accept this responsibility fully.

The official that the DNI assigned to be responsible for analytic integrity under Section 1019 of the IRTPA has overall responsibility for working with all IC analytic elements to ensure that intelligence products are timely, objective, independent of political considerations, based on all sources of available intelligence, and employ the standards of proper analytic tradecraft. These standards of tradecraft are further identified in Section 1019 of IRTPA and incorporated into Intelligence Community Directive 203 (*Analytic Standards,* June 2007).

This official is responsible for performing on a regular basis detailed reviews of IC analytic products on a particular topic or subject matter to assess how well the products concerned met the analytic standards for rigorous, objective, timely

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and thorough analysis. Based on these reviews, the individual may draft lessons learned, identify best practices, and make recommendations for improvement. A description, with associated findings, of these reviews is submitted each year in a report to the congressional intelligence committees, heads of the relevant analytic elements of the IC, and heads of analytic training departments.

This official works with IC analytic elements to help ensure that analytic methodologies, tradecraft, and practices meet the highest standards of analytic integrity, and that finished intelligence products properly describe the quality and reliability of sources, express uncertainty or confidence in analytic judgments, distinguish between intelligence and analytic assumptions and judgments, and incorporate where appropriate, alternative analysis.

If confirmed, I look forward to a comprehensive briefing on how this process has worked, as well as feedback from consumers – including Members of the Committee – as to whether these practices have yielded more reliable and useful analysis.

The individual assigned responsibilities for safeguarding the objectivity of intelligence analysis under Section 1020 of IRTPA: The ODNI Analytic Ombudsman plays a critical role in guarding against the politicization of intelligence. This individual is empowered to initiate inquiries into "real or perceived problems of analytic tradecraft or politicization, biased reporting, or lack of objectivity in intelligence analysis." The individual is also available to counsel analysts, conduct arbitration, and offer recommendations on these issues. If confirmed, I will vigilantly protect the objectivity and integrity of our intelligence, and I will maintain appropriate communication with the ODNI Analytic Ombudsman.

13. What is your understanding of the role and responsibilities of the Principal Deputy Director of National Intelligence (PDDNI).

a. If confirmed, what relationship would you establish with the PDDNI in order to carry out the duties and responsibilities of both positions?

The PDDNI's responsibilities derive from the DNI's—whether assisting, acting for, or serving alongside the DNI. The PDDNI must be capable of discharging the full range of the DNI's responsibilities and authorities.

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The ideal relationship that should exist between the DNI and PDDNI is one of a complete trusting partnership, symbolized by the maxim: "The PDDNI speaks for the DNI, even when they haven't spoken."

Cyber Security

14. Concern over the security of the nation's cyber infrastructure has grown over the last several years. The United States Government now has underway the Comprehensive National Cybersecurity Initiative (CNCI). General Keith Alexander has recently been confirmed as the head of the U.S. Cyber Command and will remain the Director of the National Security Agency.

a. **Are there any changes that you would recommend in the CNCI and the DNI's and IC's roles within it?**

b. **Is there any major privacy or civil liberties issue concerning the CNCI that you would address?**

c. **What should be the IC's role in helping to protect US commercial computer networks? What cyber threat information (classified or unclassified) should be shared with managers of the Nation's critical infrastructure to enable them to protect their networks from possible cyber attack?**

The cyber threat is dynamic and evolving at "network speeds", and, in turn, our national cybersecurity response—including the CNCI—must be accordingly proactive. The President's Cyberspace Policy Review released in May 2009 indicated some key areas of emphasis beyond the CNCI, including additional focus on education and public awareness; closer engagement with the private sector and our international partners; and a more holistic approach to managing the risks that come with the benefits of cyberspace and information technology.

The DNI remains responsible for monitoring and coordinating the implementation of the CNCI on behalf of the President. An interagency task force led by staff from the Office of the DNI is working closely with the Cybersecurity Coordinator and other elements of the Executive Office of the President to monitor

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the implementation of the CNCI. The Office of the DNI, as well as other elements of the IC, also plays an active role in the interagency policy process shaping the further evolution of our cybersecurity policies and capabilities.

The IC can play a pivotal role in the nation's cybersecurity, but must continue to adhere to privacy and civil liberties safeguards stipulated in the Constitution, applicable laws, and executive orders. As we continue the deployment and implementation phases of the CNCI, and as the government contemplates how to provide assistance for protecting critical infrastructure, I will ensure, if confirmed, that we pay close attention to applying those protections – and complying with them. For example, the IC's roles in assisting with attribution, and providing indications and warning for cybersecurity are vital, and must continue to take place within the legal and oversight framework established to protect privacy and civil liberties.

Under the CNCI, ODNI has been working to increase our national intelligence capabilities to discover critical information about foreign cyber threats and to use this insight to inform the Department of Homeland Security, which partners with the public and private sector owners and operators of Critical Infrastructure and Key Resources to strengthen their resilience against cyber threats. A key focus of this partnership is public-private sharing of information on cyber threats and incidents – and consistent with the protection of sources and methods, the IC needs to get actionable intelligence, such as the digital signatures associated with specific malicious cyber activities, to those who own and operate critical infrastructures. The government-wide cyber counterintelligence plan created under the CNCI will also help coordinate Federal activities to detect, deter, and mitigate the foreign-sponsored cyber intelligence threat to the private sector as well as to government networks and information.

15. If confirmed, how would you as the DNI seek to improve the cyber security of the information technology systems utilized by the IC?

Network defense is crucial to the IC and the critical missions it performs. Countering the cyber-threat requires a coordinated strategy from the federal government and one that includes the private sector, which owns and operates the vast majority of the nation's critical infrastructure. If confirmed as DNI, I will continue to build upon and expand the cyber security capabilities currently being developed and deployed in partnership with the President's Cybersecurity

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Coordinator and the heads of departments and agencies and other government entities for both unclassified and classified networks. I would continue to leverage existing initiatives, such as the Comprehensive National Cyber Initiatives (CNCI) and work to strengthen the security and defense of government networks.

Financial Intelligence

16. Understanding and disrupting the illicit financial and commercial networks that support or enable violent actors are central to addressing 21st century threats ranging from WMD smuggling and nuclear proliferation to terrorism and insurgent groups.

- **Please describe your strategy for improving the Intelligence Community's collection and analysis efforts regarding financial intelligence, including the use of open source and proprietary commercial information and obtaining the cooperation of other countries.**

If confirmed, it would be my intent to use all available intelligence resources to support the designation, interdiction, and disruption of all aspects of terrorist finances and their supporting networks. The Community will work with departmental and foreign partners to support the acquisition and exchange of necessary information, and I would intend to be a strong advocate for Treasury's Terrorist Finance Tracking Program to ensure this continues. We must continue to improve collection and analysis against the full range of funding sources – governmental and non-governmental funding mechanisms and networks, location of assets; identification of key financiers, modes and means for accessing assets; and illegal and illicit financial activities, such as money laundering and cash courier activities. It is my understanding that the ODNI, in conjunction with NCTC and the Department of the Treasury, has already been working on a number of initiatives to improve collection and analysis against terrorist financial managers, financiers and financial facilitators. These initiatives are driving collection against specific terror finance targets in order to increase the IC's responsiveness to key intelligence gaps. I will ensure that the Community will continue to support these critical initiatives and assess their effectiveness, while highlighting additional areas needing focused analytical resources or improved collection.

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Science & Technology and Research & Development

17. How do you assess the state of science and technology (S&T) activities within the IC?

- **If confirmed, how would you improve S&T activities in the IC and improve recruiting and retention of the best available S&T talent?**

I have learned over the course of my career that Science & Technology activities make crucial, mission-enabling contributions across the entire IC, through a combination of extraordinary talent within the agencies themselves, as well as through close partnerships with industry and academia. If confirmed, I will work with the DDNI/A&T to ensure that the IC S&T community has an appropriate role in major budget and planning decisions, an appropriate level of funding and manpower for S&T activities, a proper emphasis on cross-agency collaboration, and the tools it needs to engage effectively with the most innovative minds throughout government, industry, and academia.

18. The Committee has been clear in its recommendations for increased IC research & development (R&D) funding and in its support for the IC's R&D organization, the Intelligence Advanced Research Projects Activity (IARPA).

a. **What is your philosophy of the role of R&D in the IC?**

b. **If confirmed, what would be your top priorities with respect to R&D in the IC?**

It is my conviction that R&D will continue to play a critical role in the success of the IC. R&D will be a source of innovative solutions for both our immediate challenges and those in the future.

As someone who is very familiar with DARPA and the positive contributions it has made to the DOD over the years, I believe that IARPA, an IC organization modeled after DARPA, fulfills a unique and important role in the IC's overall R&D strategy.

If confirmed, I will work closely with the DDNI/A&T to ensure that the R&D organizations across the IC have the appropriate level of funding and support

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to develop innovative capabilities to help address both our near-term and future challenges. It is my understanding that the DDNI/A&T is currently working with the R&D community to develop a strategy that will help the community prioritize its R&D investments. It is clear to me that the challenges that R&D must address include the timely extraction of actionable intelligence from massive and disparate sources of information, ensuring the security of our information whether at rest or in motion, and building collection methods, devices and systems that obtain reliable, timely, and relevant information.

19. The Committee's Technical Advisory Group (TAG), a volunteer group of nationally recognized national security S&T leaders, plays a key role in advising the Committee on high priority S&T issues every year.

- **If confirmed, will you fully support Committee TAG studies and allow the TAG members to have access to the people and information throughout the IC that is required for their studies upon our request?**

Yes, I will fully support all TAG studies and will work with the Committee to get the TAG members appropriately cleared for access to U.S. Government information required for their studies.

IC Missions and Capabilities

20. What is your assessment of the quality of intelligence analysis currently being conducted by the IC and the steps that have been taken by the ODNI to improve it?

- **If confirmed, would you pursue additional steps to improve intelligence analysis, and, if so, what benchmarks will you use to judge the success of future analytic efforts by the ODNI and the elements of the IC?**

Intelligence analysis must be held to the highest standards of integrity, objectivity, independence from political considerations, timeliness, and rigorous analytic tradecraft.

I believe the Intelligence Community has made significant progress in improving analytic quality by critically evaluating our work and learning from our efforts, building tradecraft expertise, and collaborating to ensure diverse

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perspectives and a broad range of substantive knowledge are brought to bear on intelligence issues. The quality of intelligence analysis benefits from the tradecraft direction contained in IRTPA, and analysts are provided training and structured analytic techniques and are encouraged to share ideas, challenge assumptions, and conduct alternative analysis.

If confirmed, I would aggressively pursue steps to continue to improve intelligence analysis. I believe the Intelligence Community cannot rest on its accomplishments, but must strive for continuous learning and improvement. If confirmed, I will work to leverage technology, training, and education resources to ensure that our analysts have the depth and breadth of expertise they need to meet today's intelligence demands and to be prepared for the challenges of tomorrow. I will assess benchmarks and plans currently in place, and refine or expand them if necessary to measure the effectiveness of our efforts.

21. What is your view of strategic analysis and its place within the IC, including what constitutes such analysis and what steps should be taken to ensure adequate strategic coverage of important issues and targets?

Strategic analysis is an essential part of the national intelligence mission. The Intelligence Community has an important role to play in assisting policymakers by addressing longer-range developments and their implications for U.S. national security and foreign policy interests. The Intelligence Community can identify key drivers likely to shape future developments, explore alternative outcomes, bound uncertainty, and alert decision makers to emerging threats. Intelligence Community Directive 203, (*Analytic Standards,* June 2007), provides guidance that should be applied to strategic as well as other analysis. Particularly applicable to strategic coverage is tradecraft standard 5, "Demonstrates relevance to U.S. national security," which discusses warning, opportunity analysis, and long-term implications.

Strategic analysis must draw not only on the information and insight available within the Intelligence Community, but also draw upon expertise from outside the Intelligence Community—including academia, the private sector, and federal, state, local, and tribal partners.

If confirmed, I will work to ensure an allocation of resources within the Intelligence Community so that strategic analysis is appropriately addressed. The

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Deputy Director for National Intelligence for Analysis chairs the National Intelligence Analysis and Production Board which brings together heads of the Intelligence Community's analysis and production elements to work issues. This is one forum where this issue could be addressed.

22. What are your views concerning the quality of intelligence collection conducted by the IC and your assessment of the steps that have been taken to date by the ODNI to improve intelligence collection?

- **If confirmed, would you pursue additional steps to improve intelligence collection and, if so, what benchmarks will you use to judge the success of future collection efforts by the ODNI?**

The Intelligence Community responds to a wide range of pressing intelligence needs, and the IC is continually looking for ways to not only improve its ability to collect on these needs, but to do so in as timely manner as possible. If confirmed, I would make it a priority to review the quality of intelligence collection across the IC, in coordination with collection managers, mission managers and Functional Managers. I would welcome the opportunity to consult with this Committee on this issue, as ODNI works to improve present and future collection.

During my tenure as USD(I), the National Intelligence Priorities Framework (NIPF) has reached maturity. As you are aware, the NIPF is the DNI's strategic guidance to the IC on what is important to senior policymakers for intelligence support, and the NIPF plays an important role in informing and driving collection. The NIPF process recognizes that resources and collection capabilities are not limitless, and has brought accountability to the collection system. The NIPF process will continue to be a key part of the IC collection management posture into the future.

Yes, I would pursue additional steps to improve intelligence collection. The DNI is charged with determining requirements and priorities for, and managing and directing the tasking of, collection conducted by the intelligence community.

As the IC continues to support the changing requirements of war fighters, nation builders, homeland defenders and policy makers, in the face of diminishing resources, our collection activities must be efficient, agile and effective. The role

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of the DNI will be to ensure the success of the Collection enterprise across the IC. This can be accomplished in part by identifying opportunities for further integration of collection capabilities; by pursuing collaborative collection strategies across the IC; and through greater partnering and integration of national, defense and domestic intelligence capabilities.

Current reporting metrics are helpful, but there is more work to be done. The IC needs a system which measures whether the intelligence produced advances customers' understanding about important issues confronting the security of our nation. As part of managing the Collection enterprise, ODNI must promote IC strategies and enabling technologies which will allow the IC to collate inputs from collectors, collection managers, analysts and customers in support of efficient and effective collection collaboration.

Metrics will be essential as we examine the performance of collection programs and budget for future programs. In the past few years, the ODNI has conducted several assessments of collection programs: in some areas, these reviews resulted in restructuring and eliminating under-performing programs and providing additional resources to high-performing programs and programs that showed promise in closing intelligence gaps. We will continue to evaluate collection programs to ensure the requirements and products are commensurate with the cost.

23. Do you believe that IC funding is properly allocated among the various IC functions of analysis, collection, counterintelligence, and covert action? If not, what changes would you consider making?

Yes, I believe IC funding is properly allocated. But, if confirmed, I will carefully review the composition of the National Intelligence Program (NIP), with special attention paid to the appropriate balance of funding across IC capabilities and missions to execute the National Intelligence Strategy. With respect to counter-intelligence, I consider this area under-resourced, and, if confirmed, will do what I can to bolster allocation of resources to this crucial area.

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Authorities of the DNI: Personnel

24. The Administration has requested legislation to enhance the authority of the DNI for flexible personnel management within the IC. (*See,* e.g., Section 303 of S. 1494, the Intelligence Authorization Act for Fiscal Year 2010). In addition to your answer to Question 5, do you believe there is any additional legislation that would be beneficial for the DNI's authority over the personnel of the elements of the IC?

At this time, based on my experience, I cannot with confidence recommend additional legislative authorities pertaining to IC personnel.

25. What is your assessment of the efforts of the ODNI to date to establish a Joint Duty Program for the IC? If confirmed, what priority would you give this effort?

From my vantage point, the program has made great strides. I believe there is widespread support for joint duty across the IC. The program has become an integral part of career development. The number of IC personnel on joint assignments continues to climb—more than 13,000 have already earned joint duty credit—and as of 1 October of this year, joint duty will be a requirement for promotion to the senior ranks. I am a product of "jointness", and I have seen firsthand the power of an integrated force taking unified action in support of mission. If confirmed, I will use the recent 2009 ODNI IG Joint Duty Assignment Program Evaluation to help guide my decisions about how to improve and take the JDP to the next level. I will make joint duty assignments and training one of my highest priorities. Our mission demands it.

26. What is your view of the principles that should guide the use of contractors, rather than full-time government employees, to fulfill intelligence-related functions?

Based on my experience as a contractor for the IC, and as a supervisor of large numbers of contractors (as Director of NGA), I believe the crucial operating principle here is how well the government directs, supervises and oversees contractors. This requires that the government maintain sufficient qualified cadre of personnel to ensure contractors meet their contractual obligations, and do so in an ethical manner. If confirmed, I will be especially vigilant to insure that contractors do not perform "inherently governmental" functions.

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27. What is your assessment of the strengths and weaknesses of the personnel accountability system that has been in place at the IC, both by the DNI and within IC elements, and what actions, if any, should be taken both to strengthen accountability and ensure fair process in the IC?

Since the creation of the DNI, the IC has improved its internal oversight structure. The existence and attention of the DNI, PDDNI, and ODNI provides the IC with additional levels of oversight. Moreover, IC-wide coordination bodies, e.g., EXCOM and DEXCOM, facilitate sharing of information and concerns across agencies. Such management oversight is supplemented by Inspectors General, Offices of General Counsel, Civil Liberties Protection Officers, and other organizations within the IC elements. For example, the ODNI IG leads IGs across the community in identifying systemic issues, reducing redundancy, sharing best practices, and conducting cross-cutting IC examinations that result in recommendations to agency heads and the DNI.

Specific personnel accountability measures include (1) response to the views and perceptions of employees through the annual IC Employee Climate Survey; (2) commitments of IC leaders through Personal Performance Agreements signed by the DNI and IC agency heads, and (3) establishment of a common system of performance management through the National Intelligence Civilian Compensation Program.

My commitment is to ensure that leadership carries out its responsibilities to mission and the workforce and the above tools assist in that effort.

28. What is your assessment of the sufficiency of the DNI's authorities to be involved in the selection of senior intelligence officers (below the level of the head of the component) outside the ODNI?

While the DNI does not have explicit authority to extend his/her reach below the component head, implicitly, the DNI can have great influence, depending on his familiarity with the people in each such component. The revision to EO 12333 strengthened the role of the DNI in the selection and removal of component heads, in coordination/consultation with the Cabinet Department head.

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Authorities of the DNI: Information Access

29. Explain the DNI's authority to formulate, implement, and enforce IC-wide information access policies, including those policies related to the development of an information sharing environment.

a. What is your view of the efforts taken to date to establish a framework to enable the IC to operate like a true "information enterprise" where information is accessible by all IC elements?

b. What in your view are the appropriate steps that should be taken to increase access to sensitive intelligence information across agency borders?

The DNI has broad authorities under the IRPTA and EO 12333 relating to IC-wide information access policies.

Intelligence Community Directive 501 (ICD-501) "Discovery and Dissemination or Retrieval of Information within the Intelligence Community," established the policy framework for discovery, retrieval, and the adjudication of disputes that arise regarding access to sensitive intelligence information within the IC. I believe this ICD laid the proper foundation for continued information sharing.

To operate like a true "information enterprise" IC elements have to accept some level of risk and strike a responsible balance between information access and protection of sources and methods. Enhanced security and counterintelligence measures will play an important role in helping to limit the risk inherent in an information sharing environment.

The foundation of the "information enterprise" consists of technology, common services, standards, governance, and policies that permit people-to-people, people-to-information, and information-to-information interactions across agency boundaries to improve decision-making capabilities. The backbone of the effort relies on people willing to accept a new vision of greater information sharing. From what I've seen, the main obstacle to information sharing is cultural resistance. If confirmed as the DNI, I will use my leadership position to reinforce

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an IC-wide sense of community and culture in an effort to achieve an integrated intelligence enterprise.

30. Section 103G of the National Security Act establishes the authorities of the Chief Information Officer of the Intelligence Community (IC CIO), including procurement approval authority over all information technology items related to the enterprise architectures of all intelligence community components.

a. **What is your view of the authority of the IC CIO to create an integrated national intelligence and military intelligence information sharing enterprise?**

b. **If confirmed, how do you intend to achieve true integration of national intelligence and military intelligence information sharing enterprises?**

I believe the IC CIO, using the DNI's and IC CIO's existing authorities in IRTPA and EO12333 and with the DNI's strong support, has adequate authority to create an integrated national intelligence and military intelligence information enterprise.

If confirmed, I will focus intensely on the goal of implementing and operationalizing an assured information sharing infrastructure across the IC in close harmony with DHS, the FBI and the Department of Defense. This requires relentless application of incentives and accountability, and the continual assessment of progress. Building on the efforts identified in Question 29, I believe this will require disciplined application of incentives – both rewards and consequences, accountability; proper classification to ensure interagency sharing early on; information systems that can work across multiple agencies; and continual assessment of the progress being made.

31. During consideration of your nomination to be USD(I), you stated in answer to the Senate Armed Services questionnaire that "We must improve collaboration and information sharing both internally within the IC and externally with partners and customers."

- **How would you assess your success as USD(I) in improving collaboration and information sharing over the last three years and**

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what additional progress is needed within the DOD and the IC as a whole?

I have made information sharing and collaboration an important part of my role as the USD(I). We have made progress and continue to make progress in improving our ability to share information, across the collection disciplines, internally to the Department, and externally with partners and customers.

If confirmed as DNI, I will assess the current state of information sharing within the IC, between the IC and its partners and customers, and how we exercise governance of information sharing needs. Effective information sharing enables better collection, better analysis, and better support to users of intelligence; accordingly, information sharing in all its aspects would be one of my highest priorities. Ultimate success means growing information sharing beyond being an enabling function to being a core and fundamental responsibility of all members of the IC.

Authorities of the DNI: Financial Management, Infrastructure and Classification of Information

32. What in your view are the most significant acquisition management issues facing the IC in the near and long term?

If confirmed, I would have my staff consider the following guidelines for Major Systems Acquisition Programs: (1) don't start programs that are NOT affordable; (2) fund programs to the Independent Cost Estimates (ICEs) or endorsed Agency Cost Positions (ACPs); (3) drive for stable requirements and funding; (4) use mature technologies or rigorously manage technology risk reduction early; (5) demand domain expertise and experience in government and contractor teams; (6) insist on transparency throughout the program's lifecycle; and (7) conduct regular independent reviews.

Agencies also need to actively manage their acquisition workforce. The focus should be on education, training and experience. The Defense Acquisition Workforce Improvement Act (DAWIA) has worked well in DoD and should be considered a best practice. Applicability to the IC and equivalency of certifications should be worked aggressively. Tenure agreements in critical acquisition positions

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is something I feel strongly about but I am also sensitive to the fact that career management is the responsibility of the home agencies (e.g., NRO rotation of Military and CIA officers every two years or so). Continuity of expertise on some of these Major System Acquisitions over the lifecycle are very important, so there is a need to strike a balance. Another issue is that 40% of existing Acquisition professionals are eligible for retirement in the next 5 years. It is critical to maintain continuity of expertise. If confirmed as DNI, I would closely monitor attrition rates in key occupations (CO, PM, SE).

Finally, it is critical that new development activities leverage new technologies while limiting risk exposure to "miracle happens here." To limit the risk functional Managers and oversight should be actively involved in Pre-Phase A (Materiel Solution Analysis & Technology Maturity) and Phase A (Concept Refinement, Tech. Maturity Demonstration) before a Milestone B where development is initiated. Additionally, we need to prove the technology will work prior to a Preliminary Design Review (PDR) or have a solid risk reduction plan to get there by then.

33. The Congress has sought to ensure that IC elements will be able to produce auditable financial statements. The majority of the IC elements still lack the internal controls necessary to receive even a qualified audit opinion.

- **If confirmed as DNI, what will you do to ensure longstanding commitments to improve the IC's financial and accounting practices are carried out in an effective and timely manner, and that IC reporting on the status of these efforts is factual and accurate?**

If confirmed, I will first need to review the current financial management situation and the commitments that have been made to Congress on producing auditable financial statements. I am committed to ensuring that taxpayers' dollars are expended for the purposes for which they were authorized and appropriated, and that there is no waste or fraud within the Intelligence Community.

IC elements need both stable systems and processes to improve IC financial and accounting practices, while achieving mission goals. If confirmed, I will consult with Congress on achieving the right balance between these two important goals, while not compromising the IC's ability to meet its ongoing operational requirements.

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34. Explain your understanding of the DNI's authority to direct advances or changes in infrastructure within the IC, particularly with respect to computer compatibility across the IC and access to Sensitive Compartmented Information Facilities.

a. What is your assessment of the current state of the infrastructure needs of the IC?

b. What, if any, legislation and administrative actions do you believe are necessary to assist the IC in meeting its infrastructure needs?

I understand that the IC faces some significant facilities infrastructure challenges in the areas of power, space, critical maintenance, and compliance with force protection standards. Regarding computer compatibility across the IC, there are policies, standards and directives in place to integrate the intelligence enterprise. Finally, regarding access to Sensitive Compartmented Information Facilities (SCIFs), a recent IC directive mandates compliance with uniform physical and technical security requirements; this will ensure both protection of Sensitive Compartmented Information and foster efficient, consistent, and reciprocal use of SCIFs in the IC.

I am not aware of any additional legislation or administrative actions required in this area, but if confirmed, I will review this important issue closely.

35. Explain your understanding of Section 102A (i) of the National Security Act of 1947, which directs the DNI to establish and implement guidelines for the classification of information, and for other purposes.

a. If confirmed, how would you go about implementing this section of the law?

b. What other issues would you seek to address, and what would be your objectives and proposed methods, regarding the classification of information? Please include in this answer your views, and any proposals you may have, concerning the over-classification of information.

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c. What approach would you take to the systematic review and declassification of information in a manner consistent with national security, including the annual disclosure of aggregate intelligence appropriations?

This section has been implemented most prominently in the IC through Intelligence Community Directive 710, *"Classification and Control Markings System"*. This policy directs the IC to implement classification in a judicious manner to protect our nation's secrets while ensuring information is available to those who need it without delay or unnecessary restriction.

In addition to ICD 710, the ODNI also has established metadata standards that are being implemented within intelligence dissemination systems throughout the IC. Together, this policy and the standards increase our ability to maximize information sharing by broadening our ability to discover and retrieve information and by efficiently managing the application of restrictive dissemination controls.

I believe the annual release of the aggregate intelligence appropriations should continue subject to the determination by the President, in consultation with the DNI, that the disclosure does not cause harm to national security or otherwise harm/disclose intelligence source and methods.

Regarding other classified information held by the intelligence community, I support the existing policy calling for systematic review of all information deemed to constitute "permanently valuable records of the government" as it reaches 25 years of age. While much intelligence information remains sensitive even at 25 years, that which can be released to the public should be. Intelligence – especially the intelligence that informed key policy decisions – can and should ultimately become part of the country's historical records. The ODNI and members of the IC currently advise the National Declassification Center on balancing the advantages and risks of declassification of such historical information.

ODNI Relationship with the DoD

36. Explain your understanding of the need to balance the requirements of national and military consumers, specifically between establishing a unified national intelligence effort that includes intelligence elements housed within the DoD with

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the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

a. What is your assessment of how this balance has been handled since the creation of the ODNI and what steps would you take, if confirmed, to achieve a proper balance?

b. What is your assessment of the national intelligence effort to satisfy the needs of military commanders for human intelligence collection and what steps would you take to prevent or redress any deficiencies?

c. What is your assessment of the military intelligence effort and what role do you see for the DNI in the challenges faced by programs funded by the Military Intelligence Program?

In the world of today, the distinction between "national" and "military" consumers is increasingly blurred – certainly much more so than during the Cold War. The interests of both policy-makers and military decision-makers increasingly coincide. And, it is true that whenever this nation has put military members in harm's way, the IC does its best to support them. Having served as Director of two of the national agencies which are also designated as Combat Support Agencies, this is a balance that is sought almost daily. I think Agency Directors have a crucial responsibility to achieve this balance, given the demands placed on them by their entire customer audience, and, in my view, normally execute this very successfully.

I don't think the ODNI can, or should, try to "manage" this balance on a daily, detailed basis. I think this would be virtually impossible to do, and would, in any event, be inappropriate. The DNI can and must however, engage with senior Cabinet officials and the National Security Council to ensure that the Intelligence Community is responding to their priorities and requirements; this is facilitated by the Joint Intelligence Coordinating Council (JICC) process established by the IRTPA.

I think huge strides have been made in the last ten years in expanding the HUMINT capabilities of the IC. Both the CIA and the DOD have emphasized this area. Even so, military commanders continue to have voracious needs for HUMINT; one challenge is the "burn-out" factor occasioned by repeated

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deployments. Language proficiency levels – at the numbers required for some very difficult to learn languages – continue to be a challenge. One initiative I have championed in DOD is a Civilian Foreign Area Officer program, modeled after the successful program the Army conducts for selected commissioned officers. This, too, will help address the continuing need for area experts, with attendant language capabilities.

I believe the DNI has a responsibility to support and advocate the Military Intelligence Program, as well as the National Intelligence Program. The MIP, like the NIP, is under extreme pressure to reduce its dependence on Overseas Contingency Operations (OCO, formerly Supplemental) funding, and migrate resources into the base program. I have been a proponent for synchronizing NIP and MIP resources to insure coordination and avoidance of duplication. In general, the military draws great leverage from the National Intelligence Programs. If confirmed, I would continue to push for more such leveraging, and mutual benefit.

37. What is your understanding of the different roles that the DNI and the Secretary of Defense should play with respect to intelligence elements within DOD?

a. What is the relationship between the DNI and the heads of the individual intelligence agencies residing within Department of Defense?

b. Does the DNI now have visibility over the full range of intelligence activities in the Department of Defense?

c. Does the DNI have sufficient statutory authorities to enable the DNI to manage the full range of intelligence activities within the Department of Defense?

d. Are there additional authorities that the DNI should have?

e. Are there authorities that the DNI currently has, but should not have?

f. Is the USD(I) subject to the authority of the DNI?

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g. If you are confirmed, what procedures would you expect DOD officials to follow if they have concerns that legislative proposals made by the President grant authorities to the DNI that might conflict with authorities of the Secretary of Defense over DOD intelligence components?

In broad, general terms, the Directors of the intelligence agencies in DOD, are operationally responsive to the DNI in the conduct of their respective missions. The Secretary of Defense, through the JCS and the USD(I), oversees the execution of the Combat Support Agency missions by three of the four DOD intelligence agencies. The Secretary and DNI share the authority for "hiring and firing," an arrangement strengthened in the revision to EO 12333. The position of the "DDI" – a dual-hat for the USD(I) – on the staff of the DNI, was specifically intended to provide a "bridge" between the DNI and the Secretary of Defense.

Yes, the DNI has visibility over the full range of intelligence activities in the DoD.

With respect to whether the DNI has sufficient statutory authorities to enable the DNI to manage the full-range of intelligence activities within the DoD – I am not aware of any situation where the DNI was not able to influence intelligence activities in the Department, and thus, at this juncture, would not recommend any legislative remedy.

With respect to additional authorities, as I stated in the response to Question #5, I believe the area of greatest ambiguity in the authorities of the DNI lies in the relationship with the CIA. Examples include the extent of authority the DNI has over covert action, governance of foreign relationships, and broadened sharing of CIA-produced intelligence. In the face of this ambiguity, if confirmed, I would work closely with the Director of CIA to reach mutually agreeable arrangements as to respective roles and responsibilities.

I am not aware at this time of any authorities that the DNI currently has, that should be eliminated.

The USD(I) is the principal staff assistant to the Secretary of Defense for DoD intelligence matters and is not a formal member of the Intelligence Community, as defined in the IRTPA, or EO 12333. In my capacity as the DNI's

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Director of Defense Intelligence – a "second hat" position, I consider myself (as does the Secretary of Defense) subject to the authority of the DNI.

If confirmed, I would not look to legislation as the first resort to "fix" whatever problems I might think existed in the authorities of the DNI. I believe there are steps that should and could be taken short of legislation to address requirements – these include policies, directives and Executive Orders.

The IRTPA did not "subtract" from the authorities and responsibilities of Cabinet Secretaries for their intelligence components. It is a shared responsibility. So, my approach, if confirmed, would be to thoroughly and transparently discuss the need for such legislation with the Executive and Legislative Branches.

38. What is your understanding of the different roles that should be played by the USD(I) and the DNI with respect to the intelligence elements within the DoD? In answering this question, please address the concern that your long tenure in DoD may have diminished the independence an effective DNI must have with regard to the DoD.

a. If confirmed as DNI, what issues do you believe require the attention of the DNI and the Secretary of Defense with regard to the role of the Office of the USD(I)?

b. If confirmed as DNI, what relationship will you seek to have with a new USD(I)?

My response to question #37 pertains. With respect to my "independence," I have been out of uniform for almost 15 years; I spent over six years of that in the private sector. I think my long tenure in the Department and in its intelligence enterprise, in many capacities, actually bolsters my independence, I would bring that knowledge and experience to bear as DNI. Over 60% of the National Intelligence Program – in terms of positions and funding – resides in DoD; I think that my familiarity here will empower me, if I am confirmed as DNI.

If confirmed, I would plan to build on, and expand the collaboration between the USD(I) and ODNI staffs. I plan to push, for example, completion of the long-needed revision to the NRO charter, and further synchronization between the NIP and the MIP. Another area of emphasis would be sharing more intelligence with

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our Commonwealth allies and selected coalition members in Afghanistan. I believe strongly in the DDI dual-hat arrangement, and would intend to enhance that relationship as well. I think the relationship between USD(I) and ODNI has been positive and productive, and, if confirmed, would seek to build on that further and expand that model to other Cabinet Departments with intelligence elements.

ODNI Relationship with the CIA

39. What is your view of the DNI's responsibility to supervise, direct, or control the activities of the CIA?

a. **What role should the DNI have with respect to the supervision, direction or control of the conduct of covert action by the CIA? What level of notification about covert action activities should the DNI receive?**

b. **What role should the DNI have with respect to the Director of the CIA's responsibilities to coordinate the relationships between IC elements and the intelligence and security services of foreign governments or international organizations?**

c. **What role should the DNI have with respect to the CIA's management of its national human intelligence responsibilities?**

Any decision to employ covert action as a tool of national security strategy will, by law, be made by the President. The flow of information to the DNI on covert action programs should be driven by the DNI's role in overseeing and providing advice to the President and the NSC on covert action programs. As a result, the DNI must be kept informed of existing CA programs. The DNI requires sufficient information from operational managers to provide advice on the programs' efficacy in accomplishing their intended goals, risks, particular challenges or opportunities, measures of effectiveness, and whether adequate resources are available. Regular updates are necessary to stay abreast of relevant developments, and I understand CIA and ODNI regularly schedule these. Any issues warranting an update to the NSS or Congress should be provided at least contemporaneously to the DNI, and earlier when practicable. In addition to the program managers themselves, the DNI can depend on mission managers for

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assistance in staying informed if their areas of responsibility overlap with the use of covert action.

The IRTPA provides that the DNI oversees the coordination of foreign intelligence relationships and that the Director of the CIA coordinates those relationships under the direction of the DNI. To ensure an integrated approach by U.S. intelligence elements in dealing with our foreign partners, the DNI establishes and oversees policies and strategies that align and synchronize relationships across the IC and leverage IC element engagement to ensure maximum returns from foreign intelligence relationships. In addition, the DNI also provides intelligence sharing policy that guides IC elements in their intelligence sharing arrangements with foreign partners. The CIA implements DNI policies and objectives by conducting liaison activities, providing operational coordination on the ground, and facilitating coordination among IC elements. DNI Representatives, in their dual hats as CIA Chiefs of Station, are uniquely positioned to do this coordination and to integrate IC elements in the field. If confirmed, I will continue to take this approach.

The DNI, as head of the IC, establishes policies, objectives, and priorities, while the DCIA has the responsibility to coordinate the clandestine collection of foreign intelligence collected through human sources or through human-enabled means outside of the U.S., and to serve as the Functional Manager for HUMINT. Through appropriate policies and procedures, the DNI also is responsible for ensuring the deconfliction, coordination, and integration of intelligence activities, while the DCIA exercises operational coordination responsibilities. Under this framework, intended to separate the DNI from the day-to-day responsibilities of the DCIA as head of the CIA, the DNI provides strategic guidance and oversight. The DCIA carries out DNI policies and responds to the DNI regarding the execution of his role as the HUMINT Functional Manager.

40. Do you believe any additional authorities are necessary to ensure that covert action programs are lawful, meet the public policy goals of the United States, or for any other purpose?

Based on my current understanding, I do not believe additional authorities are needed in this area.

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ODNI Relationship with the Department of Justice and the Federal Bureau of Investigation

41. What is your view of the role of the Federal Bureau of Investigation (FBI) within the IC?

The National Security Branch (NSB) of the FBI, which is comprised of the Counterterrorism and Counterintelligence Divisions, and the Intelligence and WMD Directorates, is an integral component of the IC, as it is one of the primary agencies tasked with protecting our country from an attack on the homeland and it does so through its tireless investigation of national security threats. The FBI, as a whole, is a strong partner with the ability to use both its intelligence and law enforcement tools to protect national security.

As is the case for all members of the IC, the FBI follows the DNI's intelligence collection priorities as expressed in the National Intelligence Priorities Framework. The DNI is consulted on the appointment of the NSB Executive Assistant Director and can recommend his or her removal. The NSB, together with the Department of Justice's National Security Division, has responsibility for ensuring that all national security information collected by the FBI is shared with the IC and the larger National Security Community, consistent with the Intelligence Reform and Terrorism Prevention Act (IRTPA).

Additionally, the NSB is the lead for counterintelligence operations and coordinates all IC human collection operations within the United States.

42. What is your assessment of the changes within the FBI since the 9/11 attacks and the changes that still need to be made?

I am aware that the FBI has taken steps to strengthen its intelligence capabilities by establishing the National Security Branch (NSB) and by expanding its counterterrorism efforts in the field. If confirmed, I look forward to studying these changes in detail and working with the Attorney General and the Director of the FBI to further strengthen FBI intelligence capabilities, as appropriate.

43. What is your understanding of the different roles and responsibilities of the DNI and the Attorney General in the U.S. Government's counterterrorism effort, and the appropriate objectives in harmonizing those roles and responsibilities?

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The DNI and the Attorney General have both supplementary and complementary mutual roles and responsibilities with respect to the U.S. Government's counterterrorism efforts. They must work together, and with other Federal, State, International, and private partners to successfully deter terrorism.

The DNI serves as head of the intelligence community and principal intelligence adviser to the President and the National Security Council for intelligence matters related to the national security. Further, the DNI directs the implementation of the National Intelligence Program and oversees the National Counterterrorism Center for intelligence related matters. The Attorney General is head of the Department of Justice and serves as the Chief Law Enforcement Officer of the United States. The DNI, like all executive branch officials, is bound by the legal opinions of the Attorney General.

The Attorney General and DNI are also statutory members of the Joint Intelligence Community Council. The Council assists the DNI in developing and implementing a joint, unified national intelligence effort to protect national security, including counterterrorism. In this role, the Attorney General, and the other members of the Council, advise the DNI on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request. Further, the Council is responsible for ensuring the timely execution of programs, policies, and directives established or developed by the Director.

A key to the DNI's success in fulfilling his responsibilities is ensuring that the DNI and the rest of the intelligence community obtain available intelligence. The Attorney General and the DNI work together in this regard. Elements of the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures approved by the Attorney General, after consultation with the DNI. These guidelines and procedures not only ensure that the DNI and the intelligence community have the intelligence necessary to fulfill their responsibilities, but also ensures that the intelligence is handled in a manner that complies with the law and protects of the civil liberties of United States Persons.

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The DNI establishes requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (FISA) as amended, and provides assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under FISA is disseminated so it may be used efficiently and effectively for national intelligence purposes. However, the DNI does not have the authority to direct or undertake electronic surveillance or physical search operations pursuant to that Act unless authorized by statute or Executive order. This requires that the DNI and Attorney work together to leverage these tools.

While the DNI has broad authority to set priorities for the planning, budget and management of the intelligence community across the whole spectrum of activities, the Attorney General sets the guidelines and provides oversight for domestic intelligence and counter-intelligence activities, and supervises the intelligence activities of the Federal Bureau of Investigation, the lead agency for domestic counterterrorism investigations. Additionally, the Attorney General has the authority, in coordination with intelligence community element heads, to establish guidelines for reporting violations of federal law by intelligence community employees.

The DNI also is afforded the opportunity to consult on any individual recommended for appointment as the Assistant Attorney General for National Security.

44. What is your understanding of the different roles and responsibilities of the DNI and the Attorney General in the U.S. Government's counterintelligence effort, and the appropriate objectives in harmonizing those roles and responsibilities?

The roles and responsibilities of the DNI and the Attorney General in the U.S. Government's counterintelligence effort are distinct, but interconnected, and require close coordination and cooperation to ensure success.

The DNI has broad responsibilities to collect (overtly or through publicly available sources), analyze, produce, and disseminate counterintelligence to support the missions of the ODNI, and other national missions. The National Counterintelligence Executive (NCIX), a component of the ODNI, serves as the head of counterintelligence for the United States Government. The primary responsibilities of the NCIX include producing the National Counterintelligence

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Strategy; consulting with the DNI to coordinate the development of budgets for counterintelligence programs and activities; developing priorities for counterintelligence investigations and operations, and for collection of CI; and chairing the National Counterintelligence Policy Board, which develops policies and procedures subject to the approval of the President to govern the conduct of counterintelligence activities.

The DNI reports to the Attorney General all potential violations of Federal criminal laws by employees and of specified Federal criminal laws by any other person, including those related to counterintelligence, as specified in procedures agreed upon by the Attorney General and the head of the department, agency, or establishment concerned, and in a manner consistent with the protection of intelligence sources and methods.

Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the intelligence elements of the FBI collect (including by clandestine means), analyze, produce, and disseminate counterintelligence to support national and departmental missions (after consultation with the DNI), conduct counterintelligence activities, and conduct counterintelligence liaison relationships in accordance with Executive Order 12333.

The Director of the Federal Bureau of Investigation coordinates the clandestine collection of counterintelligence activities inside the United States. All policies and procedures for the coordination of counterintelligence activities inside the United States are subject to the approval of the Attorney General.

The FBI's National Security Branch is the FBI's element of the IC, which includes the Counterintelligence and Counterterrorism Divisions, and the Intelligence and WMD Directorates. The DNI concurs with the appointment of the NSB Executive Assistant Director and can recommend his or her removal. Additionally, the Attorney General shall consult with the DNI before appointing the Assistant Attorney General for National Security.

The NSB Executive Assistant Director submits the FBI intelligence budget to the DNI for approval.

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ODNI Relationship with the Department of Homeland Security and other departments of the United States Government

45. What is your view of how well the intelligence elements of the departments of Homeland Security, Treasury, State and Energy have been integrated within the IC?

- **Do you believe that there are significant changes that should be made to the organization, mission, or resource level of any of these agencies?**

If confirmed, a top priority for me will be to look at all elements of the IC to ensure they are integrated within the IC.

46. What is your understanding of the different roles and responsibilities of the DNI and the following officials, in particular with respect to the elements of the IC within their departments, and the appropriate objectives in harmonizing those roles and responsibilities?

a. The Director of the Office of Management and Budget.

b. The Secretary of Energy.

c. The Secretary of Homeland Security.

d. The Secretary of State.

e. The Secretary of the Treasury.

Several authorities of the DNI with regard to transfer of IC civilian personnel are subject to the approval of the Director of the Office of Management and Budget (OMB). Section 102A(e) of the IRTPA provided the DNI with the authority to transfer IC civilian personnel throughout the community to meet mission critical requirements under two different circumstances. First, the DNI, with the approval of the Director of the Office of Management and Budget (OMB), may transfer up to 100 personnel from the IC element within the first year of the establishment of a national intelligence center. Second, the DNI, with the approval of the OMB Director, may transfer an unlimited number of personnel between elements of the IC, for a period not to exceed two years. The authority of the DNI

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with regard to transfer or reprogramming of NIP funds is also subject to the approval of the Director of OMB. Section 102A(c) establishes that the Director of OMB shall allocate funds within the NIP as the "exclusive direction" of the DNI. Additionally, the ODNI, like other Federal agencies, complies, as applicable, with general OMB guidance and policies for implementation of various Federal laws, including the Freedom of Information Act (FOIA), the Privacy Act, and the Federal Information Security Management Act (FISMA).

The intelligence element within the Departments of Energy, Homeland Security, State and Treasury has what EO 12333 terms a "special expert capability" to bring to bear resources and knowledge critical to the IC and U.S. national security. The Secretaries of each of these departments are statutory members of the Joint Intelligence Community Council (JICC), and advisory council to assist the DNI in developing and implementing a joint, unified national intelligence effort to protect national security.

As heads of the departments that contain IC elements, the Secretaries of Energy, Homeland Security, State, and Treasury must work and coordinate closely with the Director of National Intelligence. Consistent with the National Security Act of 1947, as amended, and EO 12333, as amended, the DNI oversees and directs implementation of the NIP and serves as head of the intelligence community.

In this latter role, the DNI has specific authorities to guide elements of the intelligence community – most of whom reside in other government departments – for the overall effectiveness of the national intelligence effort. For example, the DNI provides budget guidance to these elements and ultimately approves and presents a consolidated budget to Congress. The DNI is also authorized to provide budget guidance for any element of the intelligence community that is not in the NIP. The DNI must approve all transfers and reprogrammings of appropriated funds; the DNI also has authority to propose transfers of personnel among intelligence agencies.

Finally, the DNI is entitled by law to be consulted with respect to the appointment of heads of intelligence agencies, including the Director of the Office of Intelligence and the Director of the Office of Counterintelligence of the Department of Energy; the Under Secretary of Homeland Security for Intelligence and Analysis; the Assistant Secretary of State for Intelligence and Research; and

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the Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

Privacy and Civil Liberties

47. Section 102A of the National Security Act provides that the DNI shall ensure compliance with the Constitution and laws of the United States by the CIA and shall ensure such compliance by other elements of the IC through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

a. **What are the most important subjects concerning compliance with the Constitution and laws of the United States that the DNI should address in fulfilling this responsibility?**

b. **What methods should the DNI use, and through what officials, to ensure compliance with the Constitution and laws, including but not limited to the Office of the General Counsel, the ODNI Inspector General, and the Civil Liberties Protection Officer?**

c. **What do you understand to be the obligation of the DNI to keep the intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws?**

The IC cannot perform its mission without the trust of the American people, and their elected representatives. This fundamental truth manifests itself in certain specific ways that have direct impact of the IC's mission, and that should be included in the ODNI's compliance responsibilities.

The IC has certain statutory collection authorities that are vital to its mission, and that also include protections for privacy and civil liberties. The Foreign Intelligence Surveillance Act (FISA) is prominent among these authorities. I believe the ODNI should engage with the Department of Justice in ensuring that the IC as a whole is in a sound compliance posture under the FISA.

I believe the ODNI should also play a role in ensuring compliance with interrogation standards and practices established by Executive Order 13491.

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Beyond that, I think the DNI can lead the Community in identifying other priority areas for compliance focus.

The DNI must always lead by example. If confirmed, I will make clear from the start that I will fully comply with the Constitution and the other laws of the United States, and that I expect all members of the Intelligence Community to do so as well. I will hold Intelligence Community element heads responsible for Constitutional or statutory violations occurring in their agencies.

If confirmed as the DNI, I would consult with the ODNI Civil Liberties Privacy Officer and with the ODNI General Counsel in any matter which could have ramifications under the First or Fourth Amendments. I would utilize the capabilities of the Inspector General to help me address any allegations of wrongdoing, and I also will not hesitate to consult with the Attorney General. If confirmed, I would also encourage the IC elements to make use of resources within their own organizations, and I will work directly with relevant IC offices to ensure that adequate compliance measures are in place.

I understand that at least two agencies have recently implemented new approaches to compliance. NSA has the Office of Oversight and Compliance, which works in partnership with NSA's OGC and OIG to ensure signals intelligence activities are compliant with applicable legal and policy requirements. The FBI has the Office of Integrity and Compliance, which helps ensure that there are compliance processes in place for priority programs. Other IC elements rely on intelligence oversight offices, OGCs, OIGs, privacy and civil liberties offices, Intelligence Oversight Board reporting, and related efforts to provide compliance.

If confirmed, I will consult with the General Counsel, the Civil Liberties Protection Officer, and the Inspector General to consider IC compliance approaches, including lessons learned from different models.

Finally, I fully recognize there is the requirement to keep the committees fully and currently informed of all US intelligence activities in accord with Section 502 of the National Security Act.

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Expiring FISA provisions

48. What is your view with respect to whether the provisions of the Foreign Intelligence Surveillance Act (often referred to as the lone wolf, roving wiretap, and Section 215 provisions) which expire on February 28, 2011, should be extended during the 111th Congress?

a. If so, should the provisions be modified in light of any lessons learned during their implementation?

b. What steps should the Intelligence Community, the Department of Justice, and Congress take to consider the additional sunset that will occur at the end of the next Congress, the sunset of Title VII of FISA as added by the FISA Amendments Act of 2008?

It is my understanding that, the Administration has thoroughly reviewed all three provisions of FISA and concluded that they should not be left to expire next February, as they are each designed to aid in protecting our homeland from national security threats. I fully support that assessment.

If confirmed, I would support modifications provided they do not undermine the effectiveness of these important intelligence-gathering tools or delay their reauthorization.

If confirmed, I would participate in the review of the FISA Amendment Act of 2008. I would want to consult with Intelligence professionals, intelligence community legal advisors, the Attorney General, and Congress to determine the value of these intelligence-gathering tools.

Human Rights

49. Respect for human rights is a fundamental American value. How to promote respect for human rights by foreign governments, including how to bring justice for those whose human rights have been violated by foreign military and intelligence services has been a matter of considerable debate, particularly where foreign military and intelligence services could assist in combating terrorism or countering proliferation.

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a. What are your views on this issue?

b. What role do you see for the IC in the collection and analysis of information concerning the abuse of human rights by foreign governments?

c. If confirmed, how will you address questions concerning violations of human rights by foreign intelligence services that may be working with U.S. intelligence agencies?

I believe that respect for human rights is a fundamental American value. Our commitment to democracy, human rights, and the rule of law are essential sources of our strength and influence in the world. The most effective way to promote these values is to live them. In all our interactions with our foreign military and intelligence partners, the United States Intelligence Community must lead by example, consistently demonstrating a respect for human rights and stressing the importance we attach to such behavior.

Because the respect for human rights is a fundamental American value and a cornerstone of our National Security Strategy, the reporting and analysis of the Intelligence Community should include human rights matters. As the United States seeks to promote an expansion of human rights, policymakers need timely information regarding the human rights environment abroad. They also need to understand the potential ramifications regarding human rights decisions they make.

Protecting our national security frequently involves entering into relationships with foreign intelligence services to confront common threats such as terrorism. The activities of the United States Intelligence Community must comport with the Constitution and be consistent with our national values

Testifying to Congress

50. In answers to the questionnaire of the Senate Armed Services Committee during its consideration of your nomination to be USD(I) on whether intelligence

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officers and analysts should be able to testify to Congress "on their professional conclusions regarding a substantive intelligence issue even if those views conflict with administration positions," you answered that it was your "very strong conviction that intelligence officers should be free to speak their mind before the Congress" and you wrote that you had "hard-won experience in this regard." (Question 52)

a. **Is this still your conviction? If so, how you will institutionalize your view if confirmed as DNI?**

b. **Please elaborate on the circumstances that gave rise to this "hard-won experience.**

Yes, I still hold the same conviction about testifying before the Congress. I'm not sure what is meant by "institutionalizing" this precept, other than to make it clear that this should be the general practice for any professional intelligence officer. In doing so, though, it should be made very clear when such testimony may be counter to the majority accepted position in the Intelligence Community.

During the debate on what became the IRTPA, the then Secretary of Defense took issue with some of my suggestions on provisions of the draft law – when I offered that consideration should be given to moving the national agencies out of the DoD. I was also chastised by my predecessor as USD(I) for advocating the cancellation of a particular program, when I was Director of NGA.

Office of USD/I and Management issues

51. In answers to the questionnaire of the Senate Armed Services Committee during its consideration of your nomination to be USD(I), you stated in answer to a question about priorities you would establish that "I anticipate promulgating a "Campaign Plan'—a concise, yet comprehensive statement of strategic intent, in which I would describe objectives, priorities and instructions, to reinforce those of the Secretary and Deputy Secretary." (Question 26)

a. **Did you promulgate a Campaign Plan? If so, please provide a copy and describe how it was implemented. How do you judge its success?**

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b. Did you include the priorities of the DNI in the Campaign Plan? If not, why not?

c. If you are confirmed as DNI, do you intend to develop a Campaign Plan; what type of Campaign Plan would it be; and how would you gain the "buy-in" of the intelligence agencies and their departments?

Yes, I did promulgate such a "campaign plan," in the form of a briefing which my Principal Deputy and I used to explain to the USD(I) staff where we wanted to go. Obviously, this was DoD-centric, but we did discuss the idea of the DDI, as a way of supporting the DNI, and enhancing collaboration between the two staffs. We also published the "statement of Strategic Intent for the Defense Intelligence Enterprise" in 2007 that set out Mission and Vision Statements and outlined our intended goals and objectives. The Statement was used to develop our approach and was coordinated with DNI McConnell and his staff. We used a series of Town Hall meetings to stress cooperation with the DNI and to articulate our goals and objectives. We also participated in DNI McConnell's One Hundred and Five Hundred Day plans, as part of our "campaign." I judge that, by and large, we accomplished most of what we set out to do initially.

If confirmed, I will probably do something along similar lines to lay out my intent as the DNI, and use that to communicate to the IC. I would emphasize simplicity and brevity, as I did with the USD(I) plan. I would use this to gain buy-in from the IC. If confirmed, I plan a series of "parish calls" with the Secretaries of the Cabinet Departments with intelligence components.

52. During consideration of your nomination to be USD(I) by the Senate Armed Services Committee, you stated in an answer to a written question concerning the relationship of the USD(I) and the DNI, that "I believe there are improvements that can be made in clarifying this relationship institutionally, and partnering with the DNI to manage intelligence as a seamless enterprise. I support ADM McConnell's priorities, and intend to work cooperatively with the DNI to bring them to fruition, without compromising the Secretary's statutory responsibilities and authorities." (Question 18)

a. Based on your experience as USD(I), where have you seen conflict between the Secretary's statutory responsibilities and authorities and the DNI's efforts to create a seamless enterprise?

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b. What steps did you take to address any conflicts?

One specific example I recall, which arose very early in my tenure as USD(I), was the issue of managing Joint Duty assignments – specifically, who could approve constructive credit for previous joint duty. The ODNI staff and the OSD staff were locked in a yearlong controversy over this; the ODNI staff maintained that they should do this directly; the OSD staff maintained that this would contravene the Secretary's statutory authorities over DoD personnel. It was this issue that was the catalyst prompting the creation of a "dual-hat" arrangement, whereby the DDI would exercise authority on behalf of the DNI, while USD(I) exercised authorities delegated to him by the Secretary of Defense.

I think this same mechanism could be used to resolve such conflicts.

53. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you responded to questions about your anticipated plans, management actions, and timelines that you would: "get the priorities right, get the instructions right, get the organization right, get the right people into the organization, and get the right spirit into the people."

a. Please expand upon the actions you took to carry out this strategy, as it applied to the USD(I) and the DoD.

b. Do you have a similar vision for the ODNI? If so, please describe your vision?

The broad strategy for carrying out what I said in response to a Senate Armed Services Committee question was described in our "campaign plan." My Principal Deputy and I described those tenets initially, and, I believe have continued to enhance and improve USD(I) as we originally promised. I issued the Defense Intelligence Strategy in 2008, which provides the goals, objectives and priorities of the Defense Intelligence Enterprise. These priorities are implemented in annual guidance documents. In addition, we published the "ISR Roadmap" and the "Defense Intelligence Human Capital Plan" this year, which expounds on the Strategy and provides the long term foundation for Defense Intelligence. We've had a sustained effort to update all DoD Instructions and Directives for which USD(I) is responsible, to include all the agency charters, the updated DIA, NSA, and NGA Charter Directives have been signed and the NRO Charter Directive is

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being updated; we worked with ODNI in updating all of these documents to ensure consistent guidance to the defense intelligence enterprise; we have consistently sought good people to come to DNI, and have many rotational personnel from the agencies, services, and ODNI working on the USD(I) staff. OUSD(I) was rated the highest in work force satisfaction of any component in the IC, in the most recent IC work force climate survey.

At this time, I have not formulated in my own mind what the analogous campaign plan would look like. If confirmed as DNI I intend to consult broadly and carefully study this issue. I would seek perspective and input from the ODNI staff, before crystallizing such a plan.

54. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you mentioned a number of perpetual issues that would merit your attention if confirmed as USD(I). Briefly describe what actions you took as USD(I) to face the issues you mentioned (listed below), and provided a current status of resolution. Please also describe how you would address these issues if confirmed as DNI.

a. **Acquisition challenges at NSA, NGA, and the NRO.**

b. **Human capital issues across all components.**

c. **Programming and financial management issues.**

d. **Oversight concerns involving the nexus of the needs of national security and civil liberties.**

e. **Intelligence support to combating improvised explosive devices.**

f. **Sharing intelligence with coalition forces.**

g. **Countering adversary use of the internet.**

Acquisition challenges at NSA, NGA, and the NRO: As USD(I) I have continued to ensure that our GEOINT requirements are met, not only for the current wartime engagements we see today, but also for the future.

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I have funded and will continue to support funding for the commercial augmentation of our satellite reconnaissance program. This will ensure that our nation remains the leader in space-based ISR and will position our intelligence apparatus for the increased requirements we expect in the future.

I have also supported the optimization of the Overhead Persistence Infrared (OPIR) ground architecture which will provide this unique, broad-area form of ISR to the warfighter in the most expeditious of manners.

Finally, I have encouraged and will encourage the further development of cutting-edge communications and data handling enterprises, such as NGA's Expeditionary Architecture (NEA). This initiative currently provides the mechanism for the warfighter to access and share all forms of GEOINT data quickly and easily and provides the backbone for the deployed enterprise services.

I have worked closely with the USD(AT&L), the DNI and the Directors of each of the agencies to infuse acquisition rigor across the community. Also, I have worked with NSA and Congress to reestablish NSA's Milestone Decision Authority. Additionally, I have worked closely with NSA, NGA and the NRO on inputs to ODNI's acquisition directives.

We are also engaged with the ODNI and the agencies on their new requirements process; ensuring DoD requirements are understood for new IC systems.

Human capital issues across all components: Since becoming USD(I), I have focused on several human capital issues to improve the effectiveness of Defense Intelligence in its roles both within the Department and the IC.

First among these has been the Defense Intelligence Civilian Personnel System (DCIPS). Regrettably, much of the dialogue between the congressional committees and the Department on DCIPS has focused on the pay for performance elements of the system. The value of DCIPS (and its overarching ODNI policy framework) is in creating a set of common personnel policies across the Defense intelligence components that will improve organizational performance and accountability through common performance management requirements that link individual performance to organizational goals and objectives, that foster community perspective by enabling mobility within and among Defense and IC

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components, and that eliminate unhealthy competition and the perceptions of the "have and have-nots" among components in the quest for talent.

The regulatory framework for that common system is in place within the Department, and remains an important element in the creating both a Defense Intelligence Enterprise and an Intelligence Community, regardless of the outcomes of our continuing dialogue with regard to the pay for performance elements of the system. The National Academy of Public Administration has completed its review of DCIPS, and we are reviewing their recommendations in order to develop recommendations for the Secretary of Defense. They have made a number of recommendations that will improve our implementation of an enduring, common personnel management system for Defense Intelligence and the IC that is essential to our future direction.

Second, as USD(I) I have made development of cultural and language expertise among the civilian workforce a priority. The Civilian Foreign Area Specialist Program (CIV FAS) will, over time, dramatically expand the depth of expertise in the Department through selection of individual employees for development in specific cultural and language areas, and management of their careers to ensure their expertise continues to be developed and used throughout their careers. The Defense Intelligence Agency will manage the program for the all Defense Intelligence components, but all Combat Support Agencies and Services will realize the benefits of the program.

Third, as USD (I), I have directed focus on the professional development of both the military and civilian Defense Intelligence workforce. Working in coordination with the ODNI, we have begun to identify specific skill requirements in key intelligence occupations that will be linked to individual development and assessment of certification of employee capabilities.

Programming and financial management issues: As USD(I), I engaged on numerous programming and financial management issues; but, much work remains, and I look forward to continuing the stewardship, if confirmed, as DNI.

By way of example, we created program elements within the DoD budget that contain only Military Intelligence Program (MIP) funding, consolidated the number of MIP projects and streamlined MIP budget reporting to Congress by refining the MIP Congressional Justification Books (CJBs).

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Additionally, working with the DNI, we issued the first ever Consolidated Intelligence Guidance to instruct both the National Intelligence Program (NIP) and the Military Intelligence Program (MIP) components on priorities for intelligence capabilities in the FY 2012-2017 U.S. intelligence program and budget.

We further stood up the NIP-MIP Integration Group to better align and de-conflict activities among our disparate budgets.

Finally, we instituted several new forums, like the Battlespace Awareness Capabilities Integration Board, to engage the COCOMs and Services on a regular basis, discussing continuing challenges and exchanging ideas on how we can apply resources to maximize improvement in our ISR capabilities.

Oversight concerns involving the nexus of the needs of national security and civil liberties: Early in my tenure as USD(I), I assessed the TALON system, which was created to share unfiltered information about suspicious incidents related to possible foreign terrorist threats. Unfortunately, a very small number of the more than 13,000 reports involved dealt with domestic anti-military protests or demonstrations potentially impacting DoD facilities or personnel. Such information typically was provided by concerned citizens, DoD personnel, or law enforcement organizations and was not information that was specifically targeted for active collection. This information should not have been documented in the TALON database. Although a June 2007 DoD Inspector General Report concluded that the information contained in the database was legally gathered and maintained, the DoD directive that required destruction of certain data within 90 days was not followed. Ultimately, out of concern that even an appropriately operated TALON system would risk losing the trust of the American public and Congress, I recommended to the Secretary of Defense that the TALON system be terminated. The Deputy Secretary of Defense signed a memo in August 2007 terminating the program.

Additionally, my concern for preserving civil liberties while ensuring the national security requirements are met is addressed in the latest iteration of the Defense Intelligence Strategy – the document that articulates my vision and sets out the mission, objectives and strategic alignment of the Defense Intelligence Enterprise.

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If confirmed as DNI, I intend to follow through on these concerns consistent with both the current National Security Strategy and the National Intelligence Strategy (NIS). To quote directly from the NIS, I fully intend to "promote robust consultation with, and oversight by, inspectors general, general counsels, and agency officials responsible for privacy and civil liberties protection, with respect to processes, operations, and services." Unless the Intelligence Community adheres to and exemplifies America's values as the NIS states, "operating under the rule of law, consistent with Americans' expectations for protection of privacy and civil liberties, respectful of human rights, and in a manner that retains the trust of the American people," we will not be able to provide national security in a manner consistent with those same American values.

Intelligence support to combating improvised explosive devices: The DoD is wholly engaged in the Counter-IED effort. As the USD(I), I have been focused on the IED problem confronting our forces. One of my deputies has been a participant in all senior Joint Improvised Explosive Device Defeat Organization (JIEDDO) fora.

I have had USD(I) personnel participate in all appropriate JIEDDO activities. Also, we have ensured appropriate review and coordination of intelligence, surveillance, and reconnaissance-related initiatives developed as part of JIEDDO's counter-IED efforts.

Intelligence support to combating IED's is conducted by all of the Military Services and the Combat Support Agencies (NSA, DIA, and NGA). The Combat Support Agencies and other members of the Intelligence Community are present in the JIEDDO Counter –IED Operations Integration Center (COIC).

If confirmed as DNI, I would ensure continued and full support from across the Intelligence Community. IEDs are a critical problem which causes our greatest number of casualties and warrants our Government's greatest commitment.

Sharing intelligence with coalition forces: I have been personally engaged with providing effective intelligence support to coalition forces and have spent significant time on this very important issue. For example, since assuming the responsibility from Director, DIA as the permanent DoD representative to the NATO Intelligence Board, I have placed a senior intelligence executive into the U.S. Mission to NATO in order to ensure that we are proactively addressing how

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we share intelligence and helping NATO improve its use of intelligence. I also established a team within the ISR Task Force, led by a USD(I) senior, to focus solely on sharing intelligence with our coalition allies in Afghanistan.

As DNI, I will continue to place great emphasis on our sharing relationships and how we engage our foreign partners. In the ever more globalized world in which we live, our partnerships and our ability to establish and sustain productive bi-lateral and multi-lateral sharing agreements is critical to identifying and countering threats to our nation.

Countering adversary use of the internet: There are a few general points I can make highlighting the progress that we've made. First, shortly after being confirmed as USD(I), I approved a recommendation that the Secretary sign an updated Memorandum of Agreement with the DNI and Attorney General to expand a process to deconflict activities among the military, intelligence community and law enforcement.

Second, I worked with the DNI, my peers in OSD and on the Joint Staff, to advocate for the creation of USCYBERCOM with the commander dual-hatted as DIRNSA. If confirmed as DNI, I would continue to strengthen relevant IC capabilities. Finally, I would promote greater collaboration with the Departments of State, Homeland Security, and others to strengthen the current whole-of-government effort to meet this challenge.

55. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation to USD(I), you said that you "would impose a 'Ten-Day Rule' for staffing issues and making decisions."

a. Please expand upon the concept of a "ten-day rule." How did this rule function in practice during your tenure at USD/I?

b. Do you plan to institute a similar "Ten-Day Rule" as DNI?

The "Ten-Day Rule" was a noble proclamation. As a general rule, I believe in making decisions, and getting things done. The simpler the action, the quicker it can be accomplished.

If confirmed, I do not anticipate promulgating such a goal for the IC.

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56. One of the challenges of the position of DNI is day-to- day staff management and the resolution of important policy and oversight issues when different divisions of the ODNI disagree on a course of action, even at times when there are pressing daily demands to brief the President, the Congress, and attend the many meetings and video conferences with interagency senior leadership.

a. If confirmed as DNI, how would you balance the competing demands of interaction with the President and other senior leaders, and managing the ODNI staff?

b. Do you intend to present or attend the President's daily briefing regularly?

I can't definitively answer this question until I've had some first-hand experience, and can then judge how to balance the many demands pressing on the DNI for time and attention.

With respect to attendance at the President's Daily Brief, again, I can't answer this definitively until I see how the process works, and whether I need to be present for these sessions. I do not intend to present the briefing myself.

57. Please describe the origin and development in the Office of the USD/I, and coordination within the Executive Branch, of an "Information Paper," dated April 28, 2010, that was provided to the House and Senate Armed Services Committees, under the heading "'Discussion Draft' Provisions for FY2010 Intelligence Authorization Act (IAA) That Would Expand DNI Authorities Over Leadership and Management of DoD's Intelligence Components," including your knowledge of, participation in, and concurrence with the concerns expressed.

a. Was the paper requested by someone in Congress? If so, by whom?

b. To which Congressional committees was the paper provided?

c. Why were the issues raised in the paper not raised with the Intelligence Committees?

d. Was the paper coordinated with any individuals or offices outside the USD(I)?

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e. **Please explain in detail your reasons for why each of the seventeen provisions described in the memo "would infringe upon the Secretary's statutory responsibilities and authorities in certain management issues within the DoD..."**

f. **Do you still believe that an Inspector General of the Intelligence Community would be in "conflict" with the authorities of the Secretary of Defense as stated in the paper?**

House Armed Services Committee staff asked informally, through DoD staff channels, for the Department's thoughts on the provisions in the FY2010 Intelligence Authorization Act relating to DNI authorities.

The paper was provided to the House Armed Services Committee staff and, as a courtesy, to the Senate Armed Services Committee staff.

The ODNI acted as the primary interface between the Executive Branch and the Intelligence Committees to address issues with the FY 10 IAA. All issues addressed in the DoD informal information paper had been previously addressed with the ODNI staff. As a DoD component, OUSD(I) has frequent informal conversations with the House and Senate Armed Services Committees when they ask for our views. When the House Armed Services Committee staff requested our views on provisions in the FY2010 Intelligence Authorization Act relating to DoD and DNI authorities my staff drafted and forwarded the informal information paper dated April 28, 2010.

It is not unusual to receive informal requests for our views on pending legislation from any of our oversight committees.

The Department's Office of General Counsel reviewed the informal paper and expressed no legal objections to its content. Because of its informal nature, the paper was not formally staffed. Its transmittal to Armed Services Committee staff was approved by appropriate OSD officials.

While no single provision does significant harm, cumulatively, they could have a negative effect. To paraphrase the information paper, giving unilateral authority over DoD intelligence components to the DNI without requiring

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concurrence by the Secretary could result in inconsistent policies, and create confusion and conflict within the DoD intelligence components.

I believe an IC IG should focus on issues that transcend more than one Department with intelligence components embedded, rather than duplicating or conflicting with Departmental IG activities.

Interrogation of Detainees

58. Please describe your understanding of the role of elements of the Intelligence Community in implementing the system for interrogation of detainees by the High Value Detainee Interrogation Group established pursuant to the recommendation of the Special Task Force on Interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491. Please include in your answer how the DNI can and should contribute to the successful implementation, evaluation, and improvement of this interrogation system and any system of detention that may be associated with it, as well as the adherence of any such interrogation or detention systems with the requirements of the U.S. Constitution, laws, and international obligations.

In August 2009, the Special Task Force on Interrogation and Transfer Policies, which was created pursuant to Executive Order 13491, recommended the formation of a specialized interrogation group called the High-Value Detainee Interrogation Group (HIG). The HIG brings together the most effective and experienced interrogators and support personnel from across the IC, DoD, and law enforcement, to form Mobile Interrogation Teams (MITs) to question terrorist suspects likely to have access to information with the greatest potential to prevent future terrorist attacks. The HIG will rely on existing expertise and mechanisms in the IC to identify subjects for interrogation. When the HIG deploys a MIT to conduct or support an interrogation, its primary objective is the collection of intelligence. The Intelligence Community has and will continue to leverage its expertise to provide the HIG with the resources it needs to achieve that objective.

Although it is administratively harbored at the FBI, the HIG is an interagency group. The Intelligence Community, including the DNI, plays an important role in the HIG. For example, the FBI Director is required to consult with the DNI in appointing a HIG Director, and one of the HIG's Deputy Directors

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is a CIA officer, appointed by the Director of CIA. Decision-making about deployments will be coordinated with interagency partners, to include CIA and ODNI, to ensure that all deployments take into account the full range of U.S. national security interests. Additionally, the DNI can contribute to the successful implementation of the HIG by ensuring it is appropriately staffed and resourced; that existing intelligence and subject matter expertise are leveraged to inform the questioning or high-value detainees; that intelligence produced by the HIG is quickly and properly disseminated; and that its research on interrogation effectiveness informs our practices going forward.

The HIG and its mobile interrogation teams (MITs) are responsible for interrogation, and will not take custody of any detainees. Instead, the HIG will be called upon to question individuals lawfully held by the United States Government or our foreign partners. Consistent with its Charter and the President's Executive Order, all on the HIG's activities and interrogation practices must be consistent with the rule of law. HIG and MIT personnel do have a duty to report issues that arise regarding compliance with applicable U.S. domestic law and international legal obligations regarding the treatment and interrogation of detainees. Specifically, members of the HIG are required to report such issues to their home agency and to the HIG.

DoD investigation

59. To the extent not otherwise addressed, please describe your understanding of the DoD investigation into alleged improper contracts under the U.S. Strategic Command for a secret network of intelligence operatives in Afghanistan and Pakistan.

a. Was the Office of the USD(I) involved in these activities?

b. What are your conclusions from the Department's review to date?

A March 14, 2010 New York Times article ("Contractors Tied to Effort to Track and Kill Militants", by Dexter Filkins and Mark Mazzetti), and subsequent press stories, raised a number of questions regarding alleged improper contractor activities and contractor oversight. These stories appeared specifically to relate to an initiative designated Information Operations.

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In mid-March 2010, Secretary Gates established a "quicklook" survey team, building upon ongoing review efforts, to further identify any administrative, oversight and/or implementation problems that may exist with regard to these activities, and to determine what is needed to effectively address and correct them. The survey team did not find evidence of comparable allegations or concerns beyond the specific contract referred to in the March 14 New York Times article.

The survey team was advised of the existence of an ongoing DoD Inspector General criminal investigation into conflict of interest and contract fraud allegations and an ongoing Air Force Office of Special Investigations counterintelligence investigation.

In addition, on April 27, 2010, Secretary Gates directed the Assistant to the Secretary of Defense for Intelligence Oversight to conduct an inquiry into whether personnel or contractors working in the Joint Information Operations Warfare Center at U.S. Strategic Command were used, in the context of IO, to conduct human intelligence (HUMINT) collection activities in violation of U.S. law or policy.

The Office of the USD(I) was not involved in the activities alleged in the March 14 New York Times article that have come to be known as "IO CAPSTONE." OUSD(I) will continue to monitor the progress of ongoing "IO CAPSTONE" investigations from an oversight perspective.

Because investigations/inquiries are still ongoing, conclusions are pending.

ODNI Relationship with the DoD

60. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you stated that the DoD and the ODNI were not effectively integrated operationally.

a. Has integration, coordination, and collaboration improved during your tenure at USD(I)? Please provide examples.

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b. What are remaining areas for improvement in how DoD and the ODNI can be better integrated operationally?

Integration, coordination, and collaboration at USD(I) have improved during my tenure. As I stated my intent in the Senate Armed Services Committee's questionnaire for my confirmation as USD(I), I did pattern the OUSD(I) to more closely align with the ODNI organizationally. As I expected, this facilitated staff interaction and promoted synchronization.

In addition, I have been a proponent for synchronizing NIP and MIP resources to insure coordination and avoidance of duplication. In general, the military draws great leverage from the National Intelligence Programs. If confirmed, I would continue to push for more such leveraging, and mutual benefit.

We have made improvements in sharing more intelligence with our Commonwealth allies and selected coalition members in Afghanistan and I would continue to emphasize this area if I am confirmed.

I also believe strongly in the DDI dual-hat arrangement, and would intend to enhance that relationship as well. I think the relationship between USD(I) and ODNI has been positive and productive, and, if confirmed, would seek to build on that further and consider expanding it to other Cabinet Departments with intelligence elements.

If confirmed I intend to manage intelligence as a seamless enterprise. Enduring challenges (and opportunities) include enhancing sharing and collaboration between and among the "stovepipes;" overhauling security policies; improving acquisition; synchronizing roles and responsibilities in clandestine activities; and building on the success of the National Clandestine Service.

61. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you stated that the balance of authorities accorded in the IRTPA between the DNI and the Secretary of Defense "appear to be evenly balanced."

- **Please expand on this assertion.**

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- **Do you believe that the DNI has complete authority over DoD intelligence components, or is the authority shared with the Secretary of Defense?**

The IRTPA was itself a product of compromise. As a consequence, it is replete with ambiguities, which give rise to debate yet today, almost six years since its enactment. Section 1018 is emblematic of compromise in the law. The revision to Executive Order 12333 remedied some of this ambiguity, but not completely.

The DNI does not have "complete" authority over DoD intelligence components, any more than the Secretary of Defense does. They both share responsibility within their respective authorities.

62. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you stated that you believed "that neither the ODNI nor the USD(I) staffs are organized optimally to promote efficient collaboration and coordination."

a. What steps did you take during your tenure at USD(I) to fix this problem?

***b.* Does this problem still exist? If so, what changes would you make to address this problem if confirmed as DNI?**

Very early in our tenures, DNI McConnell and I exchanged full-time liaison officers in an effort to enhance communication and coordination. As DDI/USD(I), I attend all National Intelligence Boards, DNI Executive Committee meetings, and, since DNI Blair's tenure, all ODNI staff meetings. We each have integree rotationals from the other staff. ODNI senior representatives are standard invitees to the ISR Integration Council meetings I chair. The PD USD(I) attends the DNI's Deputy Executive Committee.

There is never too much communication and coordination, so I would intend, if confirmed as DNI, to continue these practices, and look for other similar opportunities. I believe that in general, the working partnership between ODNI and USD(I) is open, collaborative, and productive. Indeed, the ODNI & OUSD(I) jointly published a Consolidated Intelligence Guidance for NIP and MIP; the first

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such document in ten years. This is not to suggest we don't disagree – but we have many ways available to communicate and to resolve differences.

Foreign Languages

63. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you suggested that one of the serious challenges facing the USD(I) would be "substantially improving foreign language capabilities."

a. Please describe what you have done to improve DoD Intelligence component foreign language capabilities.

b. What is your assessment of the trend of foreign language capabilities within the U.S. Intelligence Community?

As USD(I), I have strengthened both oversight and component program focus on building foreign language capability within the Defense Intelligence components. Specifically, I have expanded the professional staff within the OUSD(I) to provide the necessary oversight of Intelligence component language capabilities, and have directed the establishment of a Civilian Foreign Area Specialist (CIV FAS) program designed to respond to requirements for both cultural expertise and linguistic capability in support of the war fighter.

DIA will be the executive agent for this program, but the program will build expertise to support the missions of both the Combat Support Agencies the Joint Intelligence Operations Centers (JIOCs) and across the Enterprise.

In addition, I have created the Defense Intelligence Foreign Language and Area Advisory Group (DIFLAAG), made up of representatives across the Department and the ODNI, which is charged with developing an enduring language strategy for Defense Intelligence, and overseeing the execution of that strategy.

The Intelligence Community has made progress in improving its foreign language capability since 2001. The IC has increased the number of personnel

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with foreign language capability, to include heritage and native speakers in critical languages. To educate and attract foreign language qualified personnel, the IC has also leveraged aggressive recruiting efforts and innovative programs, such as the IC Centers for Academic Excellence, the Pat Roberts Intelligence Scholars Program, STARTALK, and the National Security Education Program.

Still, much more work needs to be done in this critical area. More collectors and analysts will need language capability to improve their substantive expertise. Additionally, we will need to ensure that our collection successes can be quickly processed with a robust and responsive language capability to inform decision advantage.

I will work to ensure that leadership is focused on improving IC foreign language capability. These efforts would include hiring new personnel who possess critical languages, training current personnel in cultural expertise and critical languages, sharing resources across the IC in low-density languages, and using emerging technologies.

Analysis

64. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you said that "one of the great strengths of our system of intelligence is the championing of the respective tradecrafts by each of the intelligence disciplines. We must be careful not to homogenize all analysis; each form brings complementary attributes to the table, which serves to promote competitive analysis."

- **What are the forms of analysis to which you were referring?**
- **What are your current views on competitive analysis within the IC?**
- **Who is the final arbiter for the IC on strategic level analytic issues?**

I was specifically referring to the tradecraft of SIGINT, GEOINT, HUMINT, and MASINT. Often, these disciplines are referred to pejoratively as "stovepipes." Each has unique skill sets, which must be nurtured and advanced.

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I believe strongly in the practice of competitive analysis, but it should be employed judiciously. One man's competitive analysis is another's duplication. In general, competitive analysis should be used when the nature of the threat is so dangerous, that all analytic eggs should not be in one basket. The practice of red-teaming I think is particularly useful and important in this regard.

DNI Authorities

65. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I), you stated "The more time I have spent in the Intelligence Community, the more I have come to appreciate the importance of both personal relationships among senior leaders and the value of established ways of conducting business. These factors are almost as influential as statutes and their interpretation."

- **Please provide examples of personal relationships that are "almost as influential" as statutes governing the Intelligence Community.**

Examples abound – the relationships that have been built among the IC senior leaders is a prime example. These relationships, I believe, are fostered by the position of the DNI. Knowing someone well, and being able to discuss issues openly and transparency, is a major attribute of the IC.

I have strong relationships with most senior leaders across the intelligence community; some I have known for decades. As a member of the DNI Executive Committee, I also work closely with all intelligence community leaders on a regular basis.

Joint Duty Assignments

66. At the time of your confirmation hearing to USD(I), the ODNI was interested in establishing an ironclad joint tour requirement for IC civilians which you stated you supported philosophically. When asked whether you would support legislation on this issue you stated that you would support it, but would "hope the program could be developed and executed without legislation."

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- **What were your reservations about legislating this requirement, considering your full support and positive feedback on Goldwater-Nichols, which enshrined the DoD joint duty requirement in statute?**

The response to question #52 pertains. The Goldwater Nichols Act is not necessarily a good analog here, since it pertains only to one Cabinet Department, DoD. IRTPA applies to six Cabinet Departments, and an agency (CIA) that is not in any cabinet department.

Acquisition

67. In your answers to the Senate Armed Services Committee's questionnaire for your confirmation as USD(I) you were asked about the seriousness of the acquisition management problems at NSA. You replied that you were "not sufficiently informed about current challenges to comment authoritatively."

a. Now that you have served as USD(I), what is your view?

b. What actions have been taken to correct those acquisition management problems?

Through concentrated effort by NSA management, to include the personal involvement of its Director and acquisition staff at NSA, and oversight by the acquisition management staffs of ODNI and DoD, I believe acquisition at NSA is much healthier than it was over three years ago when I wrote my response to the SASC question.

DNI, USD(I), and USD (AT&L) worked closely with NSA to mature their acquisition management practices by addressing the weaknesses sited in the June 2000 assessment on the state of NSA acquisitions. The actions that NSA took to improve their acquisition processes are detailed in the ODNI, USD(AT&L), and USD(I) revised assessment submitted in 2008. NSA is now implementing sound acquisition management practices through adoption of appropriate policies and procedures.

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They follow a rigorous and repeatable acquisition process that invites the participation of oversight and provides transparency to effectively support the decision process. NSA is doing a remarkable job of managing these programs to their cost, schedule, and performance baselines as noted in the ODNI's Annual Report to Congress on the status of Major System Acquisitions. As a result, we have and will continue to delegate Milestone Decision Authority back to NSA.

Security Clearance Reform

68. In your nomination hearing for USD(I), in response to a question about the security clearance process, you suggested that you believe "there is great potential in researching the social sciences for determining other ways of gauging the trustworthiness...and reliability of people, other than pounding on people's doors."

a. What are those "other ways" to which you were referring?

b. What are your views on the progress of the currently on-going interagency security clearance reform process? Is that process considering implementation of those "other ways"?

c. Were you able to implement any of those alternative methods independent of the interagency reform process during your tenure as USD(I)?

The "other ways" have to do with making better use of the information we are collecting to decide how investigations should be conducted and taking advantage of the electronic environment in which we now live. We can identify where we have been investing resources in investigative sources that are not productive and in investigative methods that are highly inefficient.

Security clearance reform is progressing well as recently demonstrated by the Executive Branch's achievement of IRTPA timeliness goals in 2009. The Reform Effort's Strategic Framework outlined a host of policy, process and information technology improvements to be completed by December 2010. DNI and Director, Office of Personnel Management promulgated the Federal Investigative Standards in December 2008 that provided the foundation for reform by aligning the investigative criteria for security clearance and fitness for Federal employment to the extent possible and by streamlining the number and types of

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investigations currently conducted across the Executive Branch. Further revision to these standards for TIERS 1, 2, 3 was recently completed to provide necessary authorizations for other ways to conduct investigations. Expansion of electronic adjudication, piloting automated records checks and modernizing the application submittal process are examples of key reform activities. My colleagues and I on the Performance Accountability Council closely monitor the progress of these efforts.

During my tenure as USD(I), we designed and implemented an electronic case management system within the Army central clearance facility that is becoming a model for other clearance adjudication facilities (CAFs) across DoD. Leveraging that system, we developed a capability to electronically adjudicate investigations to identify investigations that do not have any missing or problematic information in them. Even though the system is in development, the DoD is already realizing the benefits using just clean investigations for military and industry moderate risk positions. In the first year, 44,376 cases were e-Adjudicated at the Army, Navy, and the Defense Industrial Security Clearance Office (DISCO) CAFs. This resulted in a savings of over 17.3 man-years that would have been required for manual processing (assuming a clean case takes 45 minutes from the time it is received at the CAF until a final determination). Time saved from e-Adjudication allows CAFs to realign resources to more difficult cases. We have also seen dramatic improvements in adjudicative timeliness.

And, while the question asks for alternative methods independent of the interagency reform process, I have been a champion of and am fully committed to the reform process. The idea of the interagency reform is to streamline processes end-to-end across the government to gain efficiencies over what we had in an "every agency for itself" fragmented system. Therefore, much of our work during my tenure has been with the goals of interagency reform in mind, for the benefit of both DoD and the federal government, and DoD has been a committed partner in the overall effort.

Polygraph

69. A 2003 study by the National Research Council concluded that the polygraph's "accuracy in distinguishing actual or potential security violators from innocent test takers is insufficient to justify reliance on its use in employee security

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screening in federal agencies." The study concluded that overconfidence in polygraph screening can create a false sense of security among policymakers that may in turn lead to inappropriate relaxation of other methods of ensuring security. The report also concluded that polygraph screening can "lead to unnecessary loss of competent or highly skilled individuals in security organizations because of suspicions cast on them by false polygraph exams or because of their fear of such prospects."

a. What are your views on the costs and benefits of polygraph employee security screening?

b. To the extent that the polygraph finds previously unknown security threats, why are those threats not being detected through other screening and investigation methods?

Although I have no cost data available for use of the polygraph in the intelligence community, I view the polygraph examination as a valuable investigative tool to elicit and validate information regarding past and current activities of those individuals undergoing an examination. In my experience, the polygraph is a valid screening tool that complements and strengthens other investigative methods.

The polygraph is but one tool in the personnel security screening process. While the National Research Council's finding regarding the accuracy of the polygraph is, in my opinion, an objective evaluation of the polygraph, the tool is useful as an element in the security interview. Frequently an interview subject may be motivated to make admissions he or she would not otherwise make when confronted with what appears to be physiological responses, perhaps indicating deception. With this said, the polygraph results should never be the sole basis of a decision regarding an employee's security clearances.

Questions as to why insider threats are not detected either through the polygraph or other screening methods have been asked in the aftermaths of devastating espionage cases, such as the Ames or Hansen cases. In the wake of such events, progress has been made in improving the IC's ability to use "all source" information to identify possible problems or situations that would raise a security flag. Enhanced financial disclosure reporting; foreign contact and travel

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reporting requirements; highly sophisticated capabilities to audit an employee's computer use are now becoming the standards of security screening and have improved the IC's capabilities to identify a problem before it can do irreparable damage to our national security.

Director of Defense Intelligence (DDI)

70. Please provide a copy of the 2007 Memorandum of Understanding creating the position of Director of Defense Intelligence (DDI), and a copy of the "annex" that elaborates on the duties and responsibilities of the DDI (as referred to in your paper titled "The Role of Defense in Shaping U.S. Intelligence Reform.")

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MEMORANDUM OF AGREEMENT
BETWEEN THE
SECRETARY OF DEFENSE
AND THE
DIRECTOR OF NATIONAL INTELLIGENCE

The Defense Intelligence Components provide a full range of intelligence products and analysis to a broad spectrum of consumers from military forces in the field to senior policy makers across the federal government. These efforts are intertwined with the national intelligence efforts overseen by the Director of National Intelligence.

In recognition of the crucial importance of coordinated intelligence efforts to the national security of the United States and pursuant to 10 U.S.C. § 113, 10 U.S.C. § 137, the National Security Act of 1947, as amended, and the Intelligence Reform and Terrorism Prevention Act of 2004, the Secretary of Defense and the Director of National Intelligence agree to the following:

1. The official serving in the position of Under Secretary of Defense for Intelligence shall be dual-hatted as the Director of Defense Intelligence within the Office of the Director of National Intelligence. As the Under Secretary of Defense for Intelligence, this official shall report to the Secretary and Deputy Secretary of Defense. As the Director of Defense Intelligence, this official shall report to the Director of National Intelligence.

2. As the Under Secretary of Defense for Intelligence, this official shall retain the responsibilities and exercise the authorities as assigned by the Secretary of Defense.

3. As the Director of Defense Intelligence, this official shall report directly to the DNI and serve as the principal advisor to the Director of National Intelligence regarding Defense Intelligence matters. The Director of Defense Intelligence shall have responsibilities as determined by the Director of National Intelligence in consultation with the Secretary of Defense and promulgated separately.

4. Nothing in this memorandum shall be construed to alter the statutory responsibilities or authorities of either the Secretary of Defense or the Director of National Intelligence.

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APPENDIX I

ROLES AND RESPONSIBILITIES OF THE DIRECTOR OF DEFENSE INTELLIGENCE (DDI)

INTENT: The position of Director of Defense Intelligence (DDI) has been established within the Office of the Director of National Intelligence (ODNI) to assist the Director of National Intelligence (DNI) in the execution of DNI responsibilities for the oversight of Defense intelligence matters. Under the direction of the DNI, the role of the DDI will be to enhance the integration, collaboration, and information sharing of Defense intelligence activities within the larger Intelligence Community (IC) in order that the IC may become a more agile, effective, unified enterprise of intelligence professionals whose common purpose is to protect the security of the United States (U.S.), its citizens, its interests, and its allied partners.

ROLES:

1. The DDI is the principal advisor to the DNI and the ODNI on all matters concerning Defense intelligence, counterintelligence, security, and intelligence related matters referred to hereafter in this appendix as Defense intelligence activities.

2. When directed by the DNI, and in coordination with ODNI, the DDI shall act as the DNI's representative on Defense intelligence activities, to the Secretary of Defense and his staff, all Department of Defense (DoD) components including the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Joint Chiefs of Staff, elements of the Joint Staff, the IC, and any other element of the U.S. Government as determined by the DNI.

3. The DDI, in close coordination with the Deputy Director of National Intelligence of Policy, Plans and Requirements and staff, shall serve as the primary element within the ODNI to oversee Defense intelligence customer relationships with the IC.

RESPONSIBILITIES: Consistent with 50 U.S.C. § 403-5, and the role outlined herein, the DDI is responsible to the DNI in the three key areas of requirements, intelligence activities, and advice/assistance. The DDI shall:

1. **Requirements.** Oversee the development of DoD's National Intelligence requirements on behalf of the DNI; convey those of the highest priority to the DNI when received from DoD; and evaluate and assess customer satisfaction with the responsiveness and efficiency of National Intelligence provided to Defense customers. Ensure Defense intelligence activities' support of National intelligence and National Intelligence customers' requirements and priorities in coordination with ODNI.

2. **Intelligence Activities.** When directed by the DNI, facilitate alignment, coordination, and deconfliction between National and Defense Intelligence activities to

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"The Role of Defense in Shaping U.S. Intelligence Reform"

71. In your paper, "The Role of Defense in Shaping U.S. Intelligence Reform," you state, "What the Congress and others failed to acknowledge, however, was that the systemic flaw created when Section 1018 became part of IRTPA could not be overcome by the DNI staff or any cooperative group of IC leaders."

- **Please explain what you mean by "the systemic flaw created."**

The effect of Section 1018 of the IRTPA was to create ambiguity on the effect of the statue, since it can be (and often has been) interpreted to neuter other provisions in the law empowering the DNI.

72. In your paper, "The Role of Defense in Shaping U.S. Intelligence Reform," you state, "the DNI cannot afford to wait for Congress to clarify IRTPA."

- **Please explain your thinking in this passage and expand on what you believe the DNI should do to clarify IRTPA.**

What I meant by this statement is that the DNI needed to exert the authority he was granted, and push the envelope to embellish that authority even more. DNI McConnell, to his great credit, led the much-needed, long-overdue effort to update Executive Order 12333, which did strengthen and clarify DNI authorities.

Keeping the Intelligence Committees Fully and Currently Informed

73. With respect to the actions of the DoD to keep the Committee informed of the events surrounding the Fort Hood shooting incident and the investigation that followed:

a. **What role did you play in responding to the Committee's requests for information related to the shooting?**

b. **In retrospect, what would you have done differently in keeping the Committee informed and responding to our requests?**

I led an inter-agency briefing team (the others were NCTC and the FBI) to assemble a report on the FISA collected emails involved, and the actions of the FBI Joint Terrorism Task Forces personnel (both FBI and DoD) who had access to

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these emails. We did some 15 briefings to various bodies in both houses of Congress. I then led the writing of a similar report which was sent to the White House. We also testified before the Committee earlier this year to update you on our findings, and explain what corrective action we had already taken. We also outlined the additional actions we plan to take in the future.

I have no recommendations on what might have been done differently, particularly given the short deadlines we had to research and assemble the briefing and written report. We briefed the SSCI as a group, and various members individually as they participated in other briefing fora.

74. Do you consider it possible for the written work product of an intelligence analyst, provided to anyone other than the President, to be a "deliberative" or "privileged" document in the sense that it is not releasable to Congress?

- **If so, please describe the circumstances in which you would not be able to release such a document to Congress.**

Not that I'm aware of.

75. Do you believe that it is appropriate for the Intelligence Community to provide the Committee "unfinished" intelligence reports, such as FBI and DoD Intelligence Information Reports (IIRs) and CIA "TDs", in support of the Committee's intelligence oversight duties, upon request?

In some instances I do. In the case of extraordinary significant issues, it is appropriate. In the normal course for intelligence operations however, any single "unfinished" report can be misleading and/or inaccurate and it is the combination of all such reports, along with analytic expertise and collaboration that provides policy makers in the Executive and Legislative Branches with the best intelligence.

76. Former DNI Blair agreed to give the Committee access to the underlying intelligence for the next NIE on Iran's nuclear program, once that NIE is completed.

- **Will you provide the same assurance to the Committee to provide the underlying intelligence reporting to the Committee?**

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Yes, I will ensure the Committee has access to the underlying U.S. Government intelligence required for the Committee's review.

NGA departure ceremony

77. Please provide details of the concerns passed on to the Senate Armed Services Committee originating from the costs and planning of your departure ceremony from NGA.

I was made aware of – but never saw – an anonymous letter to the SASC circa March of 2007, which complained about the cost of a large tent that was rented for the ceremony honoring my departure from NGA nine months earlier, on 13 June 2006. Although I had nothing to do with any of the arrangements for the events surrounding my departure, I was still the Director, and was ultimately responsible for all actions and decisions made by subordinate officials. I asked NGA to produce copies of records which documented the payments for the tent rental, and for ancillary equipment. I provided these documents to the then White House Counsel's office, which, in turn, provided them to the SASC. The ensuing investigation adjudged the actions taken were appropriate and legal, given the lack of a suitable facility at NGA to accommodate such a large event.

Defense Intelligence Agency

78. The Defense Intelligence Agency (DIA) is the "Defense HUMINT Manager" under Department directives, with the responsibility for managing human intelligence activities across the Department, including those activities undertaken by the military intelligence agencies. In practice, however, the DIA is an "executor" rather than a "manager" and is unable to overrule administrative or operational decisions with which DIA may disagree.

- **Do you believe that DIA should, in both its Title 10 and Title 50 roles, have the authority and ability to manage, direct, and oversee all Departmental human intelligence and counterintelligence activities?**

The responsibility for oversight of all DoD Intelligence Activities rests with the Under Secretary of Defense for Intelligence. HUMINT and CI resources are

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assigned to Services, Commands and Agencies which are informally aligned within a broader DoD management Enterprise, based around the principle of centralized management and decentralized execution. The Director, DIA has and should retain a dual role – to both execute DoD HUMINT and Counterintelligence activities, as well as serve as the Defense HUMINT Manager. As an "executor" the Director is held responsible for the collection of intelligence to support National and DoD requirements. As the Defense HUMINT manager he is responsible for the management of the entire DoD enterprise which includes the responsibilities for establishing common standards for tradecraft, training, architecture, reporting and processes (to include ensuring coordination and deconfliction of DoD HUMINT) executed by all elements of the DoD HUMINT Enterprise.

Additional Question from Vice Chairman Bond

79. A February 2000 report by the CIA Inspector General found that former DCI John Deutch processed a large volume of highly classified information on several unclassified computers that were connected to the internet. Mr. Deutch took no steps to restrict unauthorized access to this information and knowingly put a large volume of our most sensitive national security information at risk. Despite this offense and the fact that he pled guilty to mishandling classified information, the Committee still receives reports that he is being granted access to highly classified information.

a. **Will you ensure that Mr. Deutch is never allowed to again have access to sensitive or classified U.S. information in any forum or medium?**

b. **If, despite your best efforts to the contrary, another agency or Department of the U.S. government grants Mr. Deutch access to classified information, will you report such an event to the Congressional Intelligence Oversight Committees?**

Yes to both.

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United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

JUN 15 2010

The Honorable Dianne Feinstein
Chairwoman
Select Committee on Intelligence
United States Senate
Washington, DC 20510-6475

Dear Madam Chairwoman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by James R. Clapper, who has been nominated by President Obama for the position of Director, Office of the Director of National Intelligence.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Robert I. Cusick
Director

Enclosures

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August 1992

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Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination (Month, Day, Year)	Reporting Status (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☒ / Termination Filer ☐ / Termination Date (If Applicable) (Month, Day, Year)
Reporting Individual's Name	Last Name: Clapper		First Name and Middle Initial: James R	
Position for Which Filing	Title of Position: Director of National Intelligence		Department or Agency (If Applicable): Office of the Director of National Intelligence	
Location of Present Office (or forwarding address)	Address (Number, Street, City, State, and ZIP Code): 5000 Defense Pentagon; Room 3E834; Washington DC 20301		Telephone No. (Include Area Code): 703 695-0971	
Position(s) Held with the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held Title of Position: Under Secretary of Defense (Intelligence) Date Held: 04/07 - Present			
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Select Committee on Intelligence		Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: James R Clapper		Date (Month, Day, Year): June 7, 2010	
Other Review (If desired by agency)	Signature of Other Reviewer:		Date (Month, Day, Year):	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/Reviewing Official: Claudia Nading		Date (Month, Day, Year): 7 June 2010	
Office of Government Ethics Use Only	Signature: [illegible]		Date (Month, Day, Year): June 14, 2010	

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods
Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

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5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Clapper, James R

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

Asset	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust
Examples: Central Airlines Common				x											
Examples: Doe Jones & Smith, Hometown, State			x												
Examples: Keystone Equity Fund					x								x		
Examples: IRA: Heartland 500 Index Fund							x						x		
1 j Dominion Resources Inc. Stock			X												
2 j Navy Federal Credit Union (checking account)			X												
3 j Navy Federal Credit Union (Money Market)			X												
4 j Bank of America/Money Market					X										
5 j Bank of America Checking		X													
6 j Charles Schwab Acct Money Market					X										

Asset	Type: Dividends	Type: Bank and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples: Central Airlines Common	x						x										
Examples: Doe Jones & Smith, Hometown, State																Gain Partnership Income $120,000	
Examples: Keystone Equity Fund								x									
Examples: IRA: Heartland 500 Index Fund									x								
1 j Dominion Resources Inc. Stock			X			X											
2 j Navy Federal Credit Union (checking account)					X												
3 j Navy Federal Credit Union (Money Market)			X			X											
4 j Bank of America/Money Market			X			X											
5 j Bank of America Checking					X												
6 j Charles Schwab Acct Money Market			X				X										

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Prior Editions Cannot Be Used.

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U.S. Office of Government Ethics

Reporting Individual's Name: Clapper, James R

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
S	Charles Schwab IRA (Cash only)		X											X							X												
I	DFA Intermediate Government Fixed Income Fund (SEP IRA)		X											X							X												
I	DFA Large Cap International (SEP IRA)		X											X							X												
J	DFA US Large Cap Value				X									X									X										
J	DFA 5YR Global Fixed Income			X										X							X												
J	DFA Emerging Markets		X											X								X											
J	DFA Intermediate Government Fixed Income Fund			X										X								X											
J	DFA International Value I		X											X							X												
J	DFA Large Cap International		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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U.S. Office of Government Ethics

Reporting Individual's Name: Clapper, James R

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	Amount: $201 - $1,000	Amount: $1,001 - $2,500	Amount: $2,501 - $5,000	Amount: $5,001 - $15,000	Amount: $15,001 - $50,000	Amount: $50,001 - $100,000	Amount: $100,001 - $1,000,000	Amount: Over $1,000,000*	Amount: $1,000,001 - $5,000,000	Amount: Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1	DFA 5YR Global Fixed Income (IRA)			X										X							X												
2	DFA Emerging Markets (IRA)		X											X								X											
3	DFA Intermediate Government Fixed Income Fund (IRA)			X										X								X											
4	DFA International Value I (IRA)		X											X								X											
5	DFA Large Cap International (IRA)		X											X								X											
6	DFA US Large Cap Value (IRA)				X									X									X										
7	DFA US Small Cap (IRA)			X										X							X												
8	DFA Intermediate Government Fixed Income Fund		X											X							X												
9	DFA Large Cap International SEP IRA		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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U.S. Office of Government Ethics

Reporting Individual's Name: Clapper, James R

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1 I	DFA Small Cap (IRA)			X										X							X												
2 J	Vanguard Fund Growth Index/Stock			X										X								X											
3 I	Vanguard Fund Growth Index/IRA			X										X								X											
4 J	Vanguard REIT Index			X										X								X											
5 J	Vanguard REIT Index			X										X								X											
6 I	Vanguard REIT IRA			X										X								X											
7 S	Vanguard Total Stock Market ETF		X											X							X												
8 S	TDAM US Government Port	X												X							X												
9 J	TDAM US Government Port		X											X							X												

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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U.S. Office of Government Ethics

Reporting Individual's Name: Clapper, James R

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
1 I	TDAM US Government Port		X									X		X							X												
2 I	TDAM US Government Port (SEP)	X												X							X												
3 J	iShares IBOXX $ Invest Top Corporate Bond		X											X									X										
4 J	iShares S&P Mid Cap 400 Index			X										X								X											
5 J	iShares IBOXX $ Invest Top Corporate Bond			X										X									X										
6 J	iShares S&P Mid Cap 400 Index			X										X								X											
7 J	iShares S&P North American Natural Resources Sector Index			X										X							X												
8																																	
9																																	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

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U.S. Office of Government Ethics

Reporting Individual's Name: Clapper, James R

SCHEDULE C

Page Number: 7 of 8

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☒

	Creditors (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (x): $10,001-$15,000	$15,001-$50,000	$50,001-$100,000	$100,001-$250,000	$250,001-$500,000	$500,001-$1,000,000	Over $1,000,000*	$1,000,001-$5,000,000	$5,000,001-$25,000,000	$25,000,001-$50,000,000	Over $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			x					x			
	John Jones, 123 St., Washington, DC	Promissory note	1999	10%	on demand					x						
1																
2																
3																
4																
5																

*This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☒

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1			
2			
3			
4			
5			
6			

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Reporting Individual's Name	SCHEDULE D	Page Number
Clapper, James R		8 of 8

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☒

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples	Nat'l Assn. of Rock Collectors, Nr. NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law Firm	Partner	7/85	1/06
1					
2					
3					
4					
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☒

	Source (Name and Address)	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1		
2		
3		
4		
5		
6		

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SSCI# 2010 - 2398

Office of the Director of National Intelligence
Washington D.C. 20511

7 June 2010

Robert I. Cusick
Director
Office of Government Ethics
Washington, DC 20005-3919

Dear Mr. Cusick,

I have reviewed the Public Financial Disclosure Report (SF 278 Report), dated 7 June 2010, submitted by General James R. Clapper in connection with President Obama's nomination of General Clapper to serve as the Director of National Intelligence (DNI). I have examined the duties and responsibilities of the DNI, as reflected in the National Security Act of 1947, as amended.

Based on my review of the duties and responsibilities of the DNI, General Clapper's report, and the specific commitments made in his 7 June 2010 letter to me, also enclosed, it is my opinion that there is no unresolved conflict of interest under the applicable laws and regulations, and I have so certified.

Please contact me on (703) 275-2527 if you need additional information concerning General Clapper's SF 278 Report, my opinion based on my review of the Report, or the 7 June 2010 letter from General Clapper.

Sincerely,

Susan S. Gibson
Deputy General Counsel - Management
Designated Agency Ethics Official

Enclosures

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7 June 2010

Susan S. Gibson
Designated Agency Ethics Official
Office of the Director of National Intelligence
2B-200, LX2
Washington, DC 20511

Dear Ms. Gibson:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest if confirmed for the position of Director, Office of the Director of National Intelligence.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as an officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13490) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely,

James R. Clapper

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POST HEARING QUESTIONS FOR JAMES R. CLAPPER

July 21, 2010

Questions for the Record from Senator Feingold

Success in the area of counterterrorism requires that the Intelligence Community and the Department of Defense coordinate their activities, and that congressional oversight not be fragmented. One example is Section 1208 of U.S.C. Title 10, which authorizes assistance to foreign forces, irregular forces, groups, or individuals supporting U.S. counterterrorism military operations. The Senate Armed Services Committee has expressed concern that U.S. Special Operations Command may be leveraging this authority for long-term engagement with partner nations, rather than exclusively to support operations, particularly in countries other than Iraq and Afghanistan. Information about the use of Section 1208 is therefore critical if the Intelligence Committee is to conduct oversight of how the U.S. government as a whole is fighting terrorism around the world.

- **Will you ensure that this information is provided to the Committee?**

Section 1208 of the FY 2005 National Defense Authorization Act, PL 108-375, requires the Secretary of Defense to submit an annual report "to the congressional defense committees on support provided to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism."

If confirmed as the DNI I would not view the provision of DoD clandestine military operational information to the SSCI as being within my authority or responsibility; however, I would fully support an arrangement agreed to by the affected oversight committees for the submission of information to Congress concerning this matter.

NSA Director Alexander told the Senate Armed Services Committee in the context of his confirmation to be the head of Cyber Command that NSA provides support to the Department of Homeland Security's cybersecurity activities as a Department of Defense activity, in coordination with the DNI.

- **What is your understanding of the proper roles of the Secretary of Defense and the DNI in this area?**

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The roles of the Secretary of Defense and the DNI are determined by the context within which NSA provides support to DHS. The Intelligence Community, under the guidance of the DNI and in accordance with applicable laws, provides intelligence to support DHS. Intelligence support of DHS by NSA, through the provision of intelligence collection, analysis, and reporting, as well as any technical assistance, is clearly an area in which the DNI has an important role, as set out in statute and under E.O. 12333. In addition, the Secretary of Defense, through the Under Secretary of Defense for Intelligence, ensures that the DHS requirements for intelligence support from NSA are met, consistent with mission requirements, law and regulation.

The Intelligence Reform and Terrorist Prevention Act of 2004 established the Director of National Intelligence to act as the head of the Intelligence Community, principal advisor to the President, National Security Council, and Homeland Security Council on intelligence matters pertaining to national security, and to oversee and direct the implementation of the National Intelligence Program. Pursuant to Title 50, U.S.C., section 403, subject to the authority, direction, and control of the President, the Director of National Intelligence is responsible to coordinate national intelligence priorities and to facilitate information sharing among the Intelligence Community.

NSA is also a Combat Support Agency (CSA) of the Department of Defense, whose resources are critical to the conduct of military operations globally; including the support of civil authorities in the United States when the Department of Defense is called upon to support civil authorities. As a CSA, NSA can be tasked by the Secretary of Defense to support DHS directly in accordance with laws pertaining to the sharing and transfer of resources between Departments of the Executive Branch.

The Secretary of Defense, however, must ensure that NSA's support to military operations is not adversely impacted by the degree of support NSA is called upon to provide to other U.S. government elements outside the Department of Defense. Should the Secretary of Defense believe that this external support might result in NSA's inability to perform any of its assigned missions, then the Secretary has the option, when appropriate, to seek and obtain the guidance of the President as to the appropriate prioritization of NSA efforts.

- **Will the Committee be informed of all domestic cybersecurity activities, regardless of whether they are conducted under Title 10 authorities?** Yes, I will commit to ensuring the Committee is informed of all intelligence activities concerning domestic cybersecurity, including NSA's support of DHS.

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Questions for the Record from Senator Coburn

Timing of DNI Job

When we spoke last week you said that in April, when the President first asked you to take the DNI job, you were reluctant because you had planned to retire after your time as USDI. The press has reported that a memorandum you wrote to the President about your vision for the way forward for the IC is what made the President want you to take the job.

- **Please explain the specific timing of when you gave this memo to the President and what prompted you to do so?**

On Friday, 21 May 2010, Secretary Gates summoned me to his office; he said that the President had spoken to him about my filling the DNI position. The Secretary reaffirmed his recommendation of me as DNI. I said I had been thinking about the job, and what I would do with it. The Secretary suggested that I write a letter to the President, and he would personally give it to the President the following Monday (the 24th of May). I wrote the letter on Sunday, the 23rd, and delivered it to the Secretary Monday morning the 24th. He was meeting with the President that afternoon, and passed the letter to him then.

- **Will you provide that memo to the Committee? If not, why not? How can we understand your vision for the IC if you won't share it with us?**

I'm not able to provide the Committee with a copy of a personal letter written in confidence to the President; however, I can say I emphasized the key points below, which are consistent with my statements in my one-on-one meetings with Members, Pre-Hearing Questionnaire, and the testimony I gave before the Intelligence Committee:

  - The need to set expectations for the Intelligence Community. By that I mean that intelligence can reduce uncertainty for decisionmakers, but rarely can intelligence eliminate such uncertainty.
  - The need for clarity in the roles and responsibilities of the DNI and other members of the national security and intelligence team. My view is that intelligence is an enterprise of complementary capabilities which must be synchronized. If confirmed I will lead the community as a team.
  - My conviction that the DNI has a great deal of authority already, but the challenge has been how that authority is asserted. If confirmed, I will push the envelope on this. I believe my experience in the community would serve me (and the position) well in crystallizing and buttressing that authority. I will also defend the position of the DNI.

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- My professional independence and the fact that I try always to be forthright about anything I am asked.

- **What were you told about why you were being offered the DNI position at a time the position was still occupied by someone else?**

During the April/May timeframe discussed above, I was simply asked whether I would consider serving in this position.

DNI Authorities

You have indicated that one of the problems Dennis Blair had in the DNI position was "chemistry." But, you have also said you will rely on "relationships" with IC leaders and with the White House to get things done as DNI. The lesson I take from DNI Blair leaving the ODNI is that we can't always rely on "relationships" or "chemistry."

- **Don't we need a real framework for cooperation and DNI direction, rather than handshakes?**

I believe that we already have such a "real framework for cooperation and DNI direction." Handshakes, personal relationships, and "chemistry" are all important too, whether it is the DNI, IC leaders, or any other organization.

- **How do you speak truth to power if your authority is derived from your "relationship" with the White House?**

Speaking "truth to power" is first and foremost a function of one's convictions—regardless of "relationships," whether formal or informal. Over the course of my career, I believe I have demonstrated that conviction.

- **You said to me last week that the DNI has ample "explicit and implicit" authorities, but DNI Blair tried to assert his authority to appoint representatives overseas, and the battle ended up costing him his job. If the DNI can't even assert "explicit" authority, how do you think you can assert implicit authority?**

Overseas relationships is an area where the DNI's authorities are ambiguous. The National Security Act of 1947, as amended, (Sec 104A {50 U.S.C 403-4a (f) states "...the Director of the Central Intelligence Agency shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments or international organizations on all matters involving intelligence related to the national security...." I believe the DNI can assert authority in areas that are supported by the IRTPA, such as budget, programming, standards, information sharing, etc. Additionally, Director

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Panetta and I have agreed to work together to clarify this ambiguity while fulfilling our statutory responsibilities.

Washington Post – Dana Priest Investigation

The *Washington Post* this week is highlighting bloat and inefficiency in the Intelligence Community. While I understand the need for some overlap to challenge conventional thinking and eliminate single points of failure, we have also seen cases where overlap doesn't seem to be helpful. For example, the redundant intelligence analysis missions of the FBI and DHS, does not seem to provide much benefit. I think other members share my view that DHS I&A has a larger portfolio than is manageable or necessary for that organization.

- **In your time in the IC, what products of value have you seen come out of I&A?**

I have seen valuable I&A products ranging from in-depth Assessments on border-security threats and other potential threats to short but informative products for state and local entities including police, fire, and other first responders. I&A not only serves a broad range of customers, but also collaborates with a broad range of partners in producing its analytic assessments. For example, I&A recently prepared an assessment on events in Ciudad Juarez in advance of a major interdepartmental border security operation (joint with the Mexican authorities) against the drug trafficking organizations. The assessment provided valuable information on the drivers of the violence in the city and prospects for addressing the problem. Roll Call Releases, which I&A produces collaboratively with FBI and the Interagency Threat Assessment and Coordination Group, promote awareness among federal, state, local, and private-sector first-responders of emergent threats and thus assist those organizations in developing countermeasure strategies. I understand that these products literally are provided at roll call lineups for state and local law enforcement and first-responder teams across the country and have received highly positive reviews. As another recent example, I&A produced an analytic assessment that informed state, local, tribal, territorial, and private sector partners about the increasing challenge of detecting terrorist plots by individuals or small groups acting quickly and independently.

- **Do you think that I&A's mission should be scaled back to focus only on analysis relevant to infrastructure protection, domestic protective measures, and support to state and locals?**

My general observation is that much progress has been made by the Department of Homeland Security, Office of Intelligence and Analysis, in integrating into the larger IC and in providing support to homeland security and law enforcement partners across all levels of

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government. If confirmed, a top priority for me will be to look at all elements of the IC to ensure they are fully capable of meeting mission requirements. If deficiencies are discovered, I will work with the respective Department Secretaries and with the Congress to bring resources of the larger IC to bear on their remediation.

Questions for the Record from Senator Hatch

In your response to my question about the role of ideas in the war on terror, you said that you believed that closing down Guantanamo would "help our image" abroad.

- **Please cite any and all relevant data that indicates that closing Guantanamo would undermine terrorist ideology.**

Extremists regularly use Guantanamo Bay Detention Center (GTMO) to illustrate that the U.S. deliberately persecutes, imprisons, and tortures Muslims and is hypocritical about its own values and legal procedures when it pursues its war against Islam. Al-Qa'ida has made explicit references to GTMO in at least 32 public releases since 2003, including four releases in 2009. Al-Qa'ida has made one explicit reference to GTMO in 2010. Additionally, Al-Qa'ida global affiliates, including AQAP, have collectively referred to GTMO in at least 26 statements.

- **Do you believe that closing Guantanamo would lead propagandists for Islamic violence to stop citing Guantanamo in their recruiting rhetoric? Has there been a concomitant reduction in the use of Abu Ghraib in current recruitment rhetoric?**

While GTMO's closure may not stop citations of GTMO in extremist rhetoric, it may reduce anger among Muslims who are vulnerable to radicalization. There has been a reduction in the use of Abu Ghraib in extremist rhetoric but it is still exploited as a symbol of western atrocities against Muslims.

Questions for the Record from Vice Chairman Bond

MIP v. NIP

Following the creation of the DNI, it appears that there has been a tendency to expand the MIP at the expense of the NIP.

- **Since much of the DNI's statutory authority is budgetary, do you think this trend has undermined the DNI's effectiveness as the leader of the Intelligence Community?**

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The DNI's effectiveness as the leader of the Intelligence Community has been strengthened by the vital relationship established with the Department of Defense leadership.

I am not aware of any instance where MIP expansion has been at the expense of the NIP. The DNI has exercised his budget authority to participate in the development of the MIP, and supported adjustments to the budget. In the case of both programs, increased investments have been based on requirements. To that end, I feel strongly that the NIP and MIP should be synchronized to ensure that intelligence investments are complementary, and not duplicative.

Should I be confirmed as the DNI, I will continue to work to ensure the budgets for the NIP and MIP provide a balanced consolidated intelligence capability to keep our Nation secure.

CIA Information Sharing

In your meeting with me last week, you said that one of your priorities, if confirmed as DNI, would be to increase the amount of information CIA shares with the rest of the intelligence agencies.

- **What types of information is CIA not adequately sharing right now, and who should they be sharing it with?**

To improve information sharing, in January 2009, the DNI signed ICD 501, *Discovery and Dissemination or Retrieval of Information within the Intelligence Community*. This Directive promotes responsible information sharing by distinguishing between discovery (obtaining knowledge that information exists) and dissemination or retrieval (obtaining the contents of the information). It also establishes procedures for gaining access to information that has been discovered. The policy directs all IC elements to fulfill their "responsibility to provide" by making intelligence discoverable by automated means by authorized IC personnel. While much progress has been made in the year and a half since ICD 501 was signed, more work needs to be done to achieve the ultimate goal of IC information sharing. Future phases of ICD 501 will focus on the discoverability and retrieval of sensitive text-based analytic products, databases that inform analysis, and undisseminated information. In terms of ICD 501, the CIA makes more products available to authorized users than any other IC element. In fact, efforts are currently underway to dramatically increase the number of available products.

- **What do you intend to do to increase the amount of CIA information sharing?**

Currently, information sharing is governed largely through legacy agreements which present a challenge when creating electronic information sharing solutions for the IC as a whole. Legacy agreements need to be reviewed, clarified, and updated to allow the CIA and the rest of the community to share information with confidence. In addition, if confirmed, I will also look to Congress if legislative changes are needed to facilitate information sharing. For example,

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information sharing and the IC's ability to analyze intelligence information would be enhanced if Congress enacts legislation to give the ODNI the same operational files exemption granted to CIA, NGA, DIA, and NSA.

- **What other information sharing problems in the Intelligence Community would you address?**

If confirmed, I want to work on the technical aspects of ICD 501 by implementing the technical enterprise infrastructure to achieve seamless information sharing for the IC. It is also imperative to upgrade the security, connectivity, and operating processes for our data and networks, while monitoring and auditing access to information and subsequent use of information. It is crucial to strengthen support for, and sharing with, mission partners outside the IC as our non-federal colleagues continue to express concerns about information sharing from the federal level. I believe we need to examine the two way flow of information between federal and non federal components. In addition, I understand that in direct response to the White House-led review, the SSCI assessment and the McLaughlin report, there are efforts underway to update, harmonize, and simplify U.S. Person rules, including those that apply to FISA collection programs, to make sure agencies are aware of and maximizing their existing authorities, while also protecting privacy and civil liberties. These efforts will help facilitate information sharing. If confirmed, I plan to strongly support them.

Intelligence Community Acquisition Provisions

During the past several years, I've been working hard to get IC major system acquisition provisions enacted in the various Intelligence Authorization bills. These provisions are based upon the successful DoD Nunn-McCurdy statutes and are designed to help the DNI take control of the IC major system acquisition process.

- **Do you support the enactment of these provisions or do you consider them to be unnecessary?**

I appreciate the committee's concerns about controlling acquisition cost growth, as reflected in S. 3611, the Authorization bill voted out of committee on July 15. Though I have not had an opportunity to thoroughly review these provisions, I understand that they will place new reporting requirements on the ODNI and the IC elements. I can assure you that with or without the enactment of S. 3611, controlling cost growth of IC Major Systems Acquisitions (MSAs) will be an important objective for me as DNI, if confirmed. I am committed to continuing to provide visibility into the cost and schedule performance of the MSAs as well as corrective actions in the annual report to Congress on the Program Management Plans. I am also

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committed to ensuring that managers take action to address problem acquisitions. I look forward to working with Congress to ensure the Committees get the visibility they need, while ensuring the burden of reporting does not distract managers from implementing corrective actions.

- **Assuming you are confirmed but these acquisition provisions are not enacted, what steps to you intend to take to ensure that the IC's major systems do not experience excessive cost overruns?**

Since the implementation of ODNI acquisition policy, there has been significant progress in the implementation of sound and stable Program Management Plan (PMP) baselines for IC Major Systems Acquisitions (MSAs). However, I recognize the importance of preventing excessive cost growth and, if confirmed, I plan to work aggressively to reduce risk early in the acquisition development cycle where history shows us the major drivers of cost growth occur. We will address cost growth risk at this critical juncture by ensuring technologies are sufficiently mature and requirements are well defined at the start of MSA development. In addition, we need to ensure acquisitions receive adequate, and stable funding and that we avoid "requirements creep." Finally, if confirmed, I will continue to provide Congress full transparency on the progress of IC MSAs against their PMP baseline goals and communicate what actions are being undertaken to address acquisition cost growth across the IC in the annual DNI PMP Report to Congress.

Accountability Reviews

For the past several years, I've been advocating for the adoption of a provision that would give the DNI the authority to conduct accountability reviews of elements of the IC or IC personnel to address specific failures or deficiencies.

- **Do you think this authority is necessary and would you exercise such authority if the provision is enacted and you are confirmed as DNI?**

I believe that IC elements must be held accountable. Such accountability is best accomplished by holding the IC element heads accountable for the actions of their agencies. While I support the intent of the legislation, I think existing law is adequate for holding IC elements and IC element heads accountable. Accordingly, I do not think this legislation is necessary. However, if I were confirmed, and if legislation were passed that would direct me to perform accountability reviews, I would certainly follow the law and perform those reviews.

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DNI Authorities

I have asked every DNI whether he believed the current statutory authorities for the position were sufficient to allow him to be effective as the leader of the Intelligence Community. No DNI has ever provided concrete recommendations for improving the DNI authorities while in office, yet once they are out of office they tell me that I was right. You have been in the intelligence business for a very long time and have had a chance to assess the DNI's authorities from the perspective of your previous positions.

- **Give me at least one recommendation on how we might improve the statutory authorities of the DNI.**

The DNI already has significant statutory authority. I believe that the DNI model can work well based on existing law and, as I stated in my confirmation hearing, it is my intent, if confirmed, to use those authorities to their fullest. If confirmed, I will be in a better position to assess whether there are ways to improve, clarify, or strengthen the DNI's statutory authority. If I find that there are areas where statutory changes are needed, I will notify and work with the committee to make such improvements. One specific area that could strengthen the DNI's authority is legislation to grant the ODNI the same operational files exemption granted to CIA, NGA, DIA, and NSA, which would result in more robust information sharing.

- **Please provide to the Committee a similarly detailed explanation of your vision for the IC as the one you provided to the President?**

As stated above, my vision includes the need to set expectations for the Intelligence Community. By that I mean that intelligence can reduce uncertainty for decisionmakers, but rarely can intelligence eliminate such uncertainty. Additionally, there is a need for clarity in the roles and responsibilities of the DNI and other members of the national security and intelligence team. My view is that intelligence is an enterprise of complementary capabilities which must be synchronized. If confirmed I will lead the community as a team.

In your meeting with me last week, you said that one of your priorities, if confirmed as DNI, would be to clarify the DNI's authorities over covert action and our relationships with foreign intelligence services.

- **Please expand on that. How would you change the role of the DNI in these areas?**

There are ambiguities in authorities related to covert action and foreign intelligence relations. For example, the IRTPA provides that the DNI "oversees" the coordination of foreign intelligence relationships and that the Director of the CIA "coordinates" those relationships under the direction of the DNI. Ensuring the fulfillment of both the DNI's and the CIA's responsibilities in this area requires robust engagement and coordination between the ODNI and

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the CIA. The DCIA and I have spoken and have agreed that, should I be confirmed, we will work together to ensure that both he and I are meeting our statutory responsibilities and to resolve any ambiguities with respect to these authorities.

- **What other changes would you make to the role and authorities of the DNI, if confirmed?**

If I am confirmed, I will assess whether additional changes are necessary; it would be premature for me to make any suggestions at this time.

In your meeting with me last week, you said that while you once believed that the DNI should have departmental authority over military intelligence agencies like NGA, you no longer believed that would be wise. Please take me through the evolution of your thinking on this important issue.

- **What led you to believe it would be a good idea and what changed your mind?**

I don't recall saying that the DNI should have "departmental authority" over military intelligence agencies like NGA, however when the IRTPA was being debated in the Congress, Gen Hayden (then serving as Director of NSA) and I (then serving as Director of NGA) suggested that another paradigm should be considered: moving the agencies who's first letter is "N" (as in national) out of the Department of Defense, and under the operational control of a DNI, might have merit. Putatively, although not expressed that way at the time, this would mean a "Department of Intelligence." I have since come to believe that this arrangement would not be workable, since it could pose profound civil liberties challenges, and the "donor" Department (DOD) would, over time, regenerate the capabilities lost to the "Department of Intelligence," since the support rendered by these agencies is so integral to warfighting.

More on the Authority of the DNI

In the Committee's questions to you prior to this hearing, we asked you to expand upon a statement you made in your paper, "The Role of Defense in Shaping U.S. Intelligence Reform," in which you stated, "The DNI cannot afford to wait for Congress to clarify IRTPA."

You responded that "the DNI needed to exert the authority he was granted, and push the envelope to embellish that authority *even more*."

But in that same paper, published in 2010, you also said, "I no longer believe as strongly as I once did in greater centralization of intelligence activity or authority." In your answers to our second set of questions, you stated that you do not "feel that more authority over Cabinet Department personnel and training is necessarily required."

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- **On the one hand in 2010 you believe that the DNI should push for more authority, but on the other hand in 2010 you no longer believe in greater centralization of intelligence activity or authority. I'm really trying to understand your thoughts on this one. Do you think the DNI should have more authority or not? (Because, if confirmed, you will *be* the DNI...)**

After serving in my current capacity for over three years, and observing the ODNI, I have come to believe that not all intelligence management functions have to be centrally directed from the confines of the ODNI, but that they can be delegated to other parts of the enterprise, and be executed on behalf of the DNI. More centralization begets an even bigger staff.

You suggested in your answers to the Committee questionnaire that "the area of greatest ambiguity in the IRTPA is the relationship with and authority of the DNI over the CIA."

- **What is it that you find ambiguous in the law?**

There are ambiguities in IRTPA concerning the relationship with and authority of the DNI over the CIA. For example, the law provides that the Director of CIA will conduct foreign intelligence liaison relationships and coordinate the relationships between elements of the Intelligence Community and the intelligence or security services of foreign governments. However, the Act assigns the DNI the responsibility to "oversee" these foreign relationships and does not further define the respective roles of the DNI and the Director of CIA in this area. Director Panetta and I have agreed that, should I be confirmed, we will work together to clarify these and other ambiguities. Similar dialogue between Secretary Gates, then-DNI McConnell and I helped attenuate some of the ambiguities created by IRTPA section 1018 and resulted in clarifying the DNI's role in hiring and dismissing the heads of IC elements embedded in the Department of Defense. As I have stated previously, I believe that the problems of the past lie less in ambiguities in law and more in the manner in which the respective statutory authorities have been asserted.

- **You've been in this business for 40 years. You've seen it from all angles. Do you believe that the DNI has appropriate authority over the CIA?**

I believe that the extent of the DNI's statutory authority over the CIA is not clear. If confirmed, I intend to compensate for that with a close and continuing relationship with the CIA Director.

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USA PATRIOT Act

The three remaining sunset provisions of the PATRIOT Act are set to expire in February 2011. They are all FISA-related provisions: lone wolf, roving wiretaps, and business record court orders.

- **In your opinion, should these provisions be allowed to sunset, extended for another couple of years, or made permanent?**

These provisions should not be allowed to sunset; rather, they should be permanently reauthorized because they are important intelligence-gathering tools to help protect our nation from national security threats. As discussed in my prehearing questions, I would support reauthorization of these provisions with modifications to enhance privacy and civil liberty protections, provided they do not undermine the effectiveness of these important tools or prevent their reauthorization.

There was a move in the Senate Judiciary Committee during this Congress to place crippling restrictions on current investigative tools or undo key provisions in the PATRIOT Act. For example, one provision would have created a sunset for national security letters and another would have required FISA-like minimization procedures for NSLs.

- **In the past, we have relied heavily on the DNI to step in and defend these operational techniques. Will you do the same, even if others support watering them down?**

Yes. If confirmed, I will work with Congress to ensure that the Intelligence Community has the tools it needs to protect the Nation in a manner that protects the civil liberties and privacy of Americans.

Foreign Intelligence Surveillance Act

I spent a lot of time during the last Congress getting the FISA Amendments Act passed into law to ensure that critical intelligence collection would continue and that those electronic communications service providers who assisted with the President's Terrorist Surveillance Program received civil liability protection.

- **Certain provisions in the FISA Amendments Act are set to expire at the end of 2012. If confirmed, what role do you expect to play in the renegotiation of the FISA Amendments Act?**

I would expect that the ODNI, representing the Intelligence Community's interests, would have a leading role in the renegotiation of the FISA Amendments Act. For example, the

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ODNI and the Department of Justice would lead the effort to evaluate whether the expiring provisions in the FISA Amendments Act should be reauthorized, reauthorized with modifications, or allowed to expire. We need to work with Congress to ensure that important intelligence-gathering tools do not expire.

HIG

The High-Value Detainee Interrogation Group (HIG) has been a disappointment for me so far. I am aware of their limited involvement in a few cases but I certainly have not seen them used as envisioned. If we detain a terrorist suspect in the U.S., the FBI grabs them. If our allies detain a suspect overseas, the CIA handles it. If we detain someone on the battlefield, our military handles it. It's hard to see what the role of the HIG is.

- **Are you satisfied with the current limited role for the HIG?**

Yes. The HIG was never envisioned, or chartered, to conduct all CT-related interrogations. Experience has shown that successful interrogations of suspected terrorists often depend on our ability to bring to bear critical capabilities and expertise – including the most experienced interrogators, subject matter experts, and behavioral scientists – that are tailored to the specific circumstances. In some cases, the necessary expertise is spread across several departments and agencies. The HIG was created to provide us with the unique ability to send an interagency team forward that capitalizes on some or all of these strengths of all these agencies, ultimately guided by what the circumstances require. The Directors of FBI, CIA and DIA are empowered to make that joint determination. The HIG has already deployed its Mobile Interrogation Teams (MITs) in support of counterterrorism operations domestically and overseas with positive results.

- **What changes would you recommend to the HIG or its operations if you are confirmed as DNI?**

I currently have no plans to make recommendations to change the HIG. If confirmed, I would evaluate the operations of the HIG in accordance with my responsibilities under the HIG charter. As time goes on, should I determine that modifications would be necessary or appropriate, I would discuss it with the interagency leaders.

- **Why is there a need for a HIG overseas if the USG is not going to take possession of terrorists overseas outside of Afghanistan?**

There is nothing in to HIG Charter or elsewhere that limits HIG deployments to situations where an individual is in the custody of a department or agency of the United States. The HIG has the unique ability to deploy inter-agency teams of experts to conduct interrogations of detainees in U.S. law enforcement or military custody, as well as detainees in the custody of a foreign government.

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Disclosure of information to Congress

In your response to the Committee's questions you suggested that you would ensure that "Intelligence Community directives related to the disclosure of information to Congress are vigorously adhered to."

- **What aspects of the Intelligence Community directives governing disclosure of information to Congress do you believe are not vigorously adhered to currently?**

In my previous statement, I did not mean to imply that such directives currently are not vigorously adhered to, but rather to emphasize my commitment that such adherence continue.

DNI use of other Agency Staffs

You suggested that a DNI could use the staffs of other agencies and departments to discharge specific functions and activities on behalf of the DNI.

- **Please elaborate on what you have in mind?**

If confirmed, I would seek to use the intelligence elements of other Cabinet Departments and Agencies to execute IC management functions as an extension of the Office of the DNI. For example, the DIA could serve as the DNI's Executive Agent for IC Document and Media Exploitation; the NSA could serve as the DNI's Executive Agent for IC Foreign Language Machine Translation; the CIA could serve as the DNI's Executive Agent on Climate Change.

April 28 Information Paper

In response to the Committee's request that you explain in detail why *each* of the seventeen provisions described in your April 28 Discussion Draft "would infringe upon the Secretary's responsibilities and authorities in certain management issues within DoD," you answered, "while no single provision does significant harm, cumulatively, they could have a negative effect." While I understand your concern that the possible creation of inconsistent policies could create confusion within the DoD intelligence components, I would like to understand how some of the provisions in particular "infringe on the Secretary's responsibilities and authorities."

Section 307, Conflict of interest regulations for intelligence community employees. Directs the DNI to issue regulations prohibiting an officer or employee of an IC element from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

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- **Is there a situation you can think of in which an intelligence community employee should be allowed to engage in outside employment that creates a conflict of interest? How would this section of the law, to use your words, "create confusion and conflict within the DoD intelligence components?" How does it "infringe on the Secretary's responsibilities and authorities?"**

Approximately 80% of the personnel of the elements of the intelligence community are military members or civilian employees of the Department of Defense's intelligence components. They are already subject to extensive DoD directives implementing existing conflict of interest statutes, including prohibitions of outside employment that create a conflict of interest or appearance thereof. They have received extensive DoD training in conflict of interest matters, tailored to their duties. They are subject to existing DoD mechanisms for investigating and correcting violations. Overlaying an additional IC conflict of interest regime with DNI directives potentially containing different language, an additional DNI training program, and additional enforcement mechanisms will inherently waste effort and create the potential for confusion. The DNI's role regarding IC elements outside of the ODNI staff and the CIA should be oversight and coordination, and not execution of an elaborate new system duplicating what departments and agencies are already doing.

Section 323, Reports on the acquisition of major systems. Directs the DNI to submit to the intelligence and armed services committees detailed reports for each major system acquisition by an IC element.

- **Is there a reason why the Director of the Intelligence Community should not be aware in some detail, of all major system acquisitions within the Intelligence Community? What is the concern here?**

In March 2008, the SecDef and DNI signed a Memorandum of Agreement on the Management of Acquisition Programs Executed at the DoD IC Elements. The MOA contains provisions that ensure the DNI has full insight into the execution of acquisitions that are funded in the NIP and executed by DoD agencies. In accordance with the MOA, DoD and ODNI conduct joint quarterly reviews of all IC MSAs. In addition, they collaborate on an annual DNI report to Congress on the progress of IC MSAs against their cost, schedule and performance goals. As such, the reporting requirements of Sec 323 are adequately addressed by the existing oversight activities of DoD and the ODNI.

Section 339, Report on foreign language proficiency in the intelligence community. Directs the DNI to submit a report to the intelligence and armed services committees on the foreign language proficiency of each IC element, including an estimate of the number of such positions that each element will require. The specific concern in your paper was the "potential for interference with SECDEF's management of personnel with foreign language skills in DoD intelligence components."

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- **How would a report on the foreign language proficiency of each IC element interfere with the SECDEF's management of personnel with foreign language skills?**

Section 339 would direct the DNI to submit annual reports to the armed services and intelligence committees on the foreign language proficiency of each IC element, including an estimate of the number of such positions that each element will require. DoD requires linguists for many other functions besides intelligence, including liaison with foreign armed forces and governments, the conduct of military operations, and training. The ODNI staff has no experience or information on these requirements, and is in no position either to report on the foreign language proficiency of DoD's IC elements (which include DIA and the intelligence components of the armed forces) or to recommend manning levels for them. The DNI certainly has an interest in the foreign language proficiency of the IC elements to support national intelligence programs, but any analysis of foreign language proficiency in the armed forces or other DoD components should be limited to support on national intelligence programs, and any such reports and recommendations for manning levels should receive SECDEF concurrence.

Insufficient Responses to Pre-hearing Questions

In your responses to this Committee you said that you were not in position to assess how well the DNI was carrying out the function of management of Information Technology in the community. Yet the vast majority of IT systems in the community are within the Department of Defense.

- **What is your assessment of the status of intelligence related IT systems and programs in the Community?**

The IC has made progress in laying the foundation for an integrated Enterprise Infrastructure. The IC and DoD share common IT architectures and standards, and services that guide investments in shareable applications and services. Together, the IC and DoD provide shared core services and capabilities, and continue to grow the shared data environment. The intelligence-related IT services and programs are better integrated allowing for greatly improved information sharing and collaboration within the IC, DoD, and our stakeholders.

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Your public financial disclosure report from 2007 indicates you were a member of the Board of Directors for several companies and the Chief Operating Officer of DFI International, yet in your first set of responses to this Committee's questionnaire, when asked to list positions of trust you have held in any corporations, partnerships or other entities in the past five years, you indicated "None."

- **Please explain this discrepancy.**

When I answered the question, I overlooked the timeframe mentioned (five years); the following is the amended answer:

Name of Entity	Position	Dates Held	Self or Spouse
GEOEYE	Member, Board of Directors	Oct 06 - Mar 07	Self
3001, INC	Member, Board of Directors	Oct 06 - Mar 07	Self
Sierra-Nevada Corp	Member, Senior Advisory Group	Oct 06 - Mar 07	Self
Center for Strategic & International Studies	Senior Advisor	Oct 06 - Mar 07	Self
U.S. Geospatial-Intelligence Foundation	Advisor	Nov 03 - Mar 07	Self
DFI International	Chief Operating Officer	Oct 06 - Mar 07	Self

In the Committee's questionnaire you were asked to provide copies of all your published works and speeches, but you only provided three articles. You have published at least eight other relevant articles in *American Intelligence Journal, Signal, Defense Intelligence Journal, Joint Forces Quarterly,* and *Intelligencer,* dating between 1990 and 2002, yet these articles were not provided to the Committee.

- **Please explain this discrepancy and provide copies of these and any other published articles not already provided to the Committee.**

Over the years, I have provided input to, or wrote, articles as a contribution to various defense or intelligence-related publications but did not keep records or copies of them. The

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information I provided for the initial questionnaire resulted from an internet search for such publications. Using the specific references above (and various search-engines), I have since found the following articles (listed below). Any omissions were and are purely unintentional.

American Intelligence Journal

"Air Force Intelligence: Working Smarter in the 1990s" Journal 11, Number 3 (1990); pp. 11-12 (copy unavailable)

"Reorganization of DIA and Defense Intelligence Activities" in Journal 14, Number 3 (Autumn – Winter 1993-1994); pp. 9-16 (attachment A)

"The Newly Revived National Imagery and Mapping Agency" Journal 21, Number 1&2 (Spring 2002); pp. 1-5; also published in the *Intelligencer* 13, Number 1 (Spring/Summer 2002); pp. 25-30 (attachment B)

Signal Magazine

"Desert War Was Crucible for Intelligence Systems", Sep 1991; pp. 77-80 (attachment C)

Defense Intelligence Journal

"Defense Intelligence Reorganization and Challenges" in Journal 1, Number 1 (Spring 1992); pp. 3- 16 (attachment D)

Joint Forces Quarterly

"Challenging Joint Military Intelligence", Number 4 (Spring 1994), pp. 92-99 (attachment E)

SIGNAL

"Critical Security Dominates Information Warfare Moves" in Vol. 49, no. 7 (March 1995), pp. 71-72. (Co-authored with Lt Col Eban Trevino, attachment F)

In the Committee's questionnaire you were asked to provide copies of all your speeches, but you indicated that you did not use notes, and that there were no transcripts. There are official videos of several of your speeches available online. Considering the importance the President has placed on this nomination, the degree of due diligence exhibited in providing information to this Committee seems superficial at best.

- **Please explain this discrepancy.**

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In answering the original question, I was not aware of any official or unofficial videos of speeches or addresses made by me in the past. My speeches are extemporaneous. I often jot down notes as "memory joggers", however, the notes are not filed or kept. I take exception to the last sentence of the question.

2004 Iraq WMD NIE

During your confirmation hearing you noted that you agreed with the findings of the Committee's Iraq report, that you were very familiar with the flaws in the NIE, having had your "fingerprints on it" as a member of the National Intelligence Board, and that you could "attest, since [you were] there, [the failure] was not because of politicization or any political pressure. It was because of ineptness."

- **Did you see any evidence during this period that the Intelligence Community provided intelligence assessments on Iraq to the Administration that differed, in substance, from those provided to Congress and the public?**

No, from my vantage as Director of (then) NIMA, I did not see any evidence that the Intelligence Community provided intelligence assessments on Iraq to the Administration that differed, in substance, from those provided to Congress and the public.

- **Did you ever hear a member of the Administration say something publicly about the intelligence on Iraq that you believed at the time was not supported by the intelligence?**

I wondered about the certitude with which some in the administration spoke about the presence of WMD in Iraq, but I had no basis from my position as Director of NIMA to question those statements.

Why He Wants the Job

In my opening statement I explained my view that we need a DNI who has a fire in his gut, is willing to break paradigms and trends against business as usual, and who is not reluctantly accepting the job, but is willing to take on the old guard and change broken ways of going about intelligence. I asked you to tell us why you want to take on one of the hardest jobs in Washington, fraught with maximum tensions.

- **I understand that you accepted the job because you're a "duty man," but I need to know exactly why you want the job at this time.**

At my age and station in life, I do not lust for or aspire to the job of DNI. I am, as I have repeatedly stated, a "duty guy" at heart, and when asked by the Secretary of Defense, and subsequently by the Commander in Chief, to serve in this capacity, I agreed to do so. I have

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when asked, taken on the task I was given—whether a second lieutenant, three-star general, or prospective DNI. I am convinced that I can make the position stronger, precisely because I have no "career" aspirations; I understand better than most the weaknesses and challenges of the position, but am convinced that a strong and visible leader of the IC is absolutely required.

Question for the Record from Senator Wyden

You stated in your testimony that you supported the declassification of the total size of the National Intelligence Program budget (the "NIP top line") as well as the Military Intelligence Program budget (the "MIP top line"). While top-line figures have been declassified on an ongoing basis for several years, prior top-line figures (from 1947 to 2006) are mostly still classified.

- **Would you support the declassification of these prior year top-line figures?**

I would support the declassification of prior year budgets if disclosure does not pose a threat to national security. A key factor influencing a decision would be if a foreign adversary could correlate changes to the budget to particular intelligence capabilities.

Question for the Record from the Committee

During the hearing on July 20, Vice Chairman Bond requested a copy of the letter that General Clapper provided to the President prior to his nomination. Chairman Feinstein agreed in the request. Please provide a copy of the letter.

As noted in a prior question, I'm not able to provide the Committee with a copy of a personal letter written in confidence to the President; however, I can say I emphasized the key points below, which are consistent with my statements in my one-on-one meetings with Members, Pre-Hearing Questionnaire, and the testimony I gave before the Intelligence Committee:

- The need to set expectations for the Intelligence Community. By that I mean that intelligence can reduce uncertainty for decisionmakers, but rarely can intelligence eliminate such uncertainty.
- The need for clarity in the roles and responsibilities of the DNI and other members of the national security and intelligence team. My view is that intelligence is an enterprise of complementary capabilities which must be synchronized. If confirmed I will lead the community as a team.

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- My conviction that the DNI has a great deal of authority already, but the challenge has been how that authority is asserted. If confirmed, I will push the envelope on this. I believe my experience in the community would serve me (and the position) well in crystallizing and buttressing that authority. I will also defend the position of the DNI.
- My professional independence and the fact that I try always to be forthright about anything I am asked.

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The following responses are provided to questions regarding my nomination as Director of National Intelligence.

(1) Do you agree to appear before the Committee here, or in other venues, when invited? yes

(2) Do you agree to send officials from the Office of the Director of National Intelligence and elsewhere in the Intelligence Community to appear before the Committee and designated staff when invited? yes

(3) Do you agree to provide documents or any other materials requested by the Committee in order for it to carry out its oversight and legislative responsibilities? yes

(4) Will you ensure that the Office of the Director of National Intelligence and officials elsewhere in the Intelligence Community provide such material to the Committee when requested? yes

(5) Do you agree to inform and fully brief, to the fullest extent possible, all Members of this Committee of intelligence activities and covert actions rather than only the Chairman and Vice Chairman? yes

James R. Clapper

James R. Clapper

23 JUL 10

Date

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PART I: Defense Intelligence

Reorganization of DIA and Defense Intelligence Activities

by Lieutenant General James R. Clapper, Jr., USAF
Director, Defense Intelligence Agency

Lieutenant General James R. Clapper, Jr., was appointed the 10th Director of the Defense Intelligence Agency on 18 November 1991, some twenty-eight years after graduating from the University of Maryland and earning his commission in the US Air Force in 1963.

After service in Vietnam he served in various assignments with the Air Force Security Service and the National Security Agency during the next twenty years. In 1985 he was selected as Assistant Chief of Staff for Intelligence, US Combined Forces Command, Korea, and subsequently served in a similar intelligence leadership capacity at Headquarters Pacific Command, Strategic Air Command, and Headquarters US Air Force.

"Gentlemen, we have no more money; now we must think."
— Ernest Rutherford, British physicist and Nobel Prize winner, 1871-1937.

Rutherford used those words in the early 1990's while addressing a poorly-funded British Government committee assigned the task of determining the feasibility of splitting the atom. Little did Baron Rutherford of Nelson know at the time, but his insightful declaration would, in many ways, define the principal challenge the U.S. defense intelligence community faces today, almost a century later.

... the Soviet paradigm has disappeared... The nation's security policy is undergoing evolutionary change under pressure of drastic military budget reductions...

Admittedly, defense intelligence is far from bankrupt. But there is no question, the nation's military intelligence community faces a daunting array of challenges requiring imaginative thinking and solutions. Community members, to their credit, are approaching these challenges mindful of the central reality of life in intelligence in the 1990's—everything we do, we do in an environment characterized by escalating consumer needs and generally declining resources.

This article characterizes both the challenge for defense intelligence, and the severely constrained resource environment in which the community is forced to operate. It also explains adjustments made or planned for community organizations and operating systems—adjustments designed to enhance military intelligence's ability to deal effectively with today's diverse threat environment.

Recalling Baron Rutherford's words, the defense intelligence community has not only begun to think; indeed, it has also begun to act in the mutual best interest of its members, the community in general, and for that matter, the nation at large.

The Post-Cold War Security Environment

In the four decades immediately following World War II, defense intelligence committed most of its time, money, and resources to responding to the threat of hostilities originating in the former Soviet Union.

As a result, large, capable, Service component and departmental intelligence organizations were created—all squarely focused on and consumed by issues related to the Soviet threat. The community's primary concerns became anticipating, monitoring, deterring, and containing Soviet aggression, and a diligent effort was made to develop appropriate

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capabilities to carry out these missions. Actually, the former Soviet Union was a simple intelligence problem, but it was one that required incredibly complex capabilities to manage.

Now the Soviet paradigm has disappeared. It evaporated when the Communist system, the Soviet Union and its client states all collapsed from within. Nonetheless, this former Soviet/Warsaw Pact threat continues to influence U.S. military thinking, planning, and activity. Together with several other key factors, it is helping define the post-Cold War security environment and has already played a major role in determining military intelligence requirements through the end of this decade.

...the Defense Intelligence Agency will lose nearly 1,000 billets by Fiscal Year 1997...

Another of these key factors influencing the American military today—one closely related to the collapse of the Soviet Union—is the significant degradation of the global nuclear threat. That's the good news. The bad news is that this same decline has facilitated a new array of potential conflicts which frustrate expectations for a new era of peace and security.

The United States now faces an international security environment marked by diverse regional crises and contingencies, many of which are being inflamed by nationalism, ethnicity, ideology, and resource scarcity.

The nation's security policy is also undergoing evolutionary change. Following the President's articulation of the national security strategy, Secretary of Defense Les Aspin recently outlined four major impediments to achieving that strategy's goals; nuclear weapons and other weapons of mass destruction, regional disputes, threats to democracy and reform, and economic issues.

A third factor increasingly influencing the roles and missions of the American military is the increasing use of multilateral organizations, such as the United Nations (UN), to resolve regional crises. Current levels of international support for UN peacekeeping efforts are unprecedented. For example, during 1990, the UN employed some 10,000 peacekeeping forces at an annual cost of approximately $819 million. Within three years, those numbers had grown almost exponentially—to more than 80,000 peacekeepers supported by an annual budget of nearly $3.6 billion.

The development—and refinement—of joint warfighting concepts has also had a significant impact on the conduct of military operations—almost as significant an impact as that made by recent technological advances. While advanced technology holds the potential to change and improve—among other things, our communications capabilities and ability to process and store data—it also has the potential to vastly complicate military operations.

A final factor influencing the U.S. military is the widespread pressure to reduce defense spending. And while we might prefer otherwise, the defense intelligence community has not been able to isolate itself from budget cuts and personnel reductions. For example, the Defense Intelligence Agency (DIA) will lose nearly 1,000 billets by Fiscal Year 1997. Throughout the General Defense Intelligence Program (GDIP), which funds most of the military intelligence resources that support joint forces and the defense acquisition community, cuts will approach 5,000 billets by FY 1997.

Projected reductions of this magnitude in the Department of Defense (DoD) have precipitated a shift in the Department's focus—from maintaining a large force in being, to establishing a capability for rapid reconstitution to deter or counter the ascendance of a rival global power. For DoD to make this shift workable, it is relying heavily on military intelligence to identify and monitor emerging threats. Such a policy places a premium on timely and accurate forecasting.

Taken together these factors define a new context for the U.S. military—one in which much of the burden of meeting the gaps certain to arise between requirements and resources falls squarely on military intelligence's ability to analyze the present and somehow "divine" the future.

The Role of Intelligence

Fortunately, despite several years of dramatic change in the international military balance, the fundamental mission of military intelligence has remained unchanged. It is still to provide unique insight to the

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operating forces, reduce uncertainty for decision makers, and project future threat environments for the systems acquisition community. As a result, the defense intelligence community has been able to concentrate lately on finding increasingly innovative ways of supporting its customers, and of providing this support more rapidly and efficiently.

Most recently, military intelligence has shifted greater attention to transforming its traditional peacetime organizations and activities into ones that more closely resemble those the community will set up and energize when it goes to war.

In all of these efforts, defense intelligence is clearly focused on the customer, of which there are three primary ones: the military operators, defense policymakers, and the force planning and modernization communities. (Chart #1)
Each requires intelligence to focus on different issues, from slightly different perspectives, and at different times. The military commander, for instance, needs comprehensive intelligence data concerning his specific battlefield in order to effectively influence warfighting decisions. Since these decisions are made in minutes—not hours or days—supporting intelligence must meet stringent time constraints.

Simultaneously, there is a need for assessments of the potential consequences and likely effects of U.S. military actions that look weeks, and sometimes months, into the future. Conversely, intelligence analysis that supports defense policymaking is required to merge reliable day-to-day reporting of global events with assessments of potential crises and conflicts in the future.

In the current international environment, defense policy depends for its effectiveness on intelligence judgments of future regional trends and the actions of governments and groups capable of affecting U.S. national interests.

Finally, military force planners rely on the military intelligence community to depict the future environment for military forces so they can develop the doctrine, strategy, and tactics that will ensure U.S. armed forces maintain an advantage against any conceivable adversary. Accurate, long-term projections of the threat environment and the probable characteristics and capabilities of weapons systems and equipment are absolutely essential to the U.S. military's equipment modernization and weapons acquisition decision process.

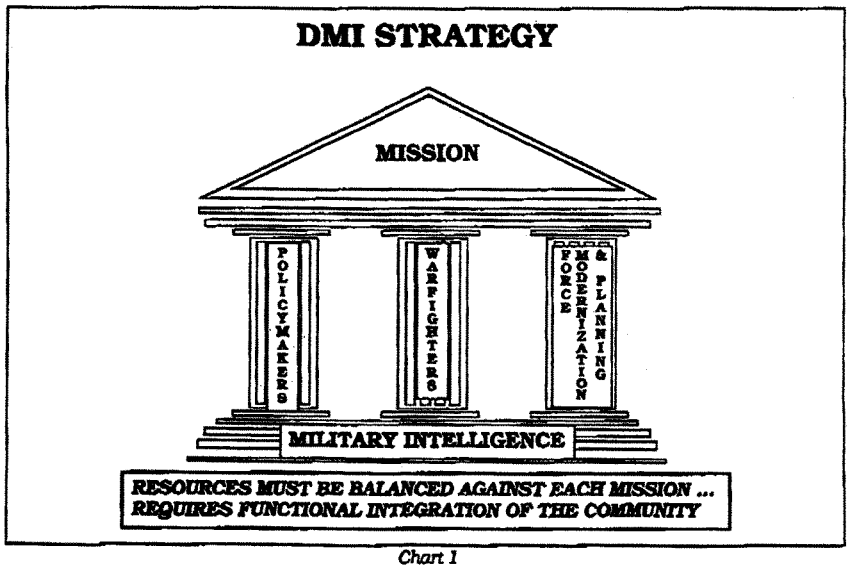

Chart 1

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In fact, as the future grows murkier and U.S. military activities expand—into greater involvement, for example, in peacekeeping and humanitarian relief operations—and the resources for weapons procurement decline, the demand for more in-depth and timely intelligence forecasts increases dramatically.

These three distinct consumer groups are demanding military intelligence do several important things:

- Organize, manage, and optimize its dwindling resource base to provide intelligence that identifies crises around the world;

- Provide encyclopedic data on the battlefield environment and the forces of allies and adversaries;

- Monitor the emergence of regional threats to U.S. interests and advise on how to minimize these threats; and

- Forecast the nature and capabilities of potential threats 15 to 20 years into the future.

Restructuring the Community

While intelligence collection and production priorities have undergone fundamental changes over the last five years, shifts of intelligence personnel and activities also have occurred. Internal realignments were the first order of business, followed by more far-reaching reorganizations within DIA and the military Services.

This evolution of military intelligence has rightly stopped short of complete consolidation. There are, after all, diverse needs that DoD, the Services and the combatant commands must consider, along with the substantial infrastructure involved. What has not stopped is the search for ways of improving the effectiveness and efficiency of all remaining intelligence assets. This is military intelligence's focus today—the substantial challenge of functionally integrating the activities of organizations throughout the defense intelligence community. I've accepted this challenge and am addressing it primarily in my ex-officio role as Director of Military Intelligence (DMI). To assist me, I have engaged the military intelligence leadership and am empowering its membership in every way possible to ensure success.

Presently, that leadership is focused on embedding a joint mentality in all operations while continuing the search for innovative ways of structuring peacetime elements and activities to smooth the eventual transition to a wartime footing. In addition, the military intelligence community is leveraging advances in automation and communications to enhance the quality of the product it supplies to customers. I believe the leadership is now working more collegially than ever before to solve common problems and improve the management of community activities.

Most importantly, the leadership is attuned to its responsibility to identify as early as possible the community's most critical missions and those essential functions that support these missions. It has also embarked on a rational, community-wide restructuring program that should ensure all essential intelligence capabilities are preserved, even during this period of across-the-board drawdowns. We learned a host of valuable lessons about the kind of intelligence customers require—and how rapidly they need it—during Operations DESERT SHIELD and DESERT STORM, as well as other, subsequent crises and contingencies.

...I am addressing the challenge of functionally integrating the activities of organizations throughout the defense intelligence community primarily in my ex-officio role as Director of Military Intelligence...

One key element in the military intelligence community's crisis management structure as it exists today is a direct outgrowth of the Pentagon-based, national-level Joint Intelligence Center (JIC) formed during the Persian Gulf War to handle the overwhelming volume of requests from field elements for intelligence data. After proving its value during the war, DIA institutionalized the functions of this **National Military Joint Intelligence Center (NMJIC)** by formally establishing it as a crisis-oriented, multi-service, multi-agency clearinghouse and tasking center for intelligence. Today, the NMJIC is the nerve center of timely intelligence support to the national-level contingency effort.

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Here, analysts and associated personnel continuously monitor international trouble spots, overseeing the formation of either specialized intelligence working groups or task forces to monitor events more intensively. As part of its inherent surge capability, the NMJIC can enlist DIA's extensive analytic expertise through activation of the Agency's Operations Intelligence Crisis Center (OICC) in the Defense Intelligence Analysis Center (DIAC) at Bolling Air Force Base. Further NMJIC expansion is possible through the augmentation of desk elements staffed full-time by representatives from agencies outside DIA, such as the National Security Agency (NSA), the Central Intelligence Agency (CIA), and the intelligence arms of the Services.

...the NMJIC is the nerve center of timely intelligence support to national contingency efforts. Systems like JWICS and JDISS allow almost instantaneous support to operating forces...

The consolidation of theater intelligence assets into JICs at the major combatant commands complemented and reinforced this arrangement in the Pentagon. Through these field intelligence nodes, analysts at all levels supply detailed assessments regarding priority targets. Interest within them is a full-time capability to monitor events throughout a Command area.

The Joint Worldwide Intelligence Communications System (JWICS) gives the community the capability to provide these JICs with the fused intelligence required for theater battle management. A companion system to JWICS, the Joint Deployable Intelligence Support System (JDISS), allows the JIC to pass this fused intelligence further along the chain of command to subordinate tactical units.

The JWICS—a Sensitive Compartmented Information (SCI)-secure, high-capacity, multi-media, communications system—features a diversity of capabilities, from secure video and audio for video telecasting and teleconferencing, to collaborative electronic publishing and the electronic distribution of finished intelligence, reference imagery, maps, and geodetic materials. Presently, JWICS carries DIA's daily, classified intelligence updates over the Defense Intelligence Network (DIN), a system some have dubbed the "classified CNN."

The JDISS is a deployable system that serves as an interface between the national and theater intelligence centers and the subordinate tactical commands, one that extends the reach of the national-level intelligence community down to the tactical level, and vice versa.

Since its baptism under fire during Operation SOUTHERN WATCH (allied effort to prevent Iraq from conducting air operations against that country's Shia minority in the south), JWICS has become an essential cog in the wheel of intelligence support. During SOUTHERN WATCH-related strike operations in Iraq, the system provided exceptional mission planning support and some of the best battle damage assessment ever. JWICS continues to contribute significantly to U.S. and allied efforts in the Balkans, Somalia, and elsewhere. The possibilities—for analyst-to-analyst and national-to-the-tactical-level communications—are endless.

Systems like JWICS and JDISS enable us to treat intelligence as an integrated whole. Moreover, they enhance defense intelligence's ability to produce intelligence support products and provide them almost instantaneously to operating forces at virtually any location for immediate application on the battlefield.

In addition to developing and perfecting these high-technology solutions to intelligence problems, the military intelligence community is working hard to further improve its corresponding organizational structure and processes.

The DIA Reorganization

Within DIA, we recently completed the most profound reorganization in the Agency's 32-year history by creating a "new-look" agency built on the traditional intelligence pillars of collection, production and infrastructure. Moreover, we designed this structure to serve as an institutional model for closer functional integration of all military intelligence activities.

As part of the DIA reorganization, we sought to drive authority down the management chain to the lowest level, and shifted the Agency's previous analytic orientation from a regional to a functional basis.

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The restructuring also cut supervisors by 169, or approximately 30 percent, and reduced burdensome layering across the Agency. DIA's high-grade structure is being reduced as well—DIA's Senior Executive Service (SES) corps will shrink by 17.5 percent, GG-15's, by 20 percent; and GG-14's, by 17 percent. In addition, of significance, 45 percent of DIA's SES members shifted to new jobs during the restructuring.

The Agency is feeling the effects of recent Service-related reductions as well, and stands to lose approximately 25 percent of its uniformed force. The restructuring, however, will enable DIA to lessen the impact of these cuts. To overcome them, we've instituted a more-efficient, functional approach to analysis and will be dependent on the Service production organizations and the JICs for substantial military intelligence production.

Five of DIA's previous nine directorate-size elements, plus several other subordinate offices, were merged to create three major centers: the National Military Intelligence Collection Center (**NMICC**), the Production Center (**NMIPC**) and the Systems Center (**NMISC**). (Chart #2) Besides their internal roles, these centers functionally manage intelligence efforts throughout the entire military intelligence community. They perform the following critical functions:

- COLLECTION CENTER:

— Manages all-source intelligence collection for DoD;

— Acquires and applies collection resources to satisfy current and future DoD requirements;

— Manages the Defense Department's Human Resource Intelligence (HUMINT) and Measurement and Signature Intelligence (MASINT) programs; and

— Controls the Defense Attaché System (DAS), with military attaches stationed in some 100 countries around the world.

- PRODUCTION CENTER:

— Produces, or manages the production of military intelligence to satisfy the needs of DoD and non-DoD agencies;

— Among other tasks, produces all-source, finished intelligence concerning trans-national military threats, regional defense, combat support issues, the weaponry, doctrine and combat capabilities of foreign militaries, foreign military-related medical advances, and foreign nuclear, chemical and biological weapons developments;

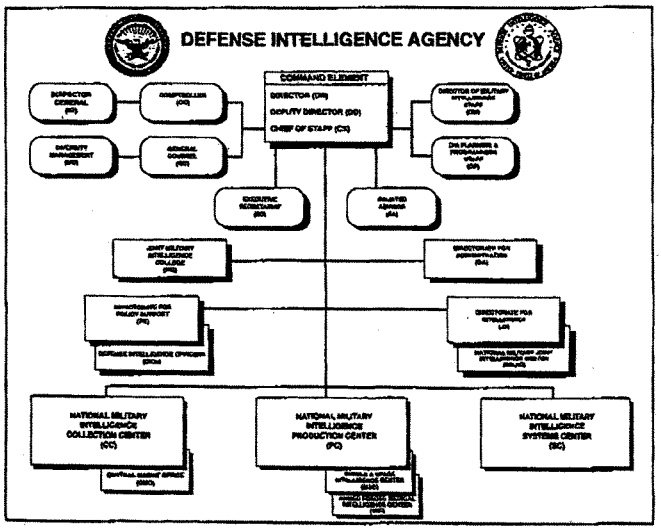

Chart 2

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— The Missile and Space Intelligence Center in Huntsville, Alabama, and the Armed Forces Medical Intelligence Center at Fort Detrick, Maryland, are now part of DIA, and within DIA, are part of this Center.

- SYSTEMS CENTER:

— Serves as the computer and automated data processing (ADP) nerve center for DIA;

— Provides information services and related support to DIA and other agencies in the national Intelligence Community, including ADP support, communications engineering and maintenance, information systems security, imagery and photo processing, and the publication and dissemination of intelligence reference products.

Integration Through the MIB

The Military Intelligence Board (MIB)—in effect, the military intelligence community's corporate board of directors—has been invaluable during these restructuring efforts.

The DIA Director serves as MIB chairman and sets the agenda for this body composed of the Service intelligence chiefs, the JCS/J2, the Deputy Assistant Secretary of Defense for Intelligence from the office of the Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASD/C3I), the Director for Operations at NSA, and other principal DoD intelligence officials.

The MIB, which played a critical role in fostering greater cooperations within the military intelligence community during the Persian Gulf War, now meets weekly. It is the principal forum through which senior community leaders oversee program development, review integrated programs and budgets, resolve programmatic issues of mutual concern, and deal with substantive intelligence matters.

As Director of Military Intelligence, I envision empowering the Service intelligence chiefs as Deputy Directors of Military Intelligence and authorizing them to assist in managing military intelligence as an integrated community.

All of these recent reorganization initiatives are aimed at improving the flow of intelligence to the community's customers, particularly the warfighting commands. Under this new military intelligence construct (see Chart #3), data will no longer bypass the unified commands in reaching specific field

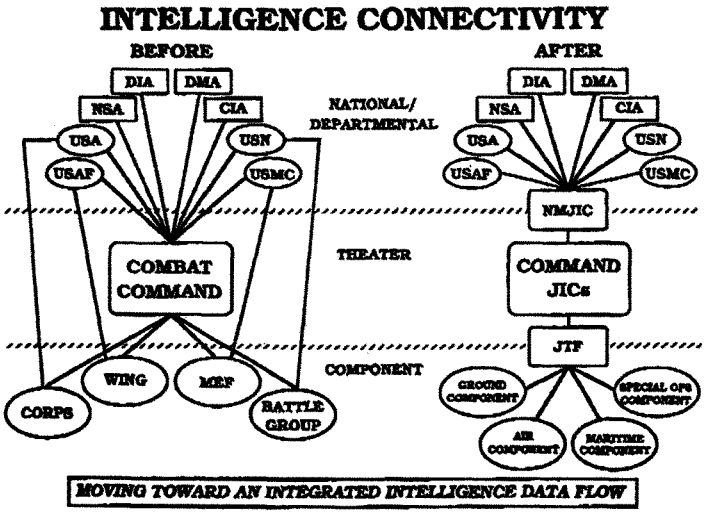

Chart 3

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elements. Data funneled through the NMJIC will instead flow through the unified command JICs to deployed Joint Task Forces (JTF). As part of the emerging joint command concept, these JTFs will have as subordinate elements not Army, Marine Corps, Air Force and Navy components, but generic ground, air, maritime, and Special Operations components.

In conclusion, many of these new military intelligence support concepts involve the exploration of uncharted waters. No question, matching the community's support mechanisms and revamped organizations with the joint structures now being developed, and then fitting in military intelligence's high-tech, performance-enhancing "doo-dads," presents a significant challenge. But it's one we must meet, and in reality, differs little from other recent challenges with which we've dealt successfully.

Our approach has been to return to the basics of intelligence and fundamentally change our ways for the better, while still remaining flexible and open-minded. Baron Rutherford's message was to think and, implicitly, to develop "innovation-rich" alternatives in a "resource-poor" environment.

We're doing that, and I'm encouraged by the many beneficial changes we've put in place already throughout military intelligence. I'm also extremely optimistic about this vibrant community's future prospects; it will be even more relevant, vital, and needed as it helps chart new courses in this uncertain new world.

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THE NEWLY REVIVED NATIONAL IMAGERY AND MAPPING AGENCY: GEOSPATIAL IMAGERY & INTELLIGENCE IN 2002 AND BEYOND

by James R. Clapper, Jr.
Lieutenant General, USAF (Retired), Director, NIMA

James R. Clapper, Jr., is the first civilian Director of the National Imagery and Mapping Agency (NIMA). He retired as a Lieutenant General from the US Air Force in 1995 after a 32-year career. Prior to NIMA he was VP and Director of Intelligence Programs at SRA International. Director Clapper's last military assignment was as Director of the Defense Intelligence Agency (DIA).

CREATION

The National Imagery and Mapping Agency (NIMA) stood up as the newest member of the Intelligence Community on 1 October, 1996. By a coincidence of time and place, I was Director of the Defense Intelligence Agency and participated in discussions on the future of imagery, discussions that led to the creation of NIMA. Initially, it was not at all certain that there was a need for a linkage between mapping and imagery, that the two technologies could sensibly be merged. It did not take long to demonstrate that the creation of this new intelligence agency was not only a good idea, it was likely overdue. I knew that NIMA could play a huge role because of the variety of products and services that its predecessors have traditionally delivered.

Just as the Central Intelligence Agency and the National Security Agency were responses to Soviet Communism, the birth of NIMA may be said to anticipate the needs of the new century, and the accelerating – and asymmetrical – engagements in the world that has developed following the Cold War.

At the start, eight organizations came together to create the new organization. By far the largest of these was the Defense Mapping Agency (DMA), a de facto intelligence agency in its own right, and with a remarkable lineage dating to its service as the Army Map Service and comparable institutions in the Navy and Air Force. Also in the mix were the Central Imagery Office, the Defense Dissemination Program Office, and the National Photographic Interpretation Center in their entirety; and imagery exploitation, dissemination and processing elements of the Defense Intelligence Agency, the National Reconnaissance Office, Defense Airborne Reconnaissance Office, and the Central Intelligence Agency. The Latin motto in our logo is inclusive of all of our principal disciplines. The translation is Timely-Accurate-Precise, core terms in our three primary occupations of imagery analysis, mapping and targeting.

We are also a Department of Defense (DoD) Combat Support Agency. Our mission supports national security objectives by providing geospatial intelligence in all its forms, and from whatever source—imagery, imagery intelligence, and cartographic data and information—to ensure the knowledge foundation for planning, decision, and action. We use the relatively unfamiliar word geospatial because it is a better description of 21st century imagery collection and mapping methods, manufacturing, and related information gathering.

Those whom we serve—the White House, Congress, policy community, military commanders, law enforcement officials, and civil leaders—require reliable information with a geospatial foundation as the common denominator. This information must be timely, accurate, current,

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detailed, easily accessible, and, in relative terms, affordable.

OPERATION

The attacks of September 11, 2001 profoundly changed the United States and our perception of what we now soberly understand is our "national security." Our immediate response to the crisis accelerated the enormous changes already underway in the Agency. We can now "see" with ever-clearer precision the vectors we must pursue—and now recognize that we must do so ever more aggressively.

Our superb team of government and contractor people are uniquely postured to foster integration of intelligence because the data bases for which we serve as steward provide the visualization and analytical framework to enable informed, timely decision-making. For us, this means capitalizing on all forms of what we have traditionally categorized as imagery, imagery intelligence, and geospatial data and information, which we now call Geospatial Intelligence. The new term signals our new vision: Know the Earth...Show the Way.

Our work force is heavily populated by experts in fields such as cartography and photogrammetry, imagery analysis, geospatial analysis, the physical sciences, computer and telecommunication engineering—and geodesy. Our work includes coordinating imagery collection, processing, exploitation and dissemination requirements among Defense components, throughout the Intelligence Community, the National Security Council, and a litany of customers from other federal agencies and departments. Our headquarters is in Bethesda, Maryland, with major facilities in Washington, D.C.; Reston, Virginia; Fort Belvoir, Virginia; and St. Louis, Missouri. In addition, our detachments and teams operate worldwide, most especially including major military commands. We are a global enterprise, by any measure.

Our tasks encompass products and information used to support international diplomacy, the individual military departments and warfighters, civil emergencies, treaty negotiations, and monitoring national counter-narcotics and counter-terrorism activities, peacekeeping operations, and humanitarian relief efforts. Since 9/11, we added homeland security to our list of tasks. The blend of geospatial and imagery products result in an amazing variety of services. One of our legacy organizations, DMA, featured in the inter-entity boundary negotiations with the former Yugoslavia, during the Peace Accords process in Dayton, Ohio, in 1995.

NIMA assisted Ecuador and Peru to settle a boundary dispute that had percolated between the two countries for about half a century. In Europe, when the Elbe River floods resulted in great loss of property we helped the Polish government delineate the stricken area, to aid in damage assessment and restoration efforts. Similar visualization support of a region hard-hit by natural disaster was provided to Japan after the Kyoto earthquakes; following large oil spills off the Galapagos Islands; catastrophic mud slides from hurricane damage in Central America, and monitoring the spread of forest fires in Borneo, for environmental concerns. In these samples, the product blended imagery with mapping techniques to create a highly accurate visualization of the affected areas.

In support of strike operations we gave our pilots based at Aviano, Italy, the means to pre-fly each mission in exacting terrain-visualized detail, right to their designated targets in the Balkans. This was a first in combat aviation history. We supported Operation Desert Fox and Operation Allied Cause with substantial quantities of imagery products for Allied air crews. And we share in no small measure in the successes of recent anti-terrorist operations in Afghanistan.

NIMA's blend of geospatial and imagery products result in an amazing variety of services, from support of war operations to diplomacy, and from counter-terrorism to humanitarian relief efforts...

For sailors, our Digital Nautical Chart most certainly ranks among the most innovative developments in safe navigation at sea since a Chinese mariner magnetized a needle to produce the first, rough compass countless years ago. For the protection of VIPs, our support includes products for the Presidential Inauguration and the Pope's visit to St. Louis, Missouri. We also assisted with assessing the catastrophic damage to Lower Manhattan after the collapse of the twin towers of the World Trade Center.

We helped with security for the Winter Olympics in Salt Lake City, Utah. A cadre of our analysts equipped with a tailor-made geographic information system (GIS) that integrates near real-time imagery, deployed in late January to aid decision-makers in the Olympics Intelligence Center. High-end workstations were also used to provide support, reflecting an escalation of the demand for the kind of information we provide. Under the auspices of the Homeland Security Customer Support Division, our

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Olympics Support Team deployed as members of the first National Intelligence Support Team to operate in the continental United States. The request for our participation came through the FBI, the lead federal agency at the Olympics.

NIMA Olympics team members work with the Norfolk, Virginia-based Joint Forces Command, the Department of Transportation, the National Forest Service, and state and local law enforcement authorities, among others. Their primary mission is to support counter- terrorism.

NIMA recently realigned its organizational structure to enhance its ability to achieve a set of strategic goals...

One of the most historic projects undertaken by NIMA was a partnership with NASA, to measure the Earth – the Shuttle Radar Topography Mission (SRTM), flown aboard the Space Shuttle Endeavor February 11-22, 2000. The mission payload used modified versions of the same instruments that comprised the Space Shuttle Imaging Radar-C/X-Band Synthetic Aperture Radar that flew twice on Endeavor in 1994.

Digital elevation-model data, sampled at an interval of one measurement every 30 meters (98 feet), are now available to selected science investigators, with 90-meter (295-foot) sample imagery available to the general public. Initial processing by the Jet Propulsion Laboratory, Pasadena, California, and distribution of validated U.S. digital topographic data, will continue on a regular basis, with completion expected this spring. At that point, the product comes to us for 'finishing'.

The mission collected 3-D measurements of Earth's land surface using radar interferometry, which compares two radar images taken at slightly different locations to obtain elevation or surface-change information. To collect the data, engineers added a 60-meter (197-foot) mast, installed additional C-band and X-band antennas, and improved tracking and navigation devices.

When completed later this year, more than 12 terabytes of data encompassing nearly one trillion measurements will have been processed, representing 80 percent of Earth's land mass between 60 degrees north and 56 degrees south of the equator. The areas mapped are home to approximately 95 percent of the world's population. As a 'gee-whiz' statistic, the number of terabytes of collected SRTM measurements is roughly equal to all the information stored in the Library of Congress.

The mission literally captured a snapshot of the Earth's surface at the beginning of the 21st century that will be of tremendous value for years to come. The data will provide our customers a revolutionary leap forward in imaging information. The maps produced from the mission will be among the most valuable, universally beneficial data ever produced by a science mission. National and local government organizations, scientists, commercial enterprises and civilians alike will find the data useful for applications as diverse as earthquake studies, flood control, transportation and urban planning, enhanced ground-collision warning systems for aircraft and better placement of cell phone towers.

The SRTM supports NASA's Earth Science Enterprise, Washington, a long-term research and technology program designed to examine Earth's land, oceans, atmosphere, ice and life as a total integrated system.

From our beginning as a new Agency we focused on our customers. At the risk of hyperbole, we are the world's most formidable provider of geospatial intelligence – the analysis and visual representation of security-related activities on the Earth. We strive mightily to ensure that decision-makers and warfighters are able to visualize the world in near-real time by enabling them to understand and use a mix of geospatial intelligence to accomplish their mission.

TRANSFORMATION

Our hallmark theme is transformation. We have undergone considerable change in our short existence.

Most recently, NIMA aligned its organizational structure to better support our mission, vision, core values, and intent and defined a set of strategic goals. Our central, underlying organizing principle—prompted by the 9/11 crisis, and rapidly implemented early in its midst—is designed to foster this transformation. It acknowledges our three major mission imperatives, which we will execute simultaneously:

First and foremost, we must now and always respond to analysis and production demands—in what we recognize is a perpetual state of crisis. We call this the "NOW," which means meeting current obligations to our demanding, myriad client base.

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The "NEXT" is management of a series of complex and costly acquisitions. We must champion and complete a set of major investments in order to move us to the next level of the National System for Geospatial Intelligence (NSGI). This may seem like an obvious thing to do, but I remember when it was not so simple. One of the early questions in NIMA's formation was "What's your investment strategy for 2010?" And our then-deputy promptly answered, "Our investment strategy is that everyone gets paid this week."

And the "AFTER NEXT," by which we mean to try to anticipate the future. Our trajectory is designed to strengthen the organizational structure and take it well into the 21st century. We must forge the "AFTER NEXT" environment by constantly driving future technical trends and applying them to operational needs, inserting technology rapidly, and providing relevant Geospatial Intelligence, services, and solutions.

"NOW" responds to analysis and production demands. Our customers' interests include protecting national security, combating the threat of terrorism, implementing national policy, responding to natural disasters, and countering illegal drug trafficking. To be successful, they require Geospatial Intelligence tailored to meet highly specific needs, delivered faster and cheaper, in an easily understood format. We will meet these needs by continually adapting analysis and production, our business practices, and our technology. Our global foundation databases, Earth-referenced and time-stamped, support this aim through an evolving state of national security. The databases include land-based, aeronautical, and hydrographic navigation information.

NIMA's goal is to provide timely, relevant, accurate, predictive and actionable geospatial intelligence...

We customize for each client. By combining an understanding of global issues with in-depth knowledge of customer missions, analysts will correlate tailored Geospatial Intelligence to provide the foundation for planning, decision, and action. Other intelligence information will be overlaid, as necessary.

We manage this data-rich environment by creating a digital information network. We will populate our databases and exploit all available Earth-derived, space-based, and airborne data, including "exotic" forms of spectral imagery. These data will incorporate appropriate standards to ensure interoperability. Additionally, we will certify the lineage, integrity, and quality of the information and facilitate direct customer access. The information will be readily shared through a common, digital, geospatially referenced framework and analyzed by professionals.

The investments of the "NEXT" level of the National System for Geospatial Intelligence (NSGI) provides the knowledge foundation for planning, decision, and action. To make it work, we intend to migrate to an all-digital environment. The transformation includes seamless libraries, collaborative exploitation, automated generation of information, a robust communications infrastructure, and community collection and information management in a multi-intelligence environment that supports the intelligence cycle.

Further, we will ensure NSGI information interoperability in a collaborative, multi-source environment. Interoperability is key. Defining, implementing, and managing the NSGI architecture is the first step. We will lead in defining the interfaces and standards to speed discovery, retrieval, and exploitation of information. Standards adopted in concert with the Department of Defense and the Intelligence Community will be universally applicable.

"NEXT" also includes improvements in acquisition, contract management, and systems engineering processes. Transition to an all-digital, interoperable environment requires smart, disciplined processes.

"AFTER NEXT" strives to invent the future, not react to it. In order to remain relevant to customer needs we are defining a path that culminates in long-term solutions to worldwide issues, while also attempting to guide strategic direction for an unknown, threat environment. We must try to forecast changes to the operating environment, and realign investments accordingly.

To that end, we promote a vigorous Research and Development (R&D) program by directing seven percent of our total budget to this end. We are also forming strategic partnerships with our Intelligence Community counterparts, with the purpose of leading the design of integrated, national and commercial space-based and airborne imagery architectures.

The temporal dimensions of "NOW," "NEXT," and "AFTER NEXT"—are intentionally instituted to facilitate our transformation. It is simple, timeless, and agile, and it governs our organizational structure, program and financial approach, the conduct of our mission, and how we manage our workforce. It applies to us as a corporate

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enterprise as well the broader National System for Geospatial Intelligence (NSGI) it leads as Functional Manager.

ORGANIZATION

Finally, the 'dry-as-dust' but pivotal organizational structure. Simply, we sharpen and trim. There are three line organizations:

(1) the Analysis and Production Directorate that brings information-gathering branches together, provides geospatial intelligence, products and services to all our customers, and supports global issues and homeland security. This organization represents the "NOW."

(2) The Acquisition Directorate, with its focus on acquisitions of systems and technology. This represents the "NEXT" and

(3), the InnoVision Directorate, the "AFTER NEXT" – where future forecasting is the aim, where we attempt to describe needs in the years to come, and where we establish plans to align resources, provide technology and process solutions.

Five directorates, termed "enablers," provide Agency-wide support: Financial Management; Human Resources; Information Services; Security and Installation Operations; and the Training and Doctrine. The helm is vested in a lean Executive Committee which consists of my deputy, an Executive Director, a Technical Director and myself. I focus externally. The deputy attends to the day-to-day running of the Agency, and also serves as the Chief Operating Officer and Director of National Support. The Executive Director – who is also the Director of Military Support – implements policy, and programmatic and operational decisions. The Technical Director is the senior advisor for commercial outreach and outsourcing strategy.

SUMMATION

Our goals focus on the heart of our customers needs—timely, relevant, accurate, predictive, and actionable Geospatial Intelligence. We continue to energetically chart the course for information and decision superiority. The Nation depends on us for it. Customers demand it of us. Our tradition of excellence assures it.

EDITOR'S NOTE

Eric Berryman, Ph.D., member of the NIMA Public Affairs Staff, drafted this article. Dr. Berryman will join the American Intelligence Journal as an Associate Editor.

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Desert War Was Crucible For Intelli

Stovepipe systems are being capped, and interoperability gains added attention.

By MGen. James R. Clapper Jr., USAF

Desert Storm not only proved to be a dramatically decisive military operation, but it also served as a crucible for systems that collect, analyze, fuse and disseminate intelligence. The successes and pitfalls of the war in Southwest Asia will shape the way the U.S. Air Force does business for years to come.

Successful Air Force operations depend on the knowledge of enemy force capabilities, dispositions, intentions and operations as well as the battlefield environment. This requirement is the basis of the primary Air Force intelligence mission, which will provide information and intelligence on foreign military and military related capabilities, intentions and operations. The mission also will support commanders and staff, those responsible for developing and implementing national security policy and structuring and employing military forces.

The methods and capabilities for providing intelligence to users significantly have improved during the last 20 years, and senior Air Force officials believe this trend will continue.

Stovepipe Systems

In the past, intelligence organizations have been characterized by a proliferation of stovepipe collection, processing and analysis organizations. Stovepipe is a term given to vertical organizations that collect, process, analyze and disseminate one category of intelligence without integrating other types of intelligence into the final product.

Another characteristic of the past has been the proliferation of command-unique intelligence organizations and systems. For example, a variety of secondary imagery systems are scattered throughout theater commands that are not interoperable. As a result, the intelligence community has difficulty providing an integrated all-source product tailored to users' needs.

Another limitation to timely dissemination of intelligence is the lack of robust communication networks to a wide range of consumers from the national to the tactical level. The Air Force's ability to provide intelligence support to the operators has, for the most part, been a manual process. For years, wing and squadron intelligence organizations have been plotting order of battle updates on maps with grease pencils.

When operations Desert Shield and Desert Storm began, many intelligence systems, in various states of development, were thrust onto center stage. Air Force intelligence personnel at Central Command Air Force (CENTAF) in Saudi Arabia were forced to bring together a number of different systems into an architecture that would provide the operators with a timely, fused product. In order to do this, a variety of collection assets were employed from the national to the theater level. Once the information was collected, some of it was processed and analyzed at intelligence centers in the United States, and some of it was done in-theater at the joint intelligence center and component command intelligence organizations.

Intelligence Systems

Two developmental unit-level systems called upon to do this force-level job were Constant Source and Sentinel Byte (*SIGNAL*, September 1990, page 46). Constant Source provided near real-time multisource signals intelligence, while Sentinel Byte provided a reference source for air and missile orders of battle. Together, they supplied tactical air situation updates. Customers included Air Force, Marine and Navy flying units, as well as special operations units and Army Patriot missile batteries.

The dissemination of intelligence

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PHOTOGRAPHY BY JACK W. SYKES

Pilots flying the Northrop B-2 stealth bomber will receive intelligence updates during missions to locate command and control and mobile missile targets. A simulated mission is being conducted in this B-2 cockpit mock-up.

information was accomplished primarily in two ways. One method was via an in-theater backbone tri-service tactical communications (TRI-TAC) network, using the secure telephone unit (STU)-III and the KY-68 for encryption. This was how the Sentinel Byte at force-level passed order of battle data to the Sentinel Bytes at unit-level.

The second method was by broadcasting intelligence updates to wings and squadrons directly from the collector or its associated ground processing facility. Constant Source and tactical information broadcast service were two systems used to receive these broadcasts.

At the unit level, the Air Force used Sentinel Byte to receive the order of battle data base from its force level counterpart, to pull together other pieces of the intelligence picture and to provide the mission planners with both a graphic depiction of the threat and the data necessary to support automated mission planning. Operators used the tactical digital facsimile to send and receive imagery—originating stateside and in-theater—for pre-mission planning and post-mission analysis.

Overall, the Air Force was able to provide timely, quality intelligence support to the flying units prosecuting the war. As with all functional areas, however, a number of lessons learned exist that will color the way the Air Force intelligence does business in the future. The Air Force did not have a well integrated architecture for intelligence operations throughout its Desert Storm units. Some of these intelligence units used one kind of hardware to process and disseminate intelligence, while others used something different.

Some units were familiar with using computer-based data, while others still primarily used hard copy reports. It is no surprise, then, that many of the units had trouble coordinating and passing data efficiently. An overall concept of operations and associated systems architecture will help ensure a common baseline of intelligence systems that meet the interoperability, timeliness and information requirements of combat operations.

One area where the Air Force suffered from an overabundance of different systems was imagery dissemination. More than a dozen secondary imagery systems supported headquarters U.S. Central Command and its components during the conflict. Very few of these were compatible because they were not equipped with the national imagery transmission format or common communications protocols. The resulting hodgepodge of systems injected time delays into distribution of time-critical imagery and imagery derived intelligence. Air Force intelligence needs to ensure standardization of secondary imagery transmission systems not only for the Air Force but also for all services.

Tactical Reconnaissance

Tactical reconnaissance demonstrated it had an important role to play in the combat planning cycle. The tempo of future operations is expected to dictate more timely receipt of tactical reconnaissance data. Film processing techniques used by the RF-4C cannot meet this need, so the follow-on tactical reconnaissance system is being developed to take advantage of today's technology.

Another lesson learned is that the CENTAF intelligence staff had difficulty sending and receiving intelligence data essential to development of the air situation assessment and targets. This was primarily because of the limited enemy situation correlation element, a system designed to

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receive and fuse large amounts of raw data into a coherent picture of the battlefield. This and other experiences demonstrated that the air component intelligence staff must have direct access to secure intratheater data communications capable of supporting simultaneous transmission of order of battle, threat and target data from the component command's intelligence nodes to all units.

At the unit level, dial-up, point-to-point communications equipment was not totally satisfactory for the job because of time delays in moving information. Twice daily during the war, intelligence personnel electronically transmitted data files sequentially to each of the 30-plus units in-theater. This process, which took four hours under ideal conditions, must be improved for future operations. Communications will continue to be a priority for Air Force intelligence.

When Air Force intelligence was assessing the capabilities of enemy units during hostilities, the reports tended to reflect the amount of equipment destroyed without assessing the impact on enemy combat effectiveness. A commander is vitally interested in the current combat effectiveness of the enemy force, which is more than a simple count of equipment damaged or destroyed. This process will be improved by ensuring development of standardized methodologies and automation tools that assess battle damage against desired objectives of the commander. This shortcoming is not new and becomes apparent after every major conflict. It is an area that is not amenable to peacetime training.

Pushing And Pulling

During Desert Storm the flow of intelligence largely followed the traditional "push" system. This means tactical flying units primarily received intelligence data when the air component headquarters pushed information downstream that it believed the units needed. Air Force intelligence now is in the process of changing this system. This is not only because of the experiences of Desert Storm but also because of the changing threat, budgetary constraints and advances in communications and information systems technology. There also is an increasing appetite for greater amounts of detailed intelligence—smart weapons and in-flight cockpit updates.

Air Force intelligence is creating a "pull" system for the flow of future Air Force theater intelligence to supplement the "push" system. The dissemination of collected, processed and analyzed data will be more widespread and timely. More onboard collector processing and broadcast systems will send the data out to consumers in near real time from both collector and all-source organizations.

When data needs to be analyzed, Air Force intelligence will use all-source intelligence organizations composed of experienced analytical and targeting personnel who are directly connected to units being supported. They will use standard automated systems that are integrated with command and control as well as mission planning and rehearsal systems. Intelligence personnel then will have the capability to access theater and/or national imagery and textual data from a variety of intelligence centers.

Deployable Assets

Deployable communications and automated data processing systems also will be key elements for force-level intelligence organizations. This robust capability will permit Air Force intelligence to execute operations anywhere in the world. The

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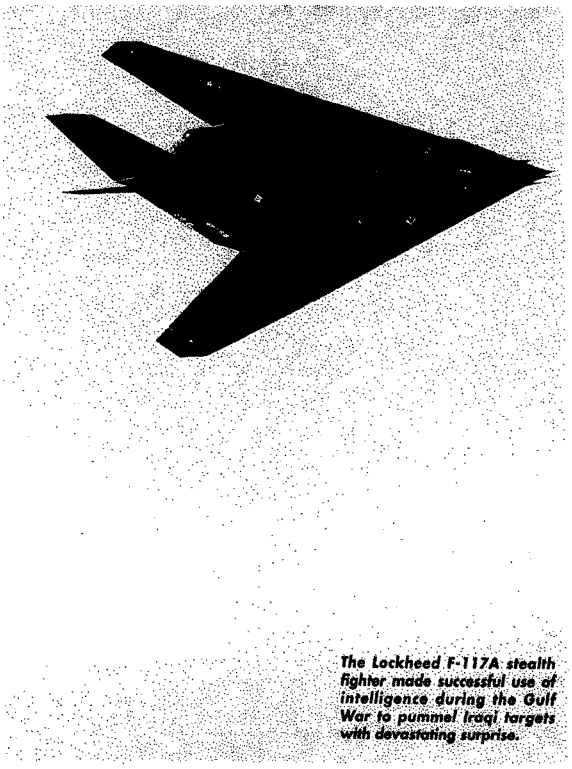

The Lockheed F-117A stealth fighter made successful use of intelligence during the Gulf War to pummel Iraqi targets with devastating surprise.

objective is for intelligence to be a key part of an integrated command and control system, supported by communications and focused on the effective and efficient application of air power.

One of the programs that will help Air Force intelligence achieve this objective is the tactical Air Force linked operations/intelligence centers Europe capability, or TAFLC. Despite the connotation of having the word "Europe" in the title, this program includes Pacific Air Forces operating locations as well those responsible for operating in and around the European theater. TAFLC is based on the tactical forces' need to exploit time-sensitive, high-volume, multisensor information rapidly. As collection means and communications improve, the ability to process the raw data manually is falling behind the requirement for an effective operational response.

While the commander never will operate on a basis of absolute certainty, more timely analyzed data will reduce the uncertainty to more tolerable levels. The objective of the TAFLC program is to field a baseline capability to provide intelligence and operations personnel with the precise location of an opposing force structure and graphic display of the ground situation through correlation and aggregation of all-source intelligence.

Common View

Additionally, the program will be interoperable with the Army's all-source analysis system, thus supporting Air Force intelligence's goal of providing systems that give a common view of the battlefield. TAFLC also will supply users with a common capability consistent with Air Force plans for upgrades in the intelligence data handling system (IDHS).

The data handling system is composed of processing systems used to analyze, process and disseminate vast amounts of intelligence coming into national, theater, component and unit organizations. At the national level, the system processes data used to perform strategic warning, develop the single integrated operational plan and construct data bases used by the Defense Intelligence Agency. At the theater or component level, the system provides intelligence used for indications and warning, situation and threat assessments, target development and weapons selection as well as reprogramming of electronic warfare assets. At the unit level, this system provides targeting information, threat alerts and current air defense situations. It will continue to evolve because of advances in technology and increasing demands for more effective information processing.

Air Force intelligence will head into the future with five concepts. Customers will have "one button to press" to get the information they need. All-source intelligence organizations will provide tailored organic support to the force level and below. intelligence units will have a demand or "pull" system that will filter data. Air Force intelligence will operate standard and deployable systems. Finally, Air Force intelligence will be able to deliver near real-time intelligence to mission planners as well as directly into the cockpit.

These strategies mean that Air Force intelligence must be flexible and have the capability to provide more timely and effective support to the operators as they organize and plan to execute the Air Force's concept of "global reach, global power."

Air Force intelligence must support a commander responsible for planning and execution, a commander who may be working with mission orders that assign objectives to a unit rather than to specific targets and one whose assets will be highly trained and rapidly deployable. As a result, Air Force planners believe that intelligence and operations will work together to meet the requirements of a new national military strategy by improving rapid force projection.

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MGen. James R. Clapper Jr., USAF, is director, Defense Intelligence Agency and former assistant chief of staff, intelligence, headquarters U.S. Air Force. He is a member of AFCEA's Washington, D.C., Chapter.

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are followed by analyses of the new tasks faced by defense intelligence from a Defense Department perspective by Captain Larry Seaquist, USN. Captain William Walls, USN and Major Lynwood Metts, USAF (US Pacific Command) and Ed Guam (US European Command) define their Command's responses to their intelligence challenges. The issue also deals with important substantive issues with essays on tactical intelligence by former Director of Central Intelligence William Colby and indications and warning by Russell Swenson.

Subsequent issues of the *DIJ* will deal with important substantive themes such as *Ethnic Conflict* (fall 1992), accompanied by important contributions from practitioners and academics. We strongly encourage contributions of scholarly articles for consideration.

Each issue will also include important articles on curriculum issues as well as book reviews and intelligence-related documents. Of major interest to the *community* is a section devoted to *Community Notes* to inform Community professionals of events in the Defense Intelligence Community.

The *DIJ* is an important and bold step for the Defense Intelligence College Foundation. It represents a major contribution to the Community in its efforts to define the profession of Defense Intelligence and directly supports the Defense Intelligence College's effort to assume a central role in the academic enterprise of defense intelligence. As co-editors, we remain responsible for the content of the *DIJ*. We gratefully acknowledge the strong backing received from the Foundation's Board of Directors whose support represents their collective personal commitment to a stronger and more professionalized Defense Intelligence Community. We also acknowledge the support of an outstanding Editorial Advisory Board which provides an important sounding board and ensures the professionalism of the Journal. The *DIJ* would not have succeeded without the willingness of our inaugural issue authors to provide us with important and provocative essays. Finally, we appreciate the efforts of a small staff of extraordinarily dedicated individuals who undertook this effort on their own time, without government support or financial gain.

We believe that the *DIJ* makes an important contribution to the debate confronting the United States in the decade ahead and we look forward to your support in making the *DIJ* a success.

Defense Intelligence Journal 1(1992),3-16

Defense Intelligence Reorganization and Challenges

Lt Gen James R. Clapper, Jr., USAF

The Defense Intelligence Agency (DIA) enters its fourth decade of service to the nation facing a daunting array of challenges from all quarters of the multipolar world that has emerged over the last three years. But it faces these challenges armed with a powerful, new mandate for action conferred upon DIA in tandem by the Secretary of Defense and the US Congress.

This mandate, contained in Secretary of Defense Dick Cheney's 1991 guidance on the reorganization of defense intelligence, and in the language of the National Defense Authorization Act for FY 92/93 signed by President Bush in December 1991, acknowledges DIA as the nation's preeminent producer of military intelligence. The Secretary's plan and the Congressional language also explicitly assign DIA a significantly expanded role in the management and oversight of key Department of Defense (DoD) intelligence activities.

With these actions, DIA has gained the authority to exercise fully its founding charter, which in October 1961 called for the new DIA "to obtain unity of effort among all components of the DoD in developing military intelligence and a strengthening of the overall capacity of the DoD for the collection, production, and dissemination of intelligence information." That charter further set for DIA the objectives "of obtaining a more efficient allocation of scarce intelligence resources, more effective management of all DoD intelligence activities, and the elimination of all duplicating facilities, organizations, and tasks."

The views contained in this article are those of the author and should not be interpreted as representing the official policy of the Defense Intelligence Agency or the US Government.

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Although the words were written in 1961, DIA's charter is on-target today. The vision of that charter, more than ever, prescribes the structural and procedural changes that must be made to enable defense intelligence to meet the challenges of the 21st century.

The New World Order

Precipitating the sweeping reorganizations that defense intelligence in particular, and much of the DoD in general, is presently undergoing is the emergence of a "new world order."

There is no question today's world is fundamentally different from yesterday's. Three years ago, superpower rivalry or a bipolar balance of power characterized the world with the United States and the member countries of the North Atlantic Treaty Organization (NATO) arrayed across Western Europe in an often tense standoff against the Soviet Union and its Warsaw Pact allies. Today, following the demise of the Communist-controlled governments of Eastern Europe, the abandonment of the Warsaw Pact alliance, the collapse of the Soviet Union, and the rise of insurgency and instability, a multipolar world now exists.

As the decade of the 1980s drew to a close, the United States witnessed the precipitous decline of its long-standing, principal geopolitical adversary, and with it, more than 40 years of sustained, international Cold War tension. Richard J. Kerr, as Acting Director of the Central Intelligence Agency, described the impact of the multipolar world's creation on intelligence when he told a group of retired intelligence officers in October 1991: "Life was simpler when the Soviet threat was greater. We had an enemy that we understood. Now, US intelligence faces a country-by-country reassessment of American interests, a task complicated by the emergence of ethnic and indigenous strife in areas once gripped by East-West tension."

Now is not the time to dismantle, or to degrade measurably, our national intelligence apparatus. Senior policymakers recognize the criticality of intelligence. In 1955, six years before DIA's establishment, a commission headed by former President Herbert Hoover published a report on the country's defense posture that said: "In a troubled world where so many forces and ideologies work at cross purposes, the fate of the nation may well rest on accurate and complete intelligence data."

More than 35 years later, in November 1991, President George Bush said at the swearing-in ceremony for Robert Gates as Director of Central Intelligence (DCI): "Our world without the Cold War confrontation is a safer world, but it is no Garden of Eden, [and] intelligence remains our basic national instrument for anticipating danger, [be it] military, political [or] economic. Intelligence is and always will be our first line of defense."

New Challenges

Along this "first line of defense," intelligence will likely encounter challenges that differ substantially from those associated with the Cold War standoff. At DIA, we anticipate that international relations during the remainder of this century will be heavily influenced by transnational issues such as weapons proliferation, narcotics trafficking, terrorism, insurgency, economic insolvency, arms control and monitoring activities, as well as various manifestations of low-intensity conflict.

This is not to say intelligence interest in the former Soviet Union has disappeared, or that it will vanish soon. To the contrary, despite tremendous internal political and economic upheaval, the former USSR retains a robust strategic nuclear force. Defense intelligence cannot afford to lose sight of these strategic capabilities.

Mr. Gates, the new DCI, reaffirmed this in early December of last year when, in his first public address following his confirmation, he announced "an unprecedented effort to gather information from throughout the lands of the former Soviet Union to reassess the political, economic, social and military reality" of that region of the world. In addition, he revealed the Intelligence Community's intention to produce "an unprecedented ten national intelligence estimates on developments in what was the Soviet Union in an effort to help our policymakers understand what is happening there and what may happen, especially in coming months."

Mr. Gates also noted the determination of intelligence agencies to concentrate on "other challenges to peace, to international order and, thus, to us," emanating from "beyond the borders of Russia and the newly sovereign republics." He was referring, of course, to those transnational issues likely to arise at the low-intensity end of the spectrum of conflict.

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The recent upsurge in narcotics trafficking and the subsequent heavy involvement of the military in countering it, and in assisting other agencies and other countries in countering it, demonstrate how enigmatic and highly dynamic such transnational issues can be. I expect we will be challenged more often, and perhaps more forcefully, in these areas.

That we must be better prepared is certain, because collection against these targets invariably poses new and different challenges for intelligence. In this low-intensity realm, targets are much more elusive and less vulnerable to normal collection means.

As a result, although unprecedented numbers of indicators of instability exist, understanding them requires intelligence analysts to engage in a form of intense, fine-grained analysis that is, by definition, anecdotal, longer-term, more difficult to accomplish, and extremely manpower-intensive. Moreover, with so many low-intensity threats arising in so many different locations (often simultaneously) collection priorities are not established easily. This difficulty in changing the traditional orientation of intelligence collection resources means that a majority will remain oriented toward targets in the mid- to high-intensity environment.

Nonetheless, requirements emanating from the low-intensity end of the spectrum continue a steady increase. This hamstrings intelligence collection managers who must assign an already stretched body of resources to cover a whole series of protracted instability problems not knowing when, if, or which of these hot spots will flare to a level sufficient to require the commitment of US and/or allied forces. Consequently, collection managers ensure coverage initially for clearly identified strategic priorities, while simultaneously preparing analysts for sudden surges of support necessary to confront whatever regional instability or crisis develops.

Operations DESERT SHIELD/DESERT STORM

Defense intelligence faced such a challenge during the summer of 1990. To DIA's credit, its analysts and collection managers recognized an increasing potential for conflict in the Persian Gulf region. In fact, sources had detected indications of possible hostile Iraqi moves in the region as early as the middle of 1989 and intensified coverage of the area.

As concern about Iraqi activities rose steadily through late April 1990, the US Central Command (CENTCOM) began drawing more and more heavily on defense intelligence to intensify its focus on potential Iraqi aggression. This defense intelligence-CENTCOM relationship, so critical to operations that would commence with DESERT SHIELD, was not pieced together haphazardly as Iraqi troops massed on Kuwait's borders. Rather, DIA's links with CENTCOM date back to the formative days when DIA became one of the first national-level agencies to assign a permanent representative to the Command. In 1985, a DIA-staffed, all-source intelligence branch also was created at CENTCOM. In November 1989, DIA published a Defense Intelligence Brief that outlined the Iraqi military threat to the Gulf States and specifically discussed an Iraqi invasion of Kuwait. CENTCOM later used this paper as the basis for its Command Post Exercise, INTERNAL LOOK 90, in which the CENTCOM staff war-gamed events that occurred.

The situation deteriorated rapidly in July 1990. On the 20th, at the JCS-J3's request, DIA produced its first Iraqi contingency targeting list, 12 days before the invasion, and the Joint Staff forwarded this list to CENTCOM. This target list subsequently became the nucleus of the CENTCOM-generated target list, and represented only one phase of DIA's intensive intelligence support to targeting. On July 22, DIA activated its Iraqi Regional Intelligence Working Group in the Pentagon. DIA's surge of support coincided roughly with the Working Group's formation. Integral to this surge was an expanded number of highly significant reports generated by DIA's Defense Attache System (DAS) and other human intelligence (HUMINT) collectors. By March 1991, more than 80 DAS stations around the globe had produced more than 11,000 reports on such critical, crisis-related topics as Iraq's efforts to obtain sensitive military technology and to circumvent the United Nations-imposed arms and economic embargoes.

Relying primarily on the earliest reporting from this network, DIA was able to issue a specific, unambiguous warning to DoD officials more than a week before Iraq's invasion of Kuwait that Saddam Hussein's forces had achieved the capability to invade *with no warning*. Several hours before the actual attack began on August 2, 1990, DIA issued a clear warning of imminent invasion.

On the evening of August 1, 1990, the Iraqi Regional Intelligence Working Group transitioned into the 24 hour-a-day

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Iraqi Intelligence Task Force (ITF). Collocated with DIA's National Military Intelligence Center (NMIC), the ITF quickly became the focal point for all requests for national-level intelligence support and, during the crisis, acted on more than 5,200 such requests. It channeled back to requesters answers as simple as single-paragraph analyses, or as complex as detailed studies reproduced in hundreds of copies and delivered by special couriers. Some of these studies, for example, helped CENTCOM determine its most advantageous avenues of approach into Iraq and the location of Iraqi minefields and other obstacles.

At the same time, DIA greatly expanded its Operational Intelligence Crisis Center (OICC) in the Defense Intelligence Analysis Center (DIAC) at Bolling Air Force Base. The OICC operated 24 hours a day, was staffed by up to 80 people per shift, and ultimately answered nearly three-quarters of all requests for intelligence information sent to the ITF.

Throughout August, the requirement for national-level intelligence support grew significantly. As a result, on 2 September 1990, DIA took the unprecedented step of creating a Joint Intelligence Center (JIC) subordinate to the ITF. Composed of order-of-battle teams with manning from DIA, each of the services, and the National Security Agency (NSA), the JIC likewise operated around the clock in an all-source intelligence fusion effort of the likes never before attempted. The JIC fused signals and human intelligence, imagery, and data from all other sources to produce situational reports that focused on a narrow, 72-hour period: the present day, the day before, and the day after. Simultaneously, special JIC production elements concentrated on SCUD missile targeting, targeting against Iraqi command, control, and communications assets, and other unique operational requirements.

Moreover, to assist DoD components in validating and satisfying operational intelligence collection requirements, DIA activated a round-the-clock crisis collection management team, a move that presaged DIA's appointment as "executive agent" for imagery collection within the national Intelligence Community. This unprecedented level of tasking control over national assets, backed by DIA's strengthened relationship with CENTCOM, helped ensure crisis-related operational imagery requirements received priority coverage.

DIA also moved to improve intelligence-related communications with the theater. During the DESERT SHIELD

buildup, DIA constituted and trained eight new National Military Intelligence Support Teams (NMISTs) to augment the three teams already in existence. Of the eleven, nine were eventually deployed to corps and component level in the Persian Gulf, and in a clear acknowledgment of their importance, NMISTs were included as part of the first contingent of US units to arrive in the region. These self-contained teams provided the first secure-voice link to the Gulf, as well as the capability to transmit rapidly and receive intelligence-related text, imagery data, and facsimile material. DESERT SHIELD/STORM NMISTs processed nearly 2,700 requests for information through the end of February 1991. By way of comparison, similar teams deployed in supporting roles during Operation JUST CAUSE in Panama in December 1989 processed 166 requests for information during that operation.

Through a series of innovative communications pathways, DIA also connected theater-based collection managers with the national-level network of imagery data bases, a link that provided direct, real-time access to national products and information.

In a related action, DIA designed, tested, and operated an all-source bomb damage assessment (BDA) system that employed a hotline between the national and theater levels. With this system, DIA provided rapid feedback to strike planners at CENTCOM and Central Air Forces (CENTAF) on previous bombing runs to assist in planning subsequent strikes. These all-source BDAs proved especially valuable in refining strategic targeting and in assessing the effect of the strategic air campaign.

By the end of 1990, a rudimentary, yet fairly efficient, imagery delivery capability had been established in theater. For the first time ever in a crisis setting, imagery was being made available on a near real-time basis. A joint imagery production complex also was set up that provided theater-controlled reconnaissance elements with hard-copy photographic reproduction support. Also collocated at this complex was a multiservice, multinational imagery interpretation facility that produced and disseminated over 50,000 photographic products during the crisis from over 1 million feet of film that passed through its associated photo lab.

However, DIA's ability to pinpoint target sites that were part of Iraq's chemical, biological, and nuclear weapons programs involved much more than imagery. In particular, the

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comprehensive knowledge of these targets that DIA analysts developed over the years was primarily responsible for the timely, accurate assessments of them and DIA's strong capability to analyze damage to facilities.

An additional, highly successful effort came in the foreign materiel area where, prior to DESERT STORM, defense intelligence was able to acquire or gain access to many items of equipment similar to those sold to Iraq. Studying these items enabled US and coalition forces to modify weapons, tactics, and plans to maximize allied performance and increase Iraqi vulnerability.

Back in Washington, terrorism received special emphasis in DIA's expanded Terrorism Threat Analysis Section, which was augmented by two US Army Reserve Military Intelligence Detachments (MIDs). A Prisoner of War/Missing in Action (POW/MIA) Center also was created that tracked coalition personnel who were captured or declared missing as well as the team of journalists captured early in the war.

Yet even these many intelligence successes only touch the surface of the overall defense intelligence effort on behalf of the deployed forces. In DIA alone, over 2,000 personnel ultimately were committed full-time to the war effort, including nearly 100 actually deployed to the theater to provide CENTCOM with critically needed expertise in such areas as explosive ordnance disposal, land and sea mines, and SCUD missile performance characteristics, modifications, and vulnerabilities.

Throughout the period of DESERT SHIELD/DESERT STORM, reservists played a vital role in DIA. Over 50 individual Mobilization Augmentees (IMAs) and three MIDs were mobilized, adding directly to DIA's manpower supporting the war effort. These reservists brought to bear a wide spectrum of intelligence expertise.

During the crisis and conflict, DIA elements also:

- Processed and disseminated over 500,000 customized photographs;
- Published over 41,000 operational support products;
- Devised and managed a special Defense Courier Service program that enabled delivery to the theater of hard-copy intelligence products in 96 hours or less, and that moved nearly 215 tons of this material during the crisis;
- Successfully deployed to a forward location, for the first time, elements of the specialized data transmission system known as DODIIS, or the DoD Intelligence Information System;

- Also for the first time during a conflict, provided to the theater daily updates numbering in the hundreds of thousands for order-of-battle and facilities data bases; and
- Deployed special teams to the theater to assist CENTCOM personnel in developing their communications architecture.

The Persian Gulf crisis indeed tested the mettle of DIA and the Defense Intelligence Community. Here, for the first time in decades, the United States faced a significant threat, over a broad area, with only a limited military infrastructure and minimal command, control, and communications assets in the region. The challenges were many, but we met them all.

Increased Responsibility for DIA

DIA's superb performance left lasting impressions where they mattered most. Within four months of the war's conclusion, DIA received its second DoD Joint Meritorious Unit award in the last five years for "the sustained, vital role" played during Operations DESERT SHIELD and DESERT STORM by DIA personnel who "contributed with great distinction to the coalition victory." Almost simultaneously, DIA received a National Intelligence Meritorious Unit Citation from the Director of Central Intelligence in recognition of "its extraordinary performance" in providing "consistently outstanding, dedicated intelligence to the National Command Authorities and field commanders throughout the crisis in the Middle East." These unit awards, of course, were in addition to hundreds of individual awards presented to DIA personnel both during and after the war.

In a mid-June 1991 ceremony during which he formally presented DIA with its Joint Meritorious Unit Award, General Colin L. Powell, Chairman of the Joint Chiefs of Staff, said: "Your effort, and that of your sister intelligence agencies in the Intelligence Community, will go into the history books . . . as representing a new level of expertise, a new level of professionalism and proficiency in the conduct of war."

Throughout the Defense Department and the Congress at this time, intelligence was recognized as a significant force multiplier that contributed greatly to the coalition victory in the war and the speed with which it was achieved. Yet even before the war concluded, Secretary Cheney had begun moving aggressively to reorganize defense intelligence to address the rapidly changing nature of the worldwide military threat, as well

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as the certainty of increased DoD-wide budget austerity. As part of this reorganization, he directed the shifting of additional intelligence program management responsibilities to DIA.

This across-the-board restructuring of defense intelligence functions and assets in early 1991 envisioned a reconfiguration of DIA to emphasize DIA's intelligence management role, as well as "quality analysis, production and reporting of strategically important intelligence."

Secretary Cheney's reorganization guidance also gave DIA additional responsibilities for managing DoD-wide intelligence activities, principally in production, scientific and technical (S&T) intelligence, weapons acquisition support, imagery activities, and HUMINT. As part of its new responsibilities, DIA was directed to manage all defense intelligence production worldwide, to operate a centralized current intelligence reporting system, and to oversee the global indications and warning system. DIA also was asked to explore establishing a centralized system for the procurement of specialized supplies and equipment for defense intelligence, and to develop standards for defense intelligence automated data processing (ADP) and communications systems and activities.

As a first step toward implementing the Secretary's directive, DIA's leadership conducted a top-to-bottom review of its missions, functions, and structure. This review factored in the new tasks and responsibilities anticipated under a restructured defense intelligence apparatus. It led directly to the internal reorganization completed last October. This tailoring brought a series of changes that have clearly left DIA much better structured to meet the challenges of a rapidly changing world. DIA's internal reorganization accomplished the following: civilianized the Deputy Director's position; eliminated the Executive Director's slot; created a new, civilian Command Element position for a Chief of Staff; and reduced the number of directorates from eight to six.

As we finished the reorganization plan, we began shifting DIA assets into intelligence program management areas, all the while preserving DIA's traditional, primary focus on intelligence production. Presently, moves are under way to distribute increasing numbers of operational-level intelligence production tasks to the newly evolving Joint Intelligence Centers at the Unified and Specified (U&S) Commands. Tasks to be distributed include those associated with maintaining order-of-battle and related facility data bases, and performing capabilities

assessments of foreign military forces. Yet even as we increase oversight in this area, we continue to sharpen DIA's focus on the production of strategic-level assessments in support of national policy formulation and operational-level planning.

DIA also has begun to assume an enhanced role in managing production at the service-affiliated S&T centers and is strengthening its support to the weapons acquisition process. The future should see further increases in DIA's involvement in the review and validation of Service-generated Systems Threat Assessment Reports (STARS) for major weapons systems and the validation of data bases the services use to prepare these reports. Finally, in the HUMINT area, I will provide, in my role as the DoD HUMINT Program Manager, an enhanced level of planning, execution, and evaluation in this critical DoD mission area.

The Role of Congress

As Secretary Cheney's plan for the restructuring of defense intelligence was being implemented, Congress also was drafting legislation that would directly affect DIA by infusing it with considerably expanded responsibilities. In language from the Senate report on this year's National Defense Authorization Act, Congress said that, among other things, it wanted to "strengthen joint intelligence support to the combatant commands, ensure that intelligence priorities reflect[ed] the changed security environment, and improve the responsiveness and utility of national intelligence systems and organizations to the needs of the combatant commanders."

Acting on DIA's outstanding performance during Operations DESERT SHIELD and DESERT STORM, Congress included language in the Defense Authorization Act that reinforced DIA's role as a combat support agency and conferred upon it a clear charter for leadership in defense intelligence. Fulfilling this energetic Congressional mandate at the same time DIA is meeting the guidelines of the Secretary of Defense's reorganization directive has become the centerpiece of my agenda during my first year at DIA.

In many respects, this legislation represents a Goldwater-Nichols Act for intelligence. Principally, it restates DIA's charter to provide intelligence and intelligence support to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the

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commanders of the U&S combatant commands, and the Director of Central Intelligence. Unspoken, but no less important, is DIA's role as part of the national Intelligence Community to provide intelligence support to national decisionmakers and the members of Congress. Further, the legislation placed DIA under the "authority, direction and control" of the Secretary of Defense.

The legislation directed another important change, this one in the management of the General Defense Intelligence Program (GDIP). The GDIP is that portion of the larger National Foreign Intelligence Program (NFIP) dedicated primarily to providing intelligence for operating forces, except those associated with purely tactical intelligence units and forces. Specifically, Congress restored DIA managership of the GDIP. Further, Congress altered the GDIP's basic management structure. Under the legislation, DIA was directed to assign its functional managers additional roles and authorities to guarantee their substantial participation in the preparation, review, approval, and supervision of GDIP budgets and programs within their areas. What this means is that instead of building the GDIP along purely Service and Defense agency lines as happened in the past, programs will now be developed along functional lines. This will allow consideration of intelligence production, for example, from a total capabilities measure of effectiveness, and will infuse the program management effort with a joint perspective it did not have previously.

Other important aspects of this legislation confer upon DIA a larger role in S&T matters. Specifically, Congress directed that both the Armed Forces Medical Intelligence Center (AFMIC) and the Army's Missile and Space Intelligence Center (MSIC) be turned into field production activities of DIA by January 1, 1992. This was accomplished on schedule. We worked hard to ensure these actions occurred with as little disruption as possible to center customers and a minimum amount of internal upheaval for the centers' work forces; and we were successful. The legislation also recommended that the research and development and procurement funding for the remaining four S&T intelligence centers be transferred to DIA.

The legislation further enhanced management responsibility for imagery exploitation, analysis, and dissemination on behalf of the DoD. Congress, in drafting this section of the legislation, acknowledged DIA's existing responsibility for functional management of imagery within DoD. It asked, however, that DIA

sharpen its focus on personnel and training policies, and that it develop and enforce standards for imagery exploitation, analysis, and dissemination.

DIA also received the authority to consolidate Washington, D.C., area military intelligence centers into a JIC that DIA would manage in its capacity as the intelligence staff activity of the JCS Chairman. This JIC, which will operate during peacetime as well as crises, will be responsible for preparing current intelligence assessments, including those associated with indications and warning. This new JIC was formally established on March 1, 1992 when DIA's National Military Intelligence Center was retitled the National Military Joint Intelligence Center (NMJIC).

The Military Intelligence Board (MIB) is another very important part of the changes now under way. As the Director of DIA, I chair the MIB, which is composed of the service intelligence chiefs; the Director, NSA; and other invited officials. The MIB came into its own during DESERT SHIELD and DESERT STORM when it met much more regularly than it had in the past and became an active working group that orchestrated all types of intelligence support. An important addition to the MIB during the war was the JCS J6. The MIB was successful in attacking problems along the sometimes ill-defined seams of intelligence's national and tactical levels. This group will be strengthened even more in the months ahead to serve as the military Intelligence Community's senior board of directors.

Meeting the Challenges

Handling these new responsibilities, while maintaining DIA's high production standards and volume, will require a renewed commitment from the total DIA work force. But DIA's personnel always have been, and remain, our most important resource, and their worth was evident during the war when they showed what can be accomplished through a totally dedicated effort. In this regard, I intend to focus heavily on preserving and fostering a DIA-wide personnel structure commensurate with the missions DIA has now been assigned. To do otherwise would seriously neglect the very element that has sustained DIA through its first three decades and will bring it further success in the future.

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Today, DIA stands better prepared than at any time in its history to confront the challenges of this turbulent, changing world. Thanks to the foresight of Secretary Cheney and the US Congress, we will soon have all the tools necessary to meet any future challenge. We will place these tools in the hands of proud professionals who are both anxious to implement DIA's renewed intelligence charter, and who remain, in the words of its motto, "Committed to excellence in defense of the nation."

Defense Intelligence Journal 1(1992), 17-29

Rethinking US Intelligence

Senator David L. Boren

Overview of Bill S. 2198

On February 5, 1992, I introduced a bill, S. 2198, entitled the "Intelligence Reorganization Act of 1992," which proposes a dramatic restructuring of the US Intelligence Community. Chairman McCurdy of the House Permanent Select Committee on Intelligence introduced a companion bill.

Creation of a New Director of National Intelligence. Among other things, the bill would create a new Director of National Intelligence (DNI) to coordinate US intelligence activities, to serve as the President's principal intelligence adviser, and to provide operational supervision of the Central Intelligence Agency. In addition, the DNI would serve as a nonvoting participant in the National Security Council. Existing law does not provide any explicit role for the DCI.

The DNI's responsibilities for the Intelligence Community itself remain similar to those under the existing Executive Order, but with a few significant additions. For example, the bill would make the DNI expressly responsible for approving the acquisition of overhead reconnaissance systems to support both signals intelligence and imagery collection. The bill also would require the DNI to establish an independent office to evaluate the performance of the Intelligence Community, as well as require him to establish a permanent office to provide warning to policymakers and support in crises. Under this bill, the existing Intelligence Community Staff would be formally abolished and its functions assumed by the new deputy or otherwise be apportioned pursuant to the bill.

The bill also would considerably enhance the DNI's authorities with respect to the Intelligence Community,

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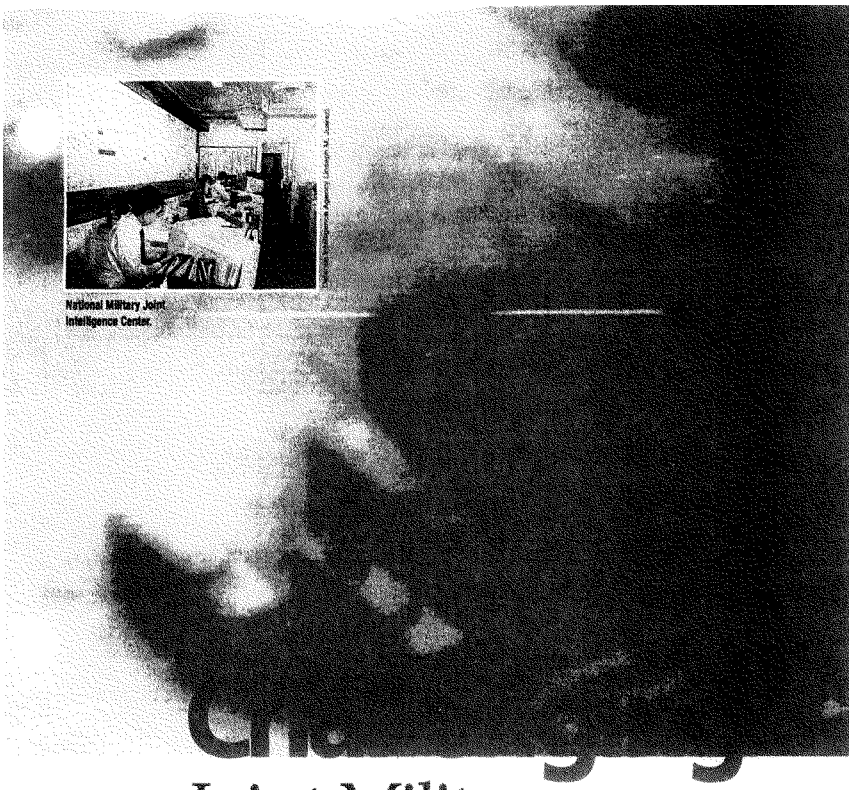

National Military Joint Intelligence Center.

Joint Military Intelligence

By JAMES R. CLAPPER, JR.

Summary

Military intelligence was shaped over four decades by the Soviet threat, emerging weapons systems, and increasing defense budgets. A sea change began with the demise of the old Soviet empire, the crisis in the Persian Gulf, and growing involvement in U.N. peace operations and humanitarian efforts. The Defense Intelligence Agency (DIA) is adjusting to successor threats, including regional instability, low-intensity conflict, terrorism, counter-narcotics, nuclear proliferation, and chemical and biological weapons—all within a joint environment. DIA must adapt its collection/production/dissemination cycle to a quickened operational pace and fewer resources. With technology now allowing intelligence to be treated as an integrated whole, the restructuring of DIA, and a focus on unified commands, the military intelligence community has gone back to basics while retaining the flexibility needed to underpin support of joint warfighting into the next century.

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Few questioned the roles of the military establishment in the early years of our Nation: the Army dominated the land while the Navy concentrated on the sea. Some mix of missions occurred following World War I as the military potential of flight was seriously considered. But during World War II, with the designation of theaters of operation, an interesting phenomenon arose—a commander in chief (CINC) from one service often led thousands of personnel from others.

The impetus for joint command stemming from World War II extended to the creation of the Joint Chiefs of Staff (JCS). The National Security Act of 1947 not only institutionalized JCS but hastened the formation of a separate Air Force and, eventually, the Department of Defense. At a 1948 meeting in Key West, the chiefs carved out the broad, individual functional areas that remain intact to this day. Jointness came of age with the Goldwater-Nichols Act which requires the Chairman to adjust service functions as appropriate to "achieve maximum effectiveness of the Armed Forces." This provided a fillip to joint task forces (JTFs)—a hybrid military element with components from two or more services. JTFs were the composite contingency force of choice.

the fundamental elements of the mission of military intelligence have not changed

F-117 Stealth Fighter attacking Iraqi facility.

In the 1993 *Report on the Roles, Missions, and Functions of the Armed Forces of the United States*, the Chairman recommended extending JTFs to peacetime. Moreover, JTFs are the predominant means of executing military operations, relying upon service components for specific capabilities. Accordingly, Army and Marine Corps elements comprise joint ground components of JTFs, while Marine and Navy elements make up joint maritime components. Each of the services logically contributes to the joint air and special operations components of JTFs.

Lieutenant General James R. Clapper, Jr., USAF, is Director of the Defense Intelligence Agency. In addition to positions with the National Security Agency and the Air Force Security Service, he has held key intelligence assignments with the U.S. Combined Forces Command, Korea; Pacific Command; and Strategic Air Command.

Intelligence Keeps Pace

Throughout this evolution, intelligence has pressed to keep pace. The imperative to do so was heightened by the lessons learned from Operations Desert Shield/Desert Storm and subsequent contingency operations. In fact, in the last few years the intelligence community has concentrated on finding more innovative ways of supporting joint warfighting and providing this support more rapidly and efficiently. Lately defense intelligence has also begun to shift attention to transforming peacetime organizations and activities to more closely approximate how the intelligence community would fight during wartime.

The fundamental elements of the mission of military intelligence—to provide unique insight to operating forces, reduce uncertainty for decisionmakers, and project future threat environments for the systems acquisition community—have not changed. What has changed very dramatically in several recent cases is the international military balance. By the late 1980s defense intelligence had evolved over a period of nearly forty years in response to the threat posed by the Soviet Union; the proliferation of multiple, complex weapons systems and intelligence associated with their design and employment; and a corresponding increase in the size of the defense budget. During these four decades a dynamic Soviet threat and U.S. response to it spawned large, capable service component and departmental intelligence organizations focused on intelligence problems related to this threat.

The intelligence community was primarily concerned with adequate capabilities to support the mission of anticipating, monitoring, deterring, and containing Soviet aggression or advantage. Significantly, systematic intelligence interest in other countries or regions, unless somehow tied to Soviet issues, was marginal at best. The former Soviet Union was in many respects a very simple intelligence problem, but it was one that required remarkably sophisticated capabilities to manage. For example, during the height of the Cold War, Strategic Air Command headquarters employed some 1,500 intelligence professionals, bolstered by unmatched civilian depth and expertise within the Defense Intelligence Agency (DIA) to evaluate

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the Soviet nuclear arsenal. Similarly, the Navy needed a robust anti-submarine warfare program to monitor the design and operation of the Soviet submarines capable of surprise attack. And the Army required thousands of intelligence personnel scattered across Europe as a critical force multiplier to help NATO keep tabs on a numerically superior Soviet armored force.

But then came the great collapse. In the span of a few short years, the world witnessed:

- the demise of communism in the Soviet Union and Eastern Europe
- the dissolution of the Warsaw Pact
- the crumbling of the Soviet empire and emergence of newly independent states
- the end of the Cold War with a diminished military challenge to the West
- war in the Middle East and subsequent heavy American involvement in U.N.-sponsored peace operations and humanitarian assistance in Iraq, Somalia, and the Balkans.

Realigned and Refocused

Intelligence unquestionably helped win the Cold War by offsetting the imbalance between NATO and the Warsaw Pact. Yet by the time that paradigm no longer applied, and before the West even had a chance to celebrate its victory, defense intelligence moved on to more pressing matters. Primary among them was modifying—in some cases creating from scratch—a structure that would enhance the ability of the military intelligence community to address the challenges of a different, emerging, global military environment.

intelligence requirements to support battlefield operations have become simply mind-boggling

There are some who claim intelligence never met a threat it did not like. A truer dictum is that intelligence only reluctantly gives up threats it knows best. Today's threats are different from yesterday's and in many respects considerably less predictable. These uncertain threats—regional, low-intensity conflict, terrorism, nuclear proliferation, and chemical and biological weapons—have emerged as defense intelligence's new priorities. Equally important is supporting the expanding involvement of military forces in efforts to alleviate global stress points, whether they involve the use of force or the provision of assistance.

The intelligence community is still responsible for providing the best possible intelligence on regional force capabilities, plans, dispositions, and objectives. It also retains the requirement to understand the conflict environment, whether the mission is containing aggression, keeping the peace, or feeding the starving. In each case, military intelligence must provide information on the means of access to an operational area, plus data on the terrain, climate, and the cultural context in which the Armed Forces will operate.

We should not be deluded, for even with these course adjustments for defense intelligence the task of providing support for force application is neither easier nor simpler than it was during the Cold War. In fact it is probably more difficult. For example, the development of precision-guided "smart" weapons has placed an untold strain on intelligence resources. Operation Desert Storm offered critical lessons regarding intelligence support to sophisticated weapons. Among the most critical was that such systems are voracious consumers of intelligence. For instance, in the past the identification of a specific targeted building sufficed. Today precision delivery capabilities require further identification—down to a particular room in that targeted building. This increase in the level of targeting detail demands exacting geo-positional data, near-real time imagery, and fused all-source intelligence.

Even more, intelligence requirements to support battlefield operations have become simply mind-boggling, from collecting and correlating battlefield activities to developing target packages based on precision analysis, and from assessing battle damage to relaying assessments in near-real time to the operational commander. As a result, intelligence simply must situate itself within the operational cycle rather than outside it. In other words, the intelligence collection, production, and dissemination cycle must be compressed so that it fits within the operational cycle for targeting to support strike and restrike operations. Also, as force modernization and acquisition programs are focused on fewer systems, comprehensive assessments of projected conflict environments become critically important. In developing these assessments intelligence must forecast both the nature and focus of military conflict in the next

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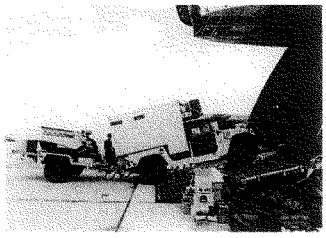
twenty years with sufficient precision to define requirements for advanced weapons systems and force structure.

So defense intelligence faces a broad spectrum of global geopolitical changes that requires supporting new and increasingly complex missions. The military intelligence community is at the same time attempting to manage the transition from its Cold War posture to one appropriate for the new world disorder. This would be a herculean challenge in and of itself. But in addition defense intelligence is embarking on this transition in a period marked by a reduction in resources which far outstrips the annual increases required to build capabilities in the first place. The fiscal reality for intelligence is simple, yet stark—its budget levels will soon approximate those for 1982.



DOD

Loading Intelligence equipment on aircraft.

In the Defense Intelligence Agency (DIA), for instance, actions are already under way that will eliminate nearly 1,000 billets by FY97. Throughout the General Defense Intelligence Program (GDIP), for which the DIA Director serves as manager and which funds most military intelligence resources supporting joint forces and defense acquisition, projected cuts will approach 5,000 billets by FY97. Along with these reductions will go many of the capabilities developed in another era to address another problem entirely. The magnitude of programmed cuts—and some advocate even larger reductions—will leave intelligence with little flexibility to devote resources to developing new capabilities to counter future threats.

With the dual challenge of more missions and fewer resources, the military intelligence community views increased jointness as a potential solution. Specifically, the military intelligence leadership is focusing on embedding joint culture in all operations and is continually searching for innovative ways to align peacetime structures and activities to ease the transition to war. Defense intelligence is leveraging advances in automation, communications, and interactive video not only to survive in this new world, but to improve its ability to provide a high-quality product to its customers.

In my *ex-officio* role as Director of Military Intelligence, I have engaged and empowered military intelligence leadership to fight this battle better. These leaders are working together more than ever before to solve the community's most troublesome problems and manage its activities coherently and communally. They have developed a planning approach that permits identification of critical missions and supporting intelligence functions required to meet them, and established a methodology to rationally restructure the community during this period of downsizing so that no essential capabilities are sacrificed along the way.

The Joint Environment

DIA began this process by institutionalizing the functions of the Pentagon-based, national-level Joint Intelligence Center (JIC) which proved so valuable during the Gulf War. Established in the aftermath of that conflict, the National Military Joint Intelligence Center (NMJIC) is a crisis-oriented, multi-service, multi-agency intelligence clearinghouse and tasking center which forms the heart of timely intelligence support to national-level contingency operations. Assigned analysts and indications and warning personnel monitor world trouble spots and guide formation of intelligence working groups to monitor events more closely as situations intensify. These working groups can be expanded into intelligence task forces. DIA can also activate an Operational Intelligence Crisis Center in the Defense Intelligence Analysis Center (DIAC) at Bolling Air Force Base, a move that allows NMJIC personnel to have rapid access to DIA's extensive analytic expertise.

After the Gulf War the current intelligence functions of all service intelligence organizations were the first elements to be consolidated in NMJIC. Later agencies such as the National Security Agency and Central Intelligence Agency also provided full-time representatives to NMJIC. These elements can be augmented easily and rapidly in

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Naval Historical Center (Jaccobs)

Building relief map of Rabaul, New Britain, circa 1943.

U-2R/TR-1 reconnaissance aircraft.

large-scale crises that demand greater participation by community elements. Depending upon the nature of the crisis, NMJIC can also accommodate intelligence support from other national-level agencies and departments, such as the Federal Bureau of Investigation and Department of State.

mechanisms have been established to share intelligence with crisis centers supporting the United Nations

With a staff arrayed both functionally (for example, terrorism or narcotics trafficking) and regionally (on areas such as the Middle East or Africa), NMJIC hosts various intelligence working groups and task forces formed to address contingencies around the world. During actual crises, NMJIC serves as a clearinghouse for all requests for national-level intelligence information. Field elements forward intelligence requirements to NMJIC where they are either satisfied immediately using existing resources or farmed out to other agencies, such as service intelligence organizations, for more detailed study. All responses back to field elements are routed through NMJIC.

Interface mechanisms have also been established that allow NMJIC to share appropriately sanitized intelligence information with crisis centers supporting the United Nations and countries that have formed coalitions with the United States.

In addition to permanently establishing NMJIC following the Gulf War, DIA spearheaded an effort to consolidate theater intelligence assets into centers at major combatant commands. These JICs have become primary nodes for intelligence support to CINCs. Through them, the analytic community provides detailed intelligence analysis against priority targets. Within them defense intelligence has established a capability for the daily monitoring of events throughout each CINC's area of responsibility. JICs perform similar functions for CINCs as NMJIC does for elements in Washington. In commands with worldwide missions JICs concentrate on tailoring and applying intelligence for local use that is developed primarily at national level. In commands with specific regional responsibilities, JICs possess full-up production capabilities as well as collection assets to develop intelligence concerning their areas of interest. This information is frequently enhanced by intelligence provided from the national level.

Critical to the success of these JICs is the ability to process fused intelligence from

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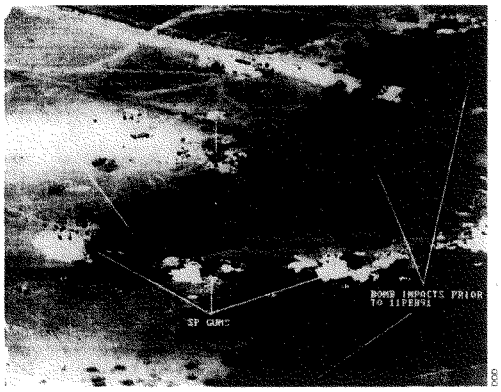

Effects of airstrikes shown in imagery from U-2R/TR-1.

multiple sources for theater battle management, and then transmit it further down the warfighting chain to tactical level. Accordingly, the defense intelligence leadership is promoting uniform standards for military intelligence information and communications systems which link the national, theater, and tactical levels. The foundation of this process is the Joint Worldwide Intelligence Communications System (JWICS) and the Joint Deployable Intelligence Support System (JDISS).

JWICS is a sensitive compartmented information (SCI)-secure, high-capacity, multimedia communications system that offers the military intelligence community a wide range of capabilities, including a secure video and audio service for both video telecasting and teleconferencing. The system also provides conventional network services for collaborative electronic publishing, the electronic distribution of finished intelligence, and tools to accommodate the transfer of reference imagery, maps, and geodetic materials, as well as other high-end graphics products. DIA is using JWICS to broadcast its innovative, daily, national-level, classified intelligence updates. Officially designated the Defense Intelligence Network, the system is commonly called "classified CNN."

JDISS, on the other hand, is a deployable system that, when tied into JWICS, becomes the interface between the military intelligence community's national and theater intelligence centers and subordinate tactical commands. Essentially, it extends the national-level intelligence community's reach down to the lowest tactical level on the battlefield. JDISS offers such applications as word processing, electronic mail, mapping, graphics, electronic publishing, bulk transfer of data, and a capability for direct analyst-to-analyst conversation. JDISS users also have the potential to access other important data bases and applications throughout the system.

To illustrate how quickly advancing technology and operational requirements are pushing us let me cite a real-world JWICS example. Originally, JWICS was planned for introduction early in 1993. To validate the concept, intelligence planners intended to wire the system's components at DIA initially and test them via experimental links to the Navy's intelligence complex in Suitland, Maryland, and Atlantic Command compound in Norfolk, Virginia. But a complication emerged. While preparations were being made to install JWICS at Suitland and Norfolk, the United States launched Operation Southern Watch with the intention of prohibiting offensive Iraqi air operations against the Kurdish minority located south of 32 degrees North latitude. Having committed to this operation without even a fraction of the massive infrastructure available during Desert Storm, the defense intelligence community found itself confronting communications problems similar to those identified repeatedly in lessons learned reports following the Gulf War. Among them were how to disseminate imagery in near-real time, how to share data, and how to communicate effectively with the JTF commander in the region.

The community's solution was to gamble on technology and, instead of shipping JWICS to Suitland and Norfolk, it was sent to Riyadh, Saudi Arabia, where it worked exactly as planned. JWICS facilitated the establishment of a 24-hour electronic window through which NMJIC-based intelligence watch officers could literally reach into the JTF Joint Intelligence Center in Southwest Asia, and vice versa. This JWICS link to U.S. forces during subsequent strike operations in

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DIA is currently overseeing the most significant restructuring of Human Resources Intelligence (HUMINT) in DOD history. Under this effort DIA is consolidating the HUMINT assets of all the services with its own to form Defense HUMINT Services (DHS), a new joint field operating activity subordinate to Director, DIA, in his capacity as DOD HUMINT manager. The activity was created last summer by then Deputy Secretary of Defense William J. Perry. DHS is subordinate to the National Military Intelligence Collection Center.

DHS was established to manage HUMINT given the constraints of diminishing resources while more rapidly and efficiently focusing assets on targets worldwide. The transfer of functions and resources is being accomplished in phases and is scheduled to be completed when the activity becomes fully operational in FY97. All the services are represented on a transition team which is focusing on structural and procedural changes in HUMINT during the formation of DHS.

Iraq provided exceptional mission planning support and the best battle damage assessment up to that time. Since then JWICS has become integral to all intelligence support efforts, including those for U.S. and allied forces in places such as the Balkans and Somalia.

This new architecture provides a revolutionary capability for secure communications. For example, some time ago I had discussions with intelligence personnel on *USS George Washington* operating at sea using the JWICS videolink in my Pentagon office. The possibilities of analyst-to-analyst, national-to-tactical-level communications are only beginning to be realized. Technology is providing the capability to treat intelligence as an integrated whole, another fundamental lesson of Desert Storm. Defense intelligence will soon be able to provide a variety of products to support operating forces at virtually any location for immediate application on the battlefield. The early success of secure communications systems demonstrates the validity of advanced computer technology to establish interactive intelligence connectivity between National Command Authorities, JICs at major warfighting commands, JTFs, and ultimately tactical forces.

Restructuring DIA

The community leadership has been working hard to develop a structure and accompanying processes to meet its new mission. Within DIA the restructuring efforts went back to basics, and in what was the most profound reorganization in the agency's 32-year history, we conceived at the top but built from the bottom a new organization based on the traditional intelligence constructs of collection, production, and infrastructure. Importantly, the new structure was designed to serve as the institutional base for coherently managing military intelligence. In the new DIA, five of its previous nine directorate-size elements, plus other subordinate offices, merged into three major centers—namely, the National Military Intelligence Collection Center (NMICC), the Production Center (NMIPC), and the Systems Center (NMISC)—each of which performs critical functions.

- *Collection Center.* Manages all-source intelligence collection, both acquiring and applying collection resources to satisfy current and future DOD requirements. The center also manages the defense community's entire spectrum of Human Resource Intelligence (HUMINT) programs, and the Measurement and Signature Intelligence program. Finally, NMICC controls the Defense Attaché System which has personnel posted in one hundred countries.
- *Production Center.* Produces or manages production of military intelligence for DOD and non-DOD agencies. For instance, the center produces all-source, finished intelligence concerning transnational military threats; regional defense; combat support issues; the weaponry, doctrine, and combat capabilities of foreign militaries; foreign military-related medical advances; and foreign nuclear, chemical, and biological weapons developments. Both the Missile and Space Intelligence Center at Huntsville, Alabama, and the Armed Forces Medical Intelligence Center at Fort Detrick, Maryland, are now part of this center within DIA.
- *Systems Center.* Computer/automated data processing (ADP) nerve center which provides information services and support to DIA and other agencies in the national intelligence community. These services include ADP support, communications, engineering and maintenance, information systems security, imagery and photo processing, and publication and dissemination of intelligence reference products.

Military Intelligence Board

Throughout this reorganization I have been aided immensely by the Military Intelligence Board (MIB) which is composed of the service intelligence chiefs; Director for Intelligence (J-2), Joint Staff; Deputy Assistant Secretary of Defense for Intelligence; Director of the Central Imagery Office; Associate Deputy Director for Operations at NSA; and other senior DOD officials. I chair MIB in my capacity as the Director of Military Intelligence (DMI), which is distinct from my role as the Director, DIA.

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MIB proved its worth during the Gulf War when it played a critical role in fostering greater cooperation within the military intelligence community. Since that time MIB has met virtually every week and provided a forum for senior community leaders to oversee program development, review integrated programs and budgets, resolve programmatic issues of mutual concern, and deal with substantive intelligence matters.

intelligence data no longer bypasses CINCs as it flows from national level to service elements

As this modus operandi matures, we envision empowering the service intelligence chiefs as Deputy Directors of Military Intelligence. In this way, they will acquire recognized responsibility and authority to assist in the management of military intelligence as an integrated community for their respective warfare areas.

These reorganization efforts, coupled with a rethinking of the way defense intelligence does business, meshes well with the new combat construct for regional contingencies that has emerged recently. At the top of what Pacific Command calls the theater "two-tiered warfighting model" is the unified command which monitors the regional military situation and provides direction as well as strategic and operational focus for forces in the theater. It also maintains combatant command over associated JTFs. Beneath the unified command are service components that provide forces and sustain logistics for the theater, and JTFs which coordinate activities of the combat forces and provide direction to tactical forces.

To reiterate, intelligence data no longer bypass CINCs as it flows from national level to service elements in the field. National-level intelligence activities are centralized in NMJIC where service and intelligence community representatives are consolidated. Data funneled via NMJIC flows in turn through unified command JICs and on to JTFs, which significantly have subordinate to them not individual Army, Navy, Marine Corps, and Air Force components, but land, sea, air, and special operations forces.

Achieving this level of jointness in peacetime has not been without its share of confusion. Likewise, overlaying this structure with a corresponding, complementary template for intelligence support—and then making it reality by applying appropriate high-technology and providing a solid organizational underpinning—has also presented a challenge. As we learned in restructuring DIA, the concept was simple, but the devil was in the details. But this was clearly a concept whose time had come. The challenges to joint military intelligence today are much different from those of the Cold War years. The community's responses have also been different. In short, we have returned to the basics of intelligence, and in doing so I believe we have fundamentally changed our ways for the better. Most importantly the organizational structures are sufficiently flexible to sustain military intelligence into the next century. To harken back to Baron Rutherford, we in defense intelligence have not only begun to think, we have begun to act as well. **JFQ**

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ANALYSIS

Critical Security Dominates Information Warfare Moves

By LTGen. James R. Clapper, Jr., USAF, and LTC Eben H. Trevino, Jr., USAF

Information warfare evolved from the ability of computers and communications equipment to influence the outcome of any event or scenario. As these systems flourish and become more capable, reliance on them will increase proportionately. This reliance represents a powerful tool—and a potentially fatal vulnerability—to the war fighter.

While information warfare will play an increasingly important role in future conflicts, neither a national definition nor a strategy exists to capture the concept accurately. Most definitions characterize information warfare rather than define it.

A number of organizations in the Defense Department are working toward similar information warfare objectives. The overall effort, however, lacks cohesive organization. It needs a set of common, deconflicted and specifically defined objectives. The theory and practice of information warfare must be fused into a coherent and meaningful picture to avoid diversion.

One Defense Department directive states that information warfare applies to both the information being processed and the information systems performing this processing in support of military operations. This effort establishes the policy and assigns responsibilities regarding information warfare, but it does not define it.

The closest description of information warfare might be found in the definition of command and control warfare. A memorandum of policy from the Chairman of the Joint Chiefs of Staff describes command and control warfare as a joint war fighting strategy that integrates the concepts of operations security, deception, psychological operations, electronic warfare and the traditional combat role of physical destruction. Command and control warfare's objectives are achieved by influencing, degrading, denying or destroying an adversary's command and control capabilities. An equally important element of the concept is its defensive nature—the protection of command and control capabilities via operational security, deception operations and protection measures built into information systems.

Information warfare means different things to different people. For some, it is all about communications and the predominant and leading role held by those in communications-based military business areas. To others, it is about computers, networking and leadership. One participant at a recent conference on information warfare characterized it as an "intelligence-intensive business, where intelligence serves as the foundation." Others at the conference did not even mention the role of intelligence. The only thing everyone seems to agree on is that information warfare is very important. Dr. David Signori, deputy director, Defense Information Systems Agency, explains the concept by saying that information warfare exists at the convergence of intelligence, mission support activities and command and control.

While no definitive description or definition of information warfare exists, each of the services has its own definition; none are exactly alike; and all are similar, according to officials at the National Defense University's new School of Information Warfare and Strategy.

The university's program stresses that information warfare is the sum of many things: electronic warfare, psychological operations, deception, intelligence, reconnaissance and surveillance. Information warfare consists of understanding an adversary's information flow. The resulting knowledge enables effective force application against the enemy's information links to increase friction, uncertainty and disorder. Additionally, the resulting cognition enables the protection of U.S. information flow. Because of the critical dependency that war fighters have on this flow, it becomes a center of gravity that, if attacked, will hinder severely the war fighter's capability to execute combat operations. Information warfare is a deliberate war fighting methodology and strategy. It is an integrated employment methodology of missions and operations, not the least of which is intelligence and communications.

Coming to grips with the combination of technology and strategic thought requires doctrine, strategy, education, training and procedures. Leaders need a roadmap—an azimuth enabling all concerned to march toward a common objective. To build this roadmap, the United States needs a national definition, strategy and coordinating mechanism for information warfare; a Defense Department definition and strategy for information warfare; and theater-level strategies and coordinating mechanisms oriented to the various global regions.

A national information strategy is an important, but missing, piece of the information warfare puzzle. Such a plan would be of particular benefit to the military, especially in an operations-other-than-war environment. When the military must perform missions far beyond its traditional bounds, the U.S. government must have a clear purpose, as well as goals and objectives for its involvement.

Essential to a national information strategy is a national coordinating forum or mechanism to fuse the strategies of national power elements—military, political and economic. A forum would bring together organizations such as the departments of State, Defense and Treasury; the Central Intelligence Agency; and the U.S. Information Agency. This effort would facilitate the sharing of data and perceptions; the development and recommendations of a coherent policy and posture; and the synchronization of actions to support national interests and the U.S. military. The Defense Department's participation in such a forum would require that it also develop a doctrinally and procedurally defined information warfare strategy.

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The enemy's observe-orient-decide-act loops are bounded by factors of time and friction. When the U.S. effort can increase the friction, it extends the time the adversary needs to observe, orient, decide and act. If this effort simultaneously reduces friction and time for the United States, the military effectively will outperform an adversary in combat and will prevail in an engagement, crisis or conflict. The success of this approach hinges on an effective Defense Department strategy to ensure that everyone is working toward the same goal in a complementary and unified manner.

Concurrent with a defense effort, the United States needs to develop theater-level strategies attuned to furthering national interests in various global regions. At this level, the Unified Commands' strategies would be developed within a theater-wide coordinating forum consisting of the command's joint staff members and the designated representatives to the command from other national-level U.S. government agencies. The theater command and its assigned representatives would have a combined, multinational, coordinating mechanism available to them. The combined coordinating mechanism would serve two additional purposes—to deter or diffuse potential conflicts and, in those instances where deterrence fails, to build a sound foundation for cohesive coalition action.

Leadership in the information war begins with the national command authority. For the military, the leaders in information warfare should not come from those involved in command, control, communications, computers nor intelligence. The roles of these professionals are important, and their individual efforts will be integrated and synchronized within a command's plans. But the J-3, the commander's principal war fighting staff director, should be the information warfare leader. This is the individual who is responsible for directing, planning and executing a course of action.

The role of intelligence is critical for an effective information campaign, and the foundation is not limited to the scientific and technical aspects of various intelligence analyses and systems. In many cases, intelligence must include biographic, cultural, sociological and economic factors—particularly in those operations-other-than-war scenarios where U.S. troops will be coming into direct daily contact with a foreign population. The actions and decisions of these troops could have an immediate effect on U.S. foreign policy objectives. The basis of daily activities must have a strong intelligence underpinning. Military personnel must be armed with knowledge.

Some facets of information warfare go beyond the battlefield. The public opinion component of information is of critical value to all involved. Everyone must recognize that, because of the well-developed media and the prominent voice of public opinion in U.S. life, an adversary's information campaign often will be targeted against the U.S. public, not against the military. Leaders collectively must respond to and interact with the public component in an honest, open and public forum. The public needs a balanced and fair presentation of U.S. activities and involvement around the world. Active engagement requires training and understanding as well as full government participation. Success or failure may not be determined on the battlefield, but on the front page of the morning newspaper.

The Gulf War demonstrated that the execution of information operations can determine a mission's success. Future wars will include information campaigns where an adversary's information flow specifically will be targeted and information dominance will be achieved. Because information warfare is applicable across the spectrum of conflict, it will affect operational planning, force deployment, the sustainment of fighting forces and force redeployment.

Many believe the war fighters' paradigm has shifted. But others contend that the military is still in the midst of this shift. A recent *Wall Street Journal* article by Thomas Ricks reports that Andrew Marshall of the Office of Net Assessment, Office of the Secretary of Defense, says the information age will spark a "military revolution," just as artillery did in the 15th century and industrial-age machinery did during the past 150 years. The next 30 years, he suggests, may see the beginning of the end of the industrial era of attrition warfare. What Marshall envisions is a far cry from operation Desert Storm, which he considers a late industrial-age conflict with only hints of the high-technology future.

Marshall warns that an early lead is no guarantee of remaining on top. It is precisely because of the fragility of the U.S. lead that decision makers must begin to address information warfare intellectually and practically.

LTGen. James R. Clapper, Jr., USAF, is the director of the Defense Intelligence Agency.

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Virtual Reality Gaining Ground In Computing Market

By Herbert F. Schantz

The number of virtual reality applications for medicine, business and education is increasing, with many new systems predicted to be available by 1997. As systems and accessory prices decline, desktop computing power increases and the accuracy of computer-generated worlds improves, the uses of virtual reality will start to expand, industry experts predict.

Analysts estimate that elementary virtual reality systems will be available for home use this year; partial-immersion systems, by 1998; and full-immersion products, before 2005. Virtual reality software programs allow users to interact with three-dimensional, computer-generated environments. They will be more widely used by the end of the decade 2004. Analysts at NewMedia, Riverton, New Jersey, divide virtual reality systems into four categories, in ascending order of complexity: desktop, partial immersion, full immersion and environmental.

Partial-immersion systems use a monitor and other accessories, such as gloves and headgear, to enhance a user's sight, touch and hearing. Full-immersion applications use headgear, gloves and bodysuits to permit users to move through virtual space. They are becoming increasingly popular in video arcades today. The final category, environmental, permits users to move and interact with three-dimensional space with few, if any, physical constraints.

Herbert F. Schantz is president, HLS Associates, and is a member of the AFCEA Northern Virginia Chapter.

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