

**NOMINATION OF THE HONORABLE
PORTER J. GOSS TO BE DIRECTOR OF
CENTRAL INTELLIGENCE**

HEARINGS

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

SEPTEMBER 14 AND 20, 2004

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**NOMINATION OF THE HONORABLE
PORTER J. GOSS TO BE DIRECTOR OF
CENTRAL INTELLIGENCE**

TUESDAY, SEPTEMBER 14, 2004

SENATE OF THE UNITED STATES,
SENATE SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Select Committee met, pursuant to notice, at 10:04 a.m., in Room SH-219, Hart Senate Office Building, the Honorable Pat Roberts, (Chairman of the Committee), presiding.

Committee Members Present: Senators Roberts, Hatch, DeWine, Bond, Lott, Snowe, Hagel, Chambliss, Warner, Rockefeller, Levin, Feinstein, Wyden, Durbin, Bayh and Mikulski.

**OPENING STATEMENT OF THE HONORABLE PAT ROBERTS,
CHAIRMAN**

Chairman ROBERTS: The Select Committee will come to order.

The Senate Select Committee on Intelligence meets today to consider the nomination of the Honorable Porter J. Goss to be the Director of the Central Intelligence Agency.

Congressman Goss, on behalf of the Committee, I would like to congratulate you on your nomination and I thank you for appearing today.

The Committee would also like to welcome the Senior Senator from Florida, when he arrives, and the Junior Senator from the State, my predecessor as Chairman of this Committee, Senator Bob Graham, and my colleague on the Armed Services Committee, Senator Bill Nelson. So gentlemen, thank you for being here today in support of Congressman Goss.

The role of Director of Central Intelligence is of paramount importance to the security of this Nation. It is also one of the most challenging jobs, if not the most challenging job, in the Executive Branch as of today.

This Nation, as everybody knows, is currently engaged in a war where intelligence defines the front line. We are not fighting against nation-states but against a network of desperate terrorist groups, who operate not only in the shadows, but at times right in our midst. Whether in Afghanistan, Iraq or here at home, defeating this enemy depends largely upon the ability of our intelligence services to locate, to penetrate and to destroy these terrorist cells. In short, we are involved in a world war which requires timely and actionable intelligence to assure victory and the safety of the American people.

The Director of the Central Intelligence Agency is responsible for producing this intelligence. As we fight the threat posed by Islamic terror, there remains unabated numerous other worldwide threats against which our Nation must also guard. Among them are these: the development of nuclear programs by adversary regimes such as exist in Iran, also in North Korea; the steady growth of communist China into an Asiatic power and its greater influence over Taiwan and the region; and the continued worldwide expansion of WMD technology.

The Director of Central Intelligence is also responsible for producing intelligence to keep policymakers, both in the Administration and in Congress, informed about many other threats.

If that isn't daunting enough, Congressman Goss has been nominated for a position which is not likely to exist for much longer. The President and many in the Congress now support the creation of a new national intelligence director. There is now a great deal of discussion among my colleagues on how best to ensure that the creation of a national intelligence director is something more than just a name change.

Most of the debate outside this Committee has centered on how to grant increased authority to the new national intelligence director while leaving undisturbed the structural status quo. Many on this Committee simply believe you can't really get there from here. In other words, it will take significant structural change to effect real reform.

I believe strongly that we must create a new structure that accommodates the diverse activities of the various intelligence agencies by giving direct responsibility and control of the primary intelligence disciplines—the collection and the analysis and the research and the acquisition and the tactical support—and the corresponding agencies who are in charge of those disciplines to a truly empowered national intelligence director and his assistants.

True empowerment includes both budget authority and the authority to direct and control the activities of the intelligence agencies—to direct and control. One without the other will once again leave us, in my opinion, with an intelligence head who can neither succeed nor be held accountable. This would be an unacceptable outcome.

We don't know how or when reform will be enacted. Until then, we need a strong Director of the Central Intelligence Agency with the necessary skills to manage a community which is in dire need of a leader. The unique background of Congressman Goss will serve him well as he meets these and many other challenges while directing our intelligence community.

For over 40 years, Porter Goss has been serving his Nation, his State and his local community of Sanibel, Florida. Whether as an Army intelligence officer, a clandestine CIA case officer, a newspaperman, a county commissioner, U.S. Representative, or Chairman of the House Intelligence Committee, he has done his duty with skill, with honor and with integrity.

His experience, I think, makes him uniquely suited to serve as the Director of Central Intelligence. The President, in my view, has selected an outstanding public servant to be his principal adviser

on intelligence and we look forward to working with him as the next Director of Central Intelligence.

At this time, I would like to recognize the distinguished Vice Chairman of the Intelligence Committee for his remarks.

Senator Rockefeller.

**STATEMENT OF THE HONORABLE JOHN D. ROCKEFELLER IV,
VICE CHAIRMAN**

Vice Chairman ROCKEFELLER: Thank you, Mr. Chairman.

Good morning, Congressman Goss. Good morning, Senator Graham and Senator Nelson. Welcome all.

You are very well known to this Committee in your role as Chairman of the House Intelligence Committee. Now we have to deal with you as a Congressman and as a potential future CIA Director and perhaps beyond that.

You have a long and distinguished career as a public servant. I applaud your willingness to undertake the possibility of this extremely difficult and complicated job of Director of Central Intelligence. And, as you know better than most, the United States intelligence community is at a crossroads.

The documented intelligence failures prior to the terrorist attacks of September 11th and leading up to the war in Iraq have left the intelligence community's credibility bruised—not bloodied, but bruised—and its reputation tarnished. The community's objectivity, independence and competency have been called into question.

As a result, a bipartisan call for reform has steadily grown to the point where I believe that the Congress can and should, if allowed by the Senate and House leadership, pass landmark legislation to create a stronger and more effectively-managed intelligence community before we adjourn. It can be done. If you give Congress enough time to do something, we'll do nothing. If you don't give us enough time, we can sometimes get some things done.

The work of the intelligence community, however, of course, does not stop during this period. We're at war in Afghanistan. We're at war in Iraq. We're in a global war against terrorists around the world. The men and women of the Central Intelligence Agency and other intelligence agencies are a central part of the America's ability to prevail on the battlefield in various places and to stop terrorists before they carry out their murderous plots either abroad or here.

The next Director of the Central Intelligence Agency will be the most important ever confirmed by the United States Senate. Never before in the 57-year history of the intelligence community has there been a need for a Director of Central Intelligence with unimpeachable character, proven leadership and management experience, and a strong national security set of credentials.

The new Director will face no fewer than four simultaneous changes, in my judgment—waging an unrelenting offensive clandestine campaign against al-Qa'ida and other terrorist organizations around the world; supporting the ongoing military operations in Afghanistan and Iraq; managing an intelligence community in a state of transition; restoring the intelligence community's lost or tarnished credibility. The next Director of Intelligence must be ex-

traordinarily qualified in order to carry out these and other national security tasks. The stakes are simply enormous.

Perhaps most importantly, in this Senator's view, the next Director of Central Intelligence must be nonpartisan, independent and objective. The standard is not mine, although it is; it's what the law requires.

The very first responsibility of the Director of Central Intelligence under the National Security Act requires the Director to provide national intelligence to the President, to the Congress, to the Executive Branch of the military that is "timely, objective, independent of political considerations and based upon all sources available to the intelligence community."

Congressman Goss, having reviewed your record closely, I do have a number of concerns about whether your past partisan actions or statements will allow you to be that type of nonpartisan, independent and objective national intelligence director that our country needs. That's what this discussion will be about—tough, but fair. And these questions need to be put.

You have made a number of statements relative to intelligence matters, many in the past year, that are highly, in my judgment, partisan and display a willingness on your part to use intelligence issues as a political broad sword against members of the Democratic Party. Now, at the appropriate time, I will ask you to explain the purpose of some of these statements and to substantiate the claims that you make in them. As I say, my questions will be tough, but I hope, pray and believe that they will be fair.

During the course of this hearing, I will also have a number of questions about your views on reforming the intelligence community, how it is to be done, and the bill that your proposed earlier this year.

As I noted earlier, I believe intelligence reform should be the top priority of the Congress. It remains a question whether it will be allowed to be in these remaining few days or weeks that we have. And I need to be assured that you appreciate the need for the reform necessary, and that you are prepared to embrace it, if confirmed.

I will want to spend some time discussing your views on a number of recent and ongoing investigations, as well, some of which we discussed in our very productive meeting yesterday, including both the joint congressional and the independent 9/11 Commission investigations, this Committee's inquiry into prewar intelligence into Iraq, and the criminal investigation in the outing of CIA employee Valerie Plame.

Your record as a Member and then also Chairman of the House Intelligence Committee is another area I want to explore with you, including your involvement with the Cox Commission's dealing with the People's Republic of China and espionage at the Department of Energy's national laboratories.

In short, we have a lot to talk about. Again I want to say that I think my questions are going to be thorough and at times tough. The importance of this position for which you are nominated, in my judgment, requires no less. And I'm proud that you're here and I look forward to hearing what you have to say.

Chairman ROBERTS: Thank you, Senator Rockefeller.

I now recognize the distinguished Senior Senator from Florida, the past Chairman of the Committee, for any remarks he would like to make in regard to the nominee. And while I have the opportunity, I would like to thank Senator Graham for his years of service in the Senate. He has earned the admiration and respect of all of our colleagues.

Senator Graham.

**STATEMENT OF THE HONORABLE BOB GRAHAM,
UNITED STATES SENATOR FROM THE STATE OF FLORIDA**

Senator GRAHAM: Thank you very much, Mr. Chairman, for those very generous remarks.

I am delighted to be here again with colleagues for whom I have a special affection. I am also here in order to introduce you to a man that you already know, but hopefully provide some additional perspective.

Let me state at the beginning that I am not unbiased. I believe that Porter Goss is an exceptional human being and will be an exceptional head of our Central Intelligence Agency. I want to first, however, introduce an important part of why Porter Goss is the man that he is. He is joined today by his wife Mariel and their son Chauncey. And I would like to ask if they would stand and be recognized.

[Applause.]

Senator GRAHAM: Adele and I, who also joins me, are very fond of Porter and Mariel, and we recognize the sacrifices which the family has made in order for Porter to be able to spend so much of his adult life in public service.

Mr. Chairman, I've known Porter Goss for well over two decades, and I can tell you from personal experience that he is uniquely qualified to be here today as the President's nominee to serve as the Director of the Central Intelligence Agency.

First, he is a man of great character, unusual intelligence, a tremendous work ethic and an outstanding personal and professional standard of integrity. As Governor of Florida, I came to know Porter when he served first as Mayor of Sanibel, Florida. In the early 1980s, the county of which Sanibel is a city, Lee County—Fort Myers is the county seat—decided to undertake the construction of a new airport. It was probably the largest public works project in the history of that county.

Unfortunately, shortly into that project, three of the five members of the county commission were indicted for corruption. In that circumstance, as Governor, I first had the responsibility of suspending them from office, and then the second responsibility of finding three good people who could step into those vacancies and complete this important project and restore the integrity of local government in the eyes and souls of the people of Lee County.

Porter Goss was one of those three people. Not unexpectedly, he soon rose to be the Chairman of the Lee County Commission. And over the course of his service, he did both; he completed the airport, which is now a great asset for his community and our State and Nation, and second, he rebuilt the public confidence in their local government.

Party affiliation did not matter then. What was necessary was good men and women who could carry out a difficult task. And my colleagues, I believe party affiliation does not matter today.

The challenge that Porter Goss, on a much magnified scale, will face as the Director of Central Intelligence is very analogous to the challenge that he faced 20 years ago in restoring integrity to his local community and completing a very complex project.

Second, in addition to those personal qualities, when it comes to the intelligence community, Congressman Goss has, in my judgment, a balanced perspective, a perspective gained both as an insider and then as an outsider. For a decade, early in his career, Congressman Goss served our Nation in both Army and the CIA. He knows firsthand the value and the risk of clandestine operations.

Since he's been in Congress, and especially as a Member of and Chair of the House Permanent Select Committee on Intelligence, he came to know the agencies from an oversight capacity.

Some have said that he's too close to the intelligence agencies, that he will be too protective of the status quo. Most of you served with Porter and myself on the Joint Inquiry into the events of 9/11. I believe you would join me in saying that, from that experience, Porter is a man who will be independent in his judgments and unflinching in his criticisms where he believes they are necessary.

Mr. Chairman, I have been critical of the intelligence failures that led to 9/11 and the war in Iraq. I have also been critical of the Administration for its lack of leadership toward reform in the three years since September the 11th.

But at this occasion, I want to commend President Bush for the nomination of Congressman Porter Goss. I am confident that he will not be part of the problem, but a leader in taking us toward principled, thoughtful solutions when it comes to reforming the intelligence community.

I strongly recommend your recommendation of confirmation of Porter Goss.

Thank you, Mr. Chairman.

Chairman ROBERTS: We thank you, Senator Graham.

It's my privilege now to recognize the distinguished Junior Senator from Florida for any remarks that he might wish to make.

**STATEMENT OF THE HONORABLE BILL NELSON,
UNITED STATES SENATOR FROM THE STATE OF FLORIDA**

Senator Nelson: Thank you, Mr. Chairman, Mr. Vice Chairman, Members of the Committee.

I think we need intelligence reform. I think we need it now. And I think Porter Goss is the man to lead the effort.

This is a uniquely gifted individual and I think the Vice Chairman of the Committee has pointed out very rightfully that this is a position that all of us have to feel is nonpartisan and is independent and critical in their judgment.

I can tell you this Member of the Senate certainly believes that by virtue of the lack of information and misinformation that this Senator received with regard to the intelligence leading up to the Iraq war, but a most recent example that Porter is going to have

to deal with is to get the sufficient assets on the ground that can penetrate hostile regimes such as North Korea, so that we are not in this Never-Never Land of not knowing what an adversary will do, particularly an adversary that may possess the nuclear weapon and all of that implication to the security interests of the United States.

So I'm here to echo all the reasons that Senator Graham has given you, but I'm here to give you my own personal observations of Congressman Goss as someone whose public life has been illustrative of being nonpartisan, fair and independent. Those characteristics, in this town that is so highly charged partisan, not for the good of this country, especially at this time, are sorely needed in a Director of Central Intelligence. And that's why I wanted to come to you and tell you why I support Porter Goss.

Thank you, Mr. Chairman.

Chairman ROBERTS: Senator Graham and Senator Nelson, thank you very much for your testimony on behalf of your colleague and for your very strong statements. They certainly show significant bipartisan support.

While my colleagues from Florida are welcome to stay, you may wish to simply get out of the line of fire while you have the chance. I thank you very much for your participation and I hope that Ivan the Terrible turns into Ivan the Meek. You've already had enough of that in Florida and we share your concern.

I now recognize the nominee for his opening statement.

**TESTIMONY OF THE HONORABLE PORTER J. GOSS, NOMINEE
TO BE DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. GOSS: Thank you, Mr. Chairman, and thank you for your comments.

Good morning, Mr. Chairman, Mr. Vice Chairman, Senators, ladies and gentlemen. I am obviously very honored to be appearing before this Committee as the President's nominee to be the next Director of Central Intelligence. I'm humbled by the confidence the President has expressed in me and my ability to carry out the obligations of the office to which I have been nominated.

I wish to thank exceedingly Senator Graham and Senator Nelson, my home-state Senators, for their very gracious introductions. I appreciate their support and their very kind words.

I look forward to today's hearing and the opportunity it presents to discuss with you the very important issues facing our Nation, particularly the intelligence community.

As much as I look forward to this opportunity, I have to say, honestly, that I never expected to be in this seat before you. Of course, I never planned to be a Congressman or a Lee County Commissioner or the Mayor of Sanibel, for that matter.

As for my representation of my constituents from the 14th District in Florida, I've given my best to them for the past 15-plus years, and at times, perhaps, I've engaged in debate with a little too much vigor or enthusiasm. I've tried, however, to the best of my ability to engage my colleagues on both sides of the aisle fairly and with the utmost respect for their position and their perspective.

Rest assured, however, that I do understand completely the difference in obligations the position of DCI carries with it and that

which the role of Congressman carries. These are two completely distinct jobs in our form of government. I understand those distinctions and, if confirmed, I commit myself to a nonpartisan approach to the job of DCI.

As noted, I've been a Congressman from Florida. This is my eighth term in Congress. During the last seven-and-a-half years, I've been privileged to serve as the Chairman of the sister Committee in the House of Representatives, the Permanent Select Committee on Intelligence in the House.

I've served with several very distinguished Ranking Democrats well-known to this Committee—Norm Dicks of Washington, the late Julian Dixon of California, Nancy Pelosi, who has risen to the position of House Minority Leader, and most recently with Jane Harman of California—each of them, able, committed and valuable Members of Congress.

I'm proud of my record of service to the Nation in that capacity and the record of cooperation, objectivity and the nonpartisan approach taken together with them on the serious issues facing the Nation and the intelligence community.

I have served as a Mayor and County Commissioner. I worked in the Directorate of Operations at the CIA in the 1960s as a clandestine services officer. And while in the Army, I was trained and worked as a photo interpreter. Each of these opportunities has challenged me and enabled me to serve my country in unique ways. If confirmed, I will be given another unique opportunity to serve my country.

The challenges facing the intelligence community today are varied and extremely complex, as well described in the opening statements of the Chairman and Vice Chairman. Most important among them is countering the terrorist threat to our Nation.

In addition, the intelligence community cannot lose sight of its other responsibilities; it must work tirelessly and continuously to provide our diplomats and our policymakers, both in the Executive Branch and Congress, with information that informs the development of public policies across a very broad range of topics.

With regard to terrorism, the intelligence community's task is most urgent. It must strive to detect, deter and disrupt future terrorist attacks on the United States.

As Americans, we are confronted by a brutal enemy who prefers to murder innocents, who continues to strike our military men and women, who bombs our embassies and who is committed to the destruction of not only our economy, but our way of life. In this battle, good intelligence is crucial. We must deliver a solid, reliable product for our decisionmakers.

When I look back at my time as clandestine services case officer with the CIA during the Cold War, I can say that the mission of the intelligence community was very clear—to obtain the plans and intentions of our enemies, our adversaries and their associates before they could attack the United States. We knew our enemy then.

The mission for the intelligence community has not changed. We must determine our enemies' plans and intentions before they attack the United States; that is the core business.

Our human intelligence capability must improve if we are to continue to exercise our responsibilities in this challenging time. Our

analytical depth and our scope of coverage must increase if we're to provide context and texture to the information that is collected. Our national technical means must be protected and reinvigorated. Investment in these areas will be required.

Intelligence needs to be shared with those who need to know. This includes our State and local law enforcement authorities for homeland security purposes and our Federal law enforcement officials as well. Information sharing must improve if we are to improve our capabilities against our most imminent threats.

We must also improve our intelligence capabilities in the proliferation arena. We need to develop sufficient language skills and a depth to be able to accomplish all of our mission objectives in a timely fashion. I agree wholeheartedly with the 9/11 commissioners that the intelligence community management must foster and nurture imagination throughout the intelligence community and not stifle it.

And there are no easy fixes to these complex challenges. If confirmed, I look forward to working together with this Committee to find ways to improve our capabilities to carry out our mission in the defense of liberty and freedom.

The job to which I've been nominated, the DCI, is a capabilities job. It is not a policy job, and I know that. The DCI must provide precise intelligence and it must provide objective intelligence.

In order to do this, the DCI must have the capabilities and resources available to gather that intelligence. Objective and precise intelligence is only possible if the intelligence community's leadership is itself objective, independent and clear in its commitment to these ideals.

I am committed to these principles. If confirmed, I pledge to be forthright and objective in the presentation of intelligence information to you and to the policymakers of the Executive Branch.

And, finally, I want to say a few words about the dedicated men and women in the intelligence community. During my years as Chairman of HPSCI, I've come to know the successes that they've achieved and the extraordinary efforts that they have performed in the service of this Nation. They serve quietly, with integrity and with the utmost dedication to our Nation, its security, its people. The people of this great Nation are indebted to their sacrifice, their commitment and their work.

And most importantly, my role as husband and father defines me. I have a wife, who has been introduced, who has sacrificed much to allow me to serve. Mariel and I were looking forward to a quiet retirement, but we both understand the call of public service and duty to our country. In this time of war, when duty calls, we find ways to serve. This is my way. I'm eternally grateful to Mariel for her steadfast support and continued strength.

Mr. Chairman, Mr. Vice Chairman, Members of the Committee, again, thank you very much for this opportunity. I'm now prepared to take your questions.

Chairman ROBERTS: The Committee will now proceed to questions. Each Member will be recognized by the order of their arrival. Each Member will be granted 10 minutes. And, if necessary, we will have a second round.

Now, Congressman Goss, there's been considerable concern raised about the CIA's alleged involvement in the interrogation of detainees in Afghanistan and Iraq. Now, I'm not going to ask you to discuss in an open hearing the specifics of the CIA's possible involvement in any of the interrogations, but can you commit to us that as the DCI you will ensure that the CIA's activities do comply with all applicable law, and that the CIA will cooperate with the relevant investigations, including by the Department of Defense, the Department of Justice and the Congressional Committees?

Mr. GOSS: Yes, sir, I can strongly commit to both of those in affirmative "yes" answers.

Chairman ROBERTS: Do you agree to appear before the Committee here or in other venues when invited?

Mr. GOSS: Yes, sir.

Chairman ROBERTS: Do you agree to send intelligence community officials to appear before the Committee and designated staff when invited?

Mr. GOSS: Yes, sir.

Chairman ROBERTS: Do you agree to provide documents or any materials requested by the Committee in order to carry out its oversight and its legislative responsibilities?

Mr. GOSS: Yes, sir.

Chairman ROBERTS: Will you ensure that all intelligence community entities do provide such material to the Committee when requested?

Mr. GOSS: Yes, sir.

Chairman ROBERTS: Do you agree to provide such other information that the Committee may require in order to carry out its oversight and its legislative responsibilities?

Mr. GOSS: Yes, sir.

Chairman ROBERTS: Mr. Goss, will you be a nonpartisan DCI?

Mr. GOSS: Yes, sir. You have my word on that, Mr. Chairman.

Chairman ROBERTS: Mr. Goss, your intelligence reform proposal, H.R. 4584, has been criticized by some as a threat to civil liberties. That criticism is based on a provision in the bill modifying the prohibition on CIA exercise of any, "police subpoena or law enforcement powers or internal security functions" by opening up the possibility of such activity if "permitted by law or as directed by the President."

Has your proposal been characterized accurately in this regard?

Mr. GOSS: No, sir, Mr. Chairman. I don't think that it's accurately characterized that way.

If you'll permit, the purpose of that particular piece of legislation language was to open the door on a debate that must happen. This was done at a time, of course, when I was a Member of Congress and Chairman of the Committee and confronting the recommendations of the 9/11 Commission Report, which call for a blurring of the line between foreign intelligence and domestic intelligence collection for the first time.

That deserves, in my view, a full, rigorous debate and full attention in the Congress of the United States. It is a very huge departure from what we've done in the past and the question is before us, how do we do domestic intelligence? How do we safeguard lib-

erties, but how do we protect people? And I think Congress must be in that debate.

Chairman ROBERTS: Do you support CIA performance of domestic law enforcement powers?

Mr. GOSS: I do not believe that the foreign intelligence apparatus should be used domestically. I do believe law enforcement must be properly prepared with the adequate safeguards to protect us in this country and to protect our civil liberties.

Chairman ROBERTS: You have already touched on this, but if you could briefly summarize, what did you hope to accomplish with this legislative proposal, other than to simply begin the debate?

Mr. GOSS: At the time, it was to begin the debate, because it's a debate we had avoided, in my view, in Congress. We've raised this before in the Committee.

At this time, my reason for emphasizing it and being very glad to receive this question is because I believe the DCI, whoever it will be—and certainly if I am nominated, I will be coming to you for guidance and clarity on how we proceed with dealing with that business with our intelligence and law enforcement capabilities.

Chairman ROBERTS: In Steve Coll's book "Ghost Wars," there is a quote that is attributed to the former DCI, Bob Gates, who said this: "Bill Casey had not come to the CIA with the purpose of making it better, managing it more effectively, reforming it or improving the quality of intelligence. Bill Casey came to the CIA primarily to wage war against the Soviet Union."

Mr. Goss, why, primarily, do you want to be the DCI?

Mr. GOSS: Mr. Chairman, the reason is simply because I believe I can improve our capabilities.

We need better product for our policymakers, we all know that. I believe the answer to getting that better product is rebuilding our eyes and ears, our capabilities in HUMINT, and reviewing the way we do business in our analytical areas. There obviously are some shortfalls there you yourself have pointed out in a very excellent product by this Committee, with the group-think issue on the WMD report. We have fragility in our national technical means which needs attention.

These are all matters which must not wait. They must happen now. Intelligence is our first and best defense, especially in a pre-emptive global war that we are in. And I believe that we have the obligation to make the investment, which is actually a modest investment compared to some of the other investments our country makes.

Chairman ROBERTS: This Committee has longstanding concerns about the National Reconnaissance Office's inaccurate cost estimates for satellite acquisition. Routinely, the National Reconnaissance Office's cost group sends Congress cost estimates that are far below any actual cost to procure intelligence satellites. Cost estimates that are prepared by independent groups outside the National Reconnaissance Office are much more accurate.

To solve this problem, last year, Congress enacted and the President signed a law requiring that independent cost estimates be performed by either the Community Management Staff or the Department of Defense for all intelligence community programs costing

over \$500 million. It also required that the President's budget not exceed the projected levels in the independent cost estimate.

Now, the National Reconnaissance Office is evading compliance with the law by insisting that its cost group estimates meet that law's requirements. I believe that the NRO is wrong.

Will you assure the Committee that if confirmed you will budget to independent cost estimates produced by the Community Management Staff or the Department of Defense in accordance with the independent cost estimate law reported by this Committee and enacted in 2003?

Mr. GOSS: Mr. Chairman, I shared your frustration with the problems that the ICE was used to resolve, is intended to resolve. I supported ICE. It is the law. I intend to comply with the law if I'm confirmed.

Chairman ROBERTS: Mr. Goss, there's a saying attributed to John Paul Jones: "Men mean more than guns in the raiding of a ship." Let's talk about the men and women in the intelligence community workforce, as you did in your opening statement.

During your chairmanship, the House Permanent Select Committee on Intelligence has been adamantly opposed to a compensation reform pilot program enacted two years ago for the Central Intelligence Agency. Just as adamantly, the former Director, George Tenet, supported the pilot program and, in fact, had taken steps to make the program permanent.

Where do you stand on CIA compensation reform? And I'll just leave it at that. And then I have one final question.

Mr. GOSS: I believe that it must happen. My concern with the package as it was being handled was that we didn't have an opportunity to review the pilot program. I think the results of the pilot program on comp reform are extremely important, because it's such a unique workforce. You're absolutely correct, sir. The people are what intelligence is about.

And they are unique the way they do their work. And I think we've got to get it right. I stand for a comp reform, but I want to make sure it's the right comp reform.

Chairman ROBERTS: Let's talk about OPTEMPO in the remaining time that I have. What will you do to ensure that the men and women in the CIA's workforce receive the best training possible even during this time of very high tempo operations?

Mr. GOSS: Mr. Chairman, thank you.

There's no question that we have got good training facilities that are in further need of expansion and modernization. Further, we have programs—one would be the Roberts scholarship program, as a matter of fact—that provides in-training capabilities for some of our good men and women to enhance their capabilities and get them more focused on the needs we have today.

There are a number of programs out there. We are requiring now, as a result of the work, I think, of the Oversight Committees, the NRO Commission, a lot of review that is going on. I found that in the past few weeks as I've introduced myself around the community.

And I believe that we are going to have to invest more in some training programs. The will is there. The people want the opportunity. They would like to have things like competitive analysis—

those opportunities. There just aren't enough resources. There aren't enough analysts.

So I think it's a combination of getting resources on the target that are the most important priority targets, and then making sure that we've got the right mix of people, the right diversification, to deal with the threats as they exist today and then providing them encouragement, career path and training to go do their job. And it's certainly a doable program.

Chairman ROBERTS: I apologize to the Members of the Committee for going overtime.

Senator Rockefeller.

Vice Chairman ROCKEFELLER: Thank you, Mr. Chairman.

Representative Goss, as I noted in my opening statement, I feel very strongly, as in our discussion last night, that the next Director of the Central Intelligence Agency has to be a person who has attributes.

Attributes are not always changeable from one year to another. Attributes are, sort of, part of the make-up of how a person is or can be—it doesn't necessarily have to be, but can be. Those attributes have to be nonpartisan, independent and objective.

On March 8th of this year, you co-authored an intelligence op-ed piece called "Need Intelligence? Don't Ask John Kerry." In it, you made a number of highly charged partisan, in my judgment, allegations, and here are a few. "When Democrats controlled the Congress, the cuts were deep, far-reaching and devastating to the ability of the CIA to do its job to keep America safe."

During the Clinton years, "the intelligence community was given a clear message that if they failed in politically risky operations, which presumably could yield the best information, there would be no backing from the Clinton White House or the Democratic-controlled Congress."

And then you targeted Senator John Kerry, who you claim "was leading the way to make deep and devastating cuts in the intelligence community's budget, and was leading efforts in Congress to dismantle the intelligence capabilities of the Nation."

A few months later, in a June 23, 2004, statement on the floor of the House, you claimed the Democratic Party did not support the intelligence community. In the same floor debate, in June, you said, "My comment is that when there was opposition to intelligence and year after year efforts to cut the intelligence budget, they did come from the Democratic side through the period of the 1990s."

I have a number of questions about these statements and claims.

As you know, it's very difficult to talk publicly about budget issues. They are classified. But I want to present some facts to the extent that I can do so and ask how these fit into your statements and whether you stand by these statements.

First, let's look at whether the Democrats under President Clinton were guilty of not supporting the intelligence community as you claim. During the first two years of the Clinton Administration, the intelligence budgets declined. This was a period of deep cuts in almost all areas of government as we tried to grapple with the legacy of the previous 12 years of, frankly, uncontrolled deficits.

Over the next six years, however, the Clinton Administration budget requests increased every single year. During that six-year

period, 1996 fiscal to 2001 fiscal, Republicans controlled both houses of Congress and the Congress cut the President's request in 1996, 1997, 1998 and 2001. In 1999, the Republican-controlled Congress initially cut the intelligence budget, but then passed a large one-time supplemental appropriation.

In fiscal year 2001, the Republican-controlled Congress returned to its pattern of cutting intelligence funding. After the 9/11 attacks, the Congress once again passed an emergency supplemental funding bill. By that point, the Democrats had a majority in the Senate.

Now, you voted for every intelligence authorization bill and every defense appropriations bill during this period. So you must've thought that underfunding President Clinton's request was at least within some acceptable range.

Now let's look at exactly what Senator Kerry proposed in 1994 and contrast that with the bill, H.R. 1923, introduced by Representative Solomon with you listed as the primary co-sponsor.

In 1994, Senator Kerry introduced a bill to cut the deficit by \$45 billion over five years.

I'm having charts put up. In my 20 years in the Senate, I've never used a chart before. That's a rather boring chart because that was all the CIA said I could do. But we can discuss this.

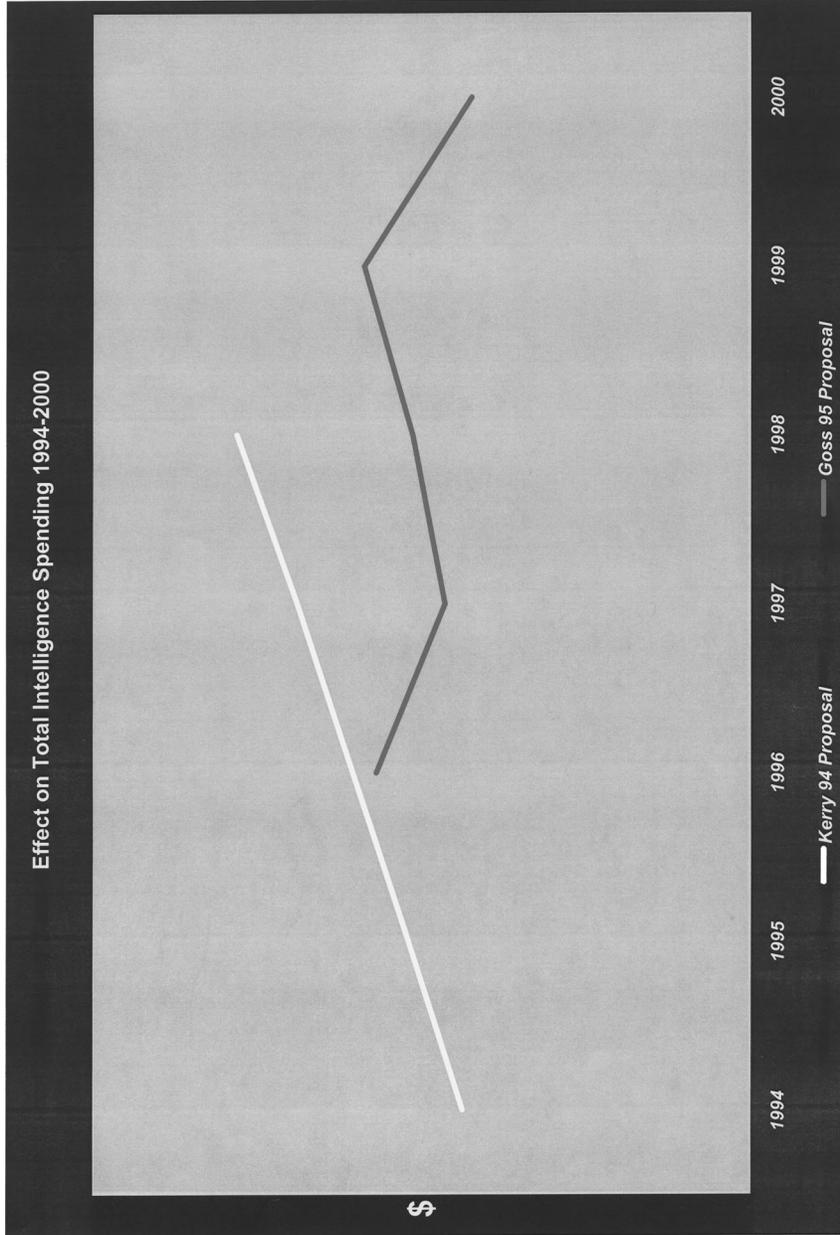
[Laughter.]

Vice Chairman ROCKEFELLER: I'm not gifted artistically.

Chairman ROBERTS: Are you sure it's not a Mondrian painting?

Vice Chairman ROCKEFELLER: That was a good line, Pat.

[The chart referred to follows:]



Vice Chairman ROCKEFELLER: Now, let's look at exactly what Senator Kerry proposed. He introduced a bill to cut the deficit, as I said, by \$45 billion over five years. Again, you will recall the Congress at that time was searching for ways to undo the 12 years of uncontrolled deficits. Senator Kerry's proposal would have rescinded \$1 billion from the 1994 intelligence appropriations and then increased intelligence spending over the next four years by the inflation rate.

Your proposal in 1995 would have cut not less than 4 percent of the personnel from all intelligence agencies in each of the next five years.

I have a chart that shows what each of these proposals would have done to intelligence spending in the aggregate had they been enacted. The top left line—and I hope this has been distributed to the Members—is what would have been spent had Senator Kerry's legislation been enacted. And I can make it no more complicated than that, can't put any numbers, because, again, of the CIA classification, which you understand very well.

The lower line, which is red, is what would have happened to intelligence spending had your proposal become law. I intended to show how these two proposals compared to the actual spending, but, again, the CIA told me that I couldn't do that. And I will attempt to do that if we have a classified session.

Now, after the initial cut in 1994, Senator Kerry's proposal would have provided significantly more funding for intelligence than was appropriated by the Congress, controlled by the Republicans that Congress, beginning with the fiscal year 1996 budget.

Your proposal, on the other hand, after the initial year where it would have been higher than the actual spending, but still lower than Senator Kerry's suggested level of spending, would have resulted in dramatically lower intelligence funding.

In fact, John Kerry's proposal would have resulted in \$8.8 billion over that period of time in more spending for intelligence than your bill. And worse, all of the cuts you proposed in 1995 would have been achieved by firing 20 percent of America's intelligence officers.

In fact, had we followed your plan, sir, the intelligence community would have had tens of thousands of fewer intelligence officers in 2000, fewer intelligence collectors in the CIA, the NSA and elsewhere, fewer intelligence analysts across the community, fewer intelligence officers in the military services, fewer counterterrorism officers in the FBI.

The Goss plan would have made, using your own words, "deep and devastating cuts in the intelligence community budget," I'm forced to conclude. But this year, an election year, you chose to level that charge against the Democratic Party as a whole and John Kerry by name on the floor of the House.

So my questions simply are, how do you reconcile these facts with your charge that it was the Democrats that did not support intelligence? Do you stand by your claims? And why did you feel it necessary, in terms of this question of being nonpartisan and all the rest of it, did you feel it necessary to do that?

Mr. GOSS: Thank you, Mr. Vice Chairman.

Your opening question I think was the question of if a person has attributes, are they so intense that they can't be changed, or so much of the foundation?

I think my colleague from Florida, Senator Graham, made it very clear that I have had times in my life when I have been very non-partisan. I prefer nonpartisanship. And frankly, what comes more naturally to me is nonpartisanship. I don't mean bipartisanship, I mean nonpartisanship. And certainly in national security that would be very, very critical. That's the way I've tried to run the Committee.

My public record is my public record. Today I am before you as a candidate for a nomination to a job where it would be entirely inappropriate to make anything that looks like a partisan comment.

So my answer to your question, sir, respectfully, would be the record is the record. It is true there is a record and anybody is welcome to look at it. I have made a commitment to nonpartisanship if nominated to the DCI job. Thank you, sir.

Vice Chairman ROCKEFELLER: Mr. Chairman, my time has expired. Thank you, sir.

Chairman ROBERTS: With apologies to Senator DeWine, I want to make a point of clarification to answer a question in my own mind.

Is this the same 1995 bill that Jerry Solomon, who was a very unique Member of Congress, born about 10 yards offside in regards to fiscal discipline, every year would introduce his balanced budget amendment? And as a Member of the Rules Committee, he was Chairman and you were on the Rules Committee, and this was not your bill, but you did co-sponsor it, and that this bill never even came to a vote because Chairmen like myself, then the Chairman of the sometimes powerful House Ag Committee, became very disturbed when I learned about this budget.

And so, at least it was proposed, but it never came to a vote. Is that correct?

Mr. GOSS: Mr. Chairman, the record speaks for the record, as I said to the Vice Chairman. I think you've read it properly.

Chairman ROBERTS: Senator DeWine.

Senator DEWINE: Congressman Goss, thank you very much for being with us.

You have been, throughout your career, a strong proponent of human intelligence. You and I have had discussions in the past about our concern about human intelligence. I wonder if you could tell us where you think the Agency is and the community is today in regard to the building back up of human intelligence and where we are today.

I wonder if you could also comment—the former DCI, Tenet, estimated that it would take at least five years to get where we should be in regard to HUMINT. I wonder if you could comment about his perspective on that.

And in doing so, I wonder if you could also talk about the issue of the use of NOCs. This is something that I've been concerned about. If you'll recall, when we had our joint investigation into September 11th, I actually filed supplemental comments where I talked about the use of NOCs and I thought that we should be

using them more in the community. I wonder if you could talk about that as well.

Mr. GOSS: Senator, yes, on a scale of 10, we're about three on build-back. In terms of years, I don't believe five is enough, but I can report some good news, that in my estimation that we have some that we will be able to bring on before five years is up. But the great bulk of what we need is more than five years out there, in terms of global eyes and ears coverage on the core mission, which is close-in access to the plans and intentions of the enemy, the mischief-makers, and other things we need to know in this country for our national security.

It's a long build-out, a long haul. It's been started. It needs continuous monitoring, attention, pushing and help. And it's certainly going to take the help of this Oversight Committee, as well as all the management on the Executive side.

On the question of how we do our business overseas, I want to be very careful what I say in an open session.

Senator DEWINE: I understand that.

Mr. GOSS: But I do agree with your observation that different types of platforms and different ways of doing business are entirely not only relevant, but necessary. And I believe that that is now understood in the community. It is certainly my position, very close to yours, that that's the type of business we're going to have to do.

I am looking for innovation. And I believe that the type of the target and what I call the adjustment of the capability requires dealing in different ways with the enemy.

Senator DEWINE: One follow-up question in regard to human intelligence. So what you're telling us is that you believe that it's going to take more than five years to get where we need to be in regard to that.

Mr. GOSS: That's my estimate, sir. I will admit that I've only been doing homework for a couple of weeks, but in my previous position, combined with that homework, that would be my estimate.

Senator DEWINE: That's a rather frightening answer, but I appreciate your candor.

Mr. GOSS: Candor's important, sir, especially with an Oversight Committee.

Senator DEWINE: Absolutely.

Let me ask another question in regard to a general policy issue. And I understand this is a policy issue, and I understand the job that you're up for. But use of supplementals is something that is very bothersome to me, and I believe it inhibits us from doing our job. But in the job that you will be, we hope, heading into, I believe it will also pose some problems for you in doing your job.

I wonder if you can comment about that in general, understanding that you would be part of a budget team and that you won't be making all of those decisions.

Mr. GOSS: Senator, I won't make a policy comment, but I will make a manager's comment. If confirmed, I assure you that my management style would not be based on supplementals. I like to do more comprehensive planning. I like to have a better idea of what the tooth-to-tail ratios are on some of these activities. Very hard to do that with supplementals.

Understanding what the OPSTEMPOs are going to be, the kinds of things we're going to be engaged in is, obviously, predictive. But I think that you have a better chance of getting your efficiencies and your resources in the right place, in the right time, in the right amount if you have a plan rather than if you're just ad hocing it with sups.

Senator DEWINE: I think there's a general consensus among at least the Senate Intelligence Committee that we have not historically done as good a job in oversight as we should have. I think there's some institutional problems connected with that. I wonder if you could possibly comment on what as the future CIA Director you could do to help us do our job in oversight.

Mr. GOSS: Senator, a lot of recommendations about oversight—I believe this Committee labeled the oversight dysfunctional. I paid a lot of attention to that in my former position, of course.

I don't think it's appropriate for me today to talk about how the Congress of the United States ought to solve its oversight problem.

Senator DEWINE: That was not my question.

Mr. GOSS: I agree. And I wanted you to understand why I was not going to go there.

I do think oversight is a critical, complementary part of the arrangement. I think it takes candor with the DCI or whoever is leading the intelligence community, the elements of the community. It takes understanding.

This is complex business, as you well know. Just learning the jargon of this business takes a degree of education and getting used to. And I worry a lot that we always have a supply of knowledgeable Members of Congress on the Oversight Committees who can participate in the constructive and innovative, creative solutions we're needing to have to deal not only with the management, but with the policy questions of how we apply the capabilities. Because I don't ever want to be put in the position, if I'm confirmed, of building capabilities for the wrong policies.

Senator DEWINE: If I could follow up, you sat where we are sitting and you sat there for quite a while.

Mr. GOSS: Yes, sir.

Senator DEWINE: And you, I'm sure, have some of the frustration that at least this Member has felt in trying to get answers from the Agency, at least from some of the witnesses in the Agency. What can you do to alleviate some of that problem?

Quite candidly, not all of the witnesses that come before this Committee are as forthcoming as you are today, Mr. Goss. What are you going to do as the leader of that team to make sure that the people who come up here have as their mission to be not only as open to answer the questions that are specifically narrowly asked, but trying to be as forthcoming as possible? Sometimes we get the impression that you've got to ask just precisely the right question, and if you don't ask it the exact right way, you're not going to get the right answer.

You set the culture. You're going to set the culture for this team. How are you going to do that?

Mr. GOSS: Senator, I share your frustration from my past position. If you confirm me as DCI, you are going to get just as candid

presentations from every member of the community that are before your Committee as you get from me.

Senator DEWINE: And your commitment to us is that that will be part of your mission, to drive that culture down through your team and to hold people accountable to do that?

Mr. GOSS: Yes, sir, that will be the standard. And if there are complaints about it, there will be ways to deal with it.

Senator DEWINE: We have also been very frustrated, of course, with the National Intelligence Estimate in regard to Iraq and the weapons of mass destruction.

A very general question, but I think important question, is you've looked at this, you've studied it. What were the lessons that you learned from this failure and what are you going to do to ensure that the next major NIE that is produced by the community does not have that kind of problem? What have we learned?

Mr. GOSS: I think the two major things we learned is we didn't have enough collection. Obviously, we all know we didn't have that close-in access for plans and intentions. Therefore, we didn't have enough for the analysts to work with. And what they did work with they did not work with in a creative enough way. I believe that the WMD report that your Committee has put out has basically hit just about every possible point you could hit on that.

I know that the community, even before your report came out, on the analytical side has started to go back and talk about why they have not had the necessary remedies to group-think, as your Committee expressed it, why they've not had more competitive analysis, why they have abandoned some of the tradecraft, why they have been not doing some of the things that should have been done.

So I know that there is a bit of energy and a bit of vision already being expended. That needs to be reinforced.

I don't think there's any question now in hindsight that it wasn't our best possible job by any means. I think people did it honorably, sincerely, but the way I characterized it in my letter to the Committee was they didn't test conventional—excuse me, to the community, my letter to the community back last September, I think it was, co-signed with Ms. Harman—was they didn't test conventional wisdom enough.

There are questions in the caveating, all of those kinds of questions, so that the reader, the consumer of the product, clearly knows what is known, what is not known and what is predictive. I think those things help the product consumer very much as well.

So I think those are the areas of understanding there, now it's the question of employing it. And we need some more analysts, I've got to tell you that, too.

Senator DEWINE: Thank you very much.

Thank you, Mr. Chairman.

Chairman ROBERTS: Senator Wyden.

Senator WYDEN: Thank you, Mr. Chairman.

Mr. Goss, I have always enjoyed working with you. We go back to our House days, and I always try to be bipartisan in this field. Senator Lott and Senator Snowe and I are, for example, trying to overhaul the way government documents are classified.

But I will tell you this morning, I am very troubled and have serious reservations about your commitment to intelligence reform. And I want to be very specific about why that's the case.

As eight-year Chairman of the Committee, you essentially had a front-row seat to terrorist attack after terrorist attack—the embassies in Africa, the USS COLE, 9/11. You served on several commissions, the Joint Inquiry into 9/11 during 2001 and 2002, the Brown Commission. You saw all of these terrorist attacks. You were part of these various commissions advocating change.

You were in the Congress for 16 years, introduced scores of bills, but it wasn't until a few months ago that you introduced any legislation at all to reform the intelligence community. Why wouldn't you have acted earlier if you were serious about intelligence reform?

I mean, for example, when we were dealing with the Homeland Security bill, why wouldn't you have said, "We'd better be dealing with intelligence reform right now too, because the system is broken"? Why did you wait until just a few months ago to introduce legislation on intelligence reform?

Mr. GOSS: Senator, as I've said, the record is the record and there is no question that I am in the public record as a Member of Congress appropriately trying to espouse what I thought were the right views about intelligence, which indeed include reform.

I don't think there's any question about my commitment to reform. I'm totally committed. I wouldn't be sitting here if I didn't think we were going to have reform in the intelligence community and the opportunity.

The questions that frustrated me the most, honestly, looking back, are the questions of audience. It was hard to get attention and, if I failed, it was perhaps in getting attention. And I think there was a lot of frustration on the Committee that we weren't able to get the attention for some of the things we thought needed to be done.

In fact, I think if you look at Chairman Roberts' bill that he has put in and go back to, I think it was, 2002, you would find in the HPSCI authorization bill, which is where we did put all our legislation, as you know, you would find in that legislation a recommendation that the intelligence community consider a reform that actually looks sort of similar to the bill that Senator Roberts, I understand, put out.

Senator WYDEN: I would only say to you, Mr. Goss, you were Chairman of the Committee. You were in a position to get attention to this issue, and yet you didn't do it. And your answer today is, "Well, I'm committed to reform." And we're supposed to accept you at your word, and essentially look at this record of eight years and literally 16 years in a favorable way.

I'm not there yet. And I'm going to be here through this entire hearing, but you're going to have to show me in the course of these hearings a commitment to reform specific instances, because you didn't give me an example, a concrete example, of how you were committed to intelligence reform just now.

And the second area I'd like to get into deals with this bill in June. And I want to know specifically whether you favor today what is in your June 16th bill, which is giving the CIA the power

to arrest American citizens in the United States. Do you favor that provision that was in your bill? And I just would like a yes-or-no answer.

Mr. GOSS: No.

Senator WYDEN: You do not favor that provision?

Mr. GOSS: No, sir, I've already answered that question for Chairman Roberts.

Senator WYDEN: You did not answer that question specifically. You, in my view, talked generally about it, but I appreciate your answer, so we're clear that that 57-year-old ban—that's what's on the books now with respect to the prohibition on the CIA arresting Americans in the United States—you will not favor changing that as CIA Director?

Mr. GOSS: The CIA should have no arrest powers in the United States of America.

Senator WYDEN: A question dealing with the commitment, again, to take on the tough issues and challenge the Agency is the focus of this question.

The Senate has cooperated with an ongoing Department of Justice inquiry into the shooting down of an American missionary plane in Peru. This was a matter, as you'll recall, that in a program that the CIA was involved in, an American missionary and a baby were killed. The Senate is cooperating fully in that inquiry. Has your Committee fully cooperated in that inquiry and shared documents on the investigation?

Mr. GOSS: To the best of my knowledge.

Senator WYDEN: I think you'd better check again. It is our understanding that the Committee has not cooperated, is not sharing documents. And the reason that I feel this is important is it goes to your willingness, looking at the past, to take the Agency on.

The Senate has been willing to do it. The Senate has been willing to say that we're going to cooperate with the matter. And my understanding is that the House is not fully sharing documents in this matter. And I consider it important.

The next area I'd like to ask you about involves political accountability. You have said in the past that the Agency is risk-averse. And I think that's an important statement, and one that I largely share. The reason that I think that may be the case is that when things go wrong, the Agency takes the hit and political officials, particularly in the Executive Branch, get off the hook.

I'd like to know what you would do to support political accountability so as to give your agents more confidence in terms of being willing to take risks.

Mr. GOSS: Risk-aversion is a very important part of this, and rebuilding the morale and giving people the latitude to do the jobs and standing behind them is just plain good leadership and good management. And that, surely, is something that I have in mind and, if confirmed, will practice.

My attitude toward the intelligence community and, I guess, my alma mater, the CIA, is one of tough love. I very much want to see our men and women in the intelligence community succeed in their work for not only their own sake, but for the safety of all Americans. That is our first defense, in my view, of our national security.

So I think all the motivation and all the forward lean on this that could be out there is very, very important.

I will stand up for what is fair and just on behalf of the people of the intelligence community. And I will hold accountable those people who are out of bounds. I believe that accountability works both ways. Those should be celebrated who do good work and those who don't need to be corrected.

Senator WYDEN: Why did you vote against the 9/11 Commission, the creation of it?

Mr. GOSS: Sir, the record will speak for the record. I believe that I did support the composition of the 9/11 Commission.

Senator WYDEN: But you were opposed to it originally.

Mr. GOSS: Senator, my reason for opposing it was the same as some of my colleagues in this chamber. I did not believe that a simultaneous investigation would be in the best interest of getting all the facts out in a very straightforward way and getting an efficient investigation done.

I did very much support the idea of a sequential investigation, very much understanding that we would never, in our Joint Inquiry, get it all done, and said so many times in the Joint Inquiry. The record will be clear on that.

But actually I am very proud—I'll accept some paternity for the setting up of the 9/11 Commission and the fact of the way we set it up so that they came up with a bipartisan, good-quality book which I would recommend to every American, at least the first 338 pages which deal with what happened. I believe that it is a fine product. And I, frankly, think there will be more of the mosaic in the future filled in.

Senator WYDEN: I think it's an excellent product.

I'm concerned that if you had had your way, at least originally, we wouldn't have had the product, and that's what troubles me.

Let me ask you, if I might, about Ahmed Chalabi, because you led a party-line vote to reject an amendment that would have authorized an inquiry into dealings with Ahmed Chalabi. Now, this was even after allegations that Chalabi had leaked U.S. military secrets to Iran. You said, "I would say that the oversight has worked well in matters relating to Mr. Chalabi." I find that very hard to believe.

Do you still feel that oversight has worked well with respect to Ahmed Chalabi?

Mr. GOSS: Yes, sir, I do.

Senator WYDEN: As Director of the CIA, would you initiate an investigation into whether an assumed American ally provided intelligence information to an adversary?

Mr. GOSS: Of course, if it were credible.

Senator WYDEN: And why do you believe that the system worked well with respect to Mr. Chalabi?

Mr. GOSS: I believe the issues about Mr. Chalabi, which are extensive, have been generally well understood. I think that all of the questions have been raised and I think the appropriate investigations that follow on are taking place. I don't think oversight gets much better than that.

Senator WYDEN: Mr. Chairman, my time has expired.

I would just say to Mr. Goss that, despite my affection for you, the answers you're giving me today suggest that it's going to be business as usual at the Agency if you're confirmed. Now, I intend to be here throughout the day. I hope we'll actually have a second hearing. I hope you can convince me otherwise.

My time has expired, Mr. Chairman.

Chairman ROBERTS: Senator Levin.

Senator LEVIN: Thank you, Mr. Chairman.

Let me add my welcome to Mr. Goss.

This nomination is being considered in a context, as a number of colleagues have pointed out, of proposed reforms following failures of intelligence before 9/11 and following massive pre-Iraq failures of intelligence. To my mind, at least as important is the structural reforms which are under consideration and even arguably more so in terms of importance, is the need to assure the independence and objectivity of intelligence analysis.

A more powerful national intelligence director with greater authority over intelligence budgets and personnel could be appropriate, with a big "if"—if that increased power is used to help ensure the independence and the objectivity of intelligence analysis and if it's not used—as it must not be used—to promote policy. Intelligence is not supposed to be promoting policy. It's supposed to be informing policymakers and I just don't want a more powerful national intelligence director to be a more powerful yes man, for whatever Administration is in power.

I don't want someone who says that something is a slam dunk when it isn't to the President of the United States. I don't want someone who says publicly something that is different from what the classified material says, thereby supporting policy of an Administration with those kind of public statements.

And that's what I have to become comfortable with relative to your nomination—not to you personally, but to the nomination that we're talking about to this job and whether you are the right person for this job, given the statements which you have made, the positions which you have taken relative to a number of intelligence matters.

You were quoted yesterday in *The Washington Post* as saying that you would not use the term "failure" to describe the intelligence lapses before 9/11. Was that accurate?

Mr. GOSS: I think it's partially, in context. I think I added some other words.

Senator DEWINE: Were there significant intelligence failures prior to 9/11?

Mr. GOSS: In the sense that the intelligence did not prevent the attack, yes. In that sense that the intelligence was not the full problem, no.

Senator LEVIN: But would you use the term "failure" relative to the 9/11 intelligence?

Mr. GOSS: In the contemporary sense that our intelligence failed us, I would.

Senator LEVIN: As a matter of fact, the report that we all issued, the two Committees issued, uses the word "failure" over and over and over again. But you seem to have some reluctance, or you did

relative to that interview, to use the term. I'm glad you're willing to use the term.

Now, what about prior to Iraq? Would you say that there were massive intelligence failures prior to the Iraq war?

Mr. GOSS: Are you referring to the WMD, the material that was given to our—

Senator LEVIN: The 500-page report of this Committee. Would you say that there were massive intelligence failures prior to Iraq?

Mr. GOSS: I would say there were intelligence failures. The degree question is probably going to be in the eye of the beholder. They were certainly significant, and they were not up to standard.

Senator LEVIN: In your eye, were there significant failures?

Mr. GOSS: Yes, sir. In my eye, there were significant failures in our intelligence, in the product that was delivered, and that's why the product has to be better.

Senator LEVIN: All right. The product that the CIA delivered?

Mr. GOSS: The product that the intelligence community delivered, sir.

Senator LEVIN: And would that include the CIA?

Mr. GOSS: Yes, sir, of course.

Senator LEVIN: And were there significant failures in the public comments of the Director of the CIA, in terms of his statements about what the intelligence showed? Would you say there were inaccuracies, omissions, distortions and failures on the part of CIA Director Tenet in his public statements, many of which were analyzed in that 500-page report, by the way?

Mr. GOSS: I believe that Director Tenet spoke forthrightly with what he truly believed at the time.

Senator LEVIN: You think that he distorted?

Mr. GOSS: I don't think he had the full—I don't think he distorted intentionally, no.

Senator LEVIN: Do you think he omitted?

Mr. GOSS: I don't know that, sir.

Senator LEVIN: Do you think he exaggerated?

Mr. GOSS: I don't know that.

Senator LEVIN: And did you read our report?

Mr. GOSS: Yes, sir.

Senator LEVIN: Do you agree with our report?

Mr. GOSS: Yes, sir. Generally, I've read obviously a huge report. It has a lot of blackout in it, as you very well know, redaction. Too much probably. And I've read all 117 of your conclusions. I'm sorry there weren't some recommendations to follow. Perhaps there will be.

Senator LEVIN: Well, hopefully there will be. That's phase two, apparently.

Chairman ROBERTS: It's the Roberts bill, by the way. I just thought I'd, you know, toss that in.

Senator LEVIN: This is one of the conclusions in that report, that most of the major key judgments in the intelligence community's October 2002 National Intelligence Estimate called "Iraq's Continuing Programs for Weapons of Mass Destruction" either overstated or were not supported by the underlying intelligence reporting.

Mr. GOSS: I think I agree with that.

Senator LEVIN: Now, you were also quoted in yesterday's *Post* as saying that—after saying that you would use the word “failure” to describe the intelligence lapses before 9/11—that's what *The Washington Post* said you said—you then are quoted as saying the following: “I don't like to see the left wingers splattering mud on an agency that's done some very fine work.” You allegedly said that in 2002. Was that an accurate quote?

Mr. GOSS: I have no idea if it's an accurate quote or not in 2002. I don't know what the context was. I do believe that we need a forthright, nonpartisan look at our intelligence weaknesses, failures and needs.

Senator LEVIN: Does that reflect your views, however?

Mr. GOSS: Which?

Senator LEVIN: That quote.

Mr. GOSS: That what?

Senator LEVIN: You don't like to see the “left wingers splattering mud on an agency”?

Mr. GOSS: Let me put it this way, Senator. I don't believe that anybody should be unfairly criticizing men and women who are working in our intelligence community, particularly when we're at a time at war, unless there is real justification for it.

Senator LEVIN: And do you think that that 500-page indictment, in effect, of the failures of the CIA represents splattering mud on the CIA?

Mr. GOSS: No, sir. And that certainly was not the context of that quote.

Senator LEVIN: But you don't remember making that quote?

Mr. GOSS: No.

Senator LEVIN: Your statement to Senator Rockefeller, on the numbers that he gave to you, is that the record is the record. That's an unacceptable answer, because if the record's inaccurate, it seems to me you ought to correct it. As a matter of fact, you said to the Chairman when the Chairman quoted from something in your record, you said that—and this is just a couple of minutes ago—“Mr. Chairman, the record is the record. You read the record properly.”

Did Senator Rockefeller read the record properly?

Mr. GOSS: I think Senator Rockefeller read the record properly, and came to the conclusions he came to.

Senator LEVIN: And do you disagree with any of the numbers—there's no numbers there, but do you disagree with the statements that he made? These are very factual statements about what you supported as a Member of the House, and with intelligence cuts, comparing the bill that you co-sponsored to the proposal of Senator Kerry. Is that inaccurate in any way?

Mr. GOSS: The record is accurate to the best of my knowledge, Senator.

Senator LEVIN: Are his statements accurate?

Mr. GOSS: Senator Rockefeller's statements?

Senator LEVIN: Yes. Comparing the bill that you co-sponsored with the proposal of Senator Kerry, is that statement of Senator Rockefeller accurate?

Mr. GOSS: Senator Rockefeller's statements are what he believes.

Senator LEVIN: I want to know what you believe, not what he believes. I know what he believes, he just stated it very forthrightly. I need to know what you believe forthrightly.

My question is, do you believe that those statements comparing Senator——

Mr. GOSS: Senator, I believe——

Senator LEVIN: I want to finish my question.

Mr. GOSS: Sorry.

Senator LEVIN: Do you believe that the statements of Senator Rockefeller comparing what was in your bill to what Senator Kerry proposed are accurate? Do you believe it was accurate?

Mr. GOSS: The record is the record, Senator. And I don't believe that it is appropriate in any way, shape or form for me to get involved in anything that could be considered a debate about partisan matters.

Senator LEVIN: I couldn't agree with you more. Let's talk about facts and numbers. That's what the two charts were. They were comparing numbers, without having the specific numbers, comparing the level of expenditures for intelligence.

It's a very factual question, it's a very objective question. We're looking for objectivity, we're looking for independence. It's not going to be good enough for you to say, "The record's the record," when you don't want to deal with the record, but when you do want to deal with the record, then comment on it. That isn't going to be good enough, at least for this one Senator.

And this is not something, again, which is personal between us. It is something which is very essential to me, that we have confidence that whoever that director is in whatever Administration is going to be objective and independent and is going to call it as he sees it.

And now the question that Senator Rockefeller asked, and I'm going to try to get you to answer, is whether or not that comparison of levels of spending that compared your bill, the bill that you co-sponsored, with what Senator Kerry proposed was an accurate representation. That is my question. And it's essential we get an answer to that question.

Mr. GOSS: Senator, I believe that Senator Rockefeller believes what he said, and the record is clear on what my record is. The facts speak, the record, they're no different in the record. They speak for themselves.

Senator LEVIN: They don't speak. You're speaking for them is much more significant at this moment for this Senator than just simply saying, "The record speaks for itself." And I don't understand the reluctance in some cases to say "Yes, that is an accurate, factual statement," where in other cases you are perfectly willing to say, "No, I did say that," or, "I didn't say that."

For instance, you gave an answer to Senator Wyden saying you don't support something, even though the way the bill reads it might be interpreted the other way. It's just a direct question. And the reluctance troubles me to give a direct answer to a factual question—what your belief is, whether that is an accurate representation of the facts.

Mr. GOSS: Senator, you've asked me what my belief is.

Senator LEVIN: Do you believe it's an accurate representation?

Mr. GOSS: I believe that the chart that Senator Rockefeller put up, as vague as it is, which has no facts on it, is put up there in good faith by Senator Rockefeller to make a point of the way he sees it. I believe people can interpret the record in different ways. That's why I'm not going to try to interpret the record.

I made a very firm commitment that I would be nonpartisan and objective and straightforward and candid, and if nominated and if confirmed that I would take this job and deal with it and step away totally from my former job and let the record speak for itself.

Senator LEVIN: Thank you.

Vice Chairman ROCKEFELLER: Mr. Chairman, I just need simply to interrupt to say that I have all of the figures, and would be happy to sit down and go over those with you, if that's appropriate. But I have all of the figures about those bills. I just could not bring them before this open forum.

Mr. GOSS: I understand that.

Senator LEVIN: Perhaps we can then get an answer after you've reviewed those figures. We haven't gotten it now, and I don't believe that therefore meets the test you've just given, which is being candid and being open and forthright. Your answer does not meet that test.

Chairman ROBERTS: Senator Warner.

Senator WARNER: Thank you, Mr. Chairman.

Congressman Goss, I welcome you and your lovely wife and join those in commending both of you for the willingness to take on what appears to be a very arduous and extraordinarily challenging new post.

I want to be up front with you and tell you exactly where I'm coming from as we propose here in the Congress the legislative changes with regard to our intelligence structure. I want to be respectful of our President. I think he's taken some strong initiatives through Executive Orders and other ways.

But I come back to my own personal convictions about the Central Intelligence Agency. I was privileged 35 years ago to enter government service as the Under Secretary and Secretary of the Navy, and I have continuously, except for a brief hiatus when I was running for the Senate, worked with that Agency. I think it is one of the most extraordinary institutions in our overall government.

It is composed of individuals unlike those found in many other agencies of government. And you, having been in the ranks there in your career—distinguished career—I believe you share that and that's one of the strongest reasons I want to be a supporter for you in this post.

I feel that if we go through this legislative change, whatever it may be at the moment, I personally am going to do everything I can to strengthen the integrity and the professionalism and the effectiveness of the CIA, and let no one try to crack it and break its morale, which could cause a disaffection of this extraordinary group of professionals that are serving all over the world, in many places, as you well know, taking personal risks equal in every respect to those of the men and women of our armed forces.

So, having said that, I listened carefully as our distinguished Chairman and Ranking Member and others talk to you about your background and your ability to be bipartisan or nonpartisan or

however it is—we use those phrases interchangeably rather loosely up here.

But the fact that you're an elected official and perhaps the second only in history to take the post to which you've been assigned I think is a great credit, because you bring an extraordinary knowledge of government and the dynamics which make government work.

And I think if you look back over many of your predecessors, a number of whom I had the privilege of knowing personally and working with, while they may not have been elected officials, they were no fools when it came to politics. And I'm confident that you can fulfill this post without ever suffering any accusations of being political.

The Chairman opened the discussion with reference to the ghost detainee issue. I had extensive briefings on Friday from the Agency and I participated with the Chairman and other Members of this Committee yesterday on the subject of the ghost detainees. And you gave very clear answers.

But I want to clarify something in the record. I want to go back to an Associated Press story of September 3 this year.

"Washington: Porter Goss, tapped as the next CIA Director, says the Senate lacked, quote, 'balance in its public hearings in investigating the Iraq prison scandal and should not have plucked military commanders from the field to question them about the abuse.'"

Now departing from this momentarily, as Chairman of that Committee, I indicated to the Secretary of Defense in a letter a number of witnesses who we felt should come before the Committee at times convenient and in no way to interfere with their military duties.

The Secretary called me personally and said General Abizaid and Sanchez are in Washington. They're available and we had them as witnesses. They were not plucked from their duties. They came at the direction of the Secretary in connection with their appearances here in Washington on other matters.

But I continue: "During one interview in May, the eight-term House Republican and Floridian said he couldn't count the number of ongoing prison abuse investigations, but, 'We've got the circus in the Senate, which is always the likely place to look for the circus.'

"Even though I say that lightheartedly, I do honestly question whether or not they have balance over there on this issue." I continue your quote: "It seems to me pulling the general in charge of the troops in a hostile combat situation back to explain something that they don't need him for and he doesn't have the answers to, and he could get the information through subordinates anyway, it seems to me to be some very stylish interpretation of oversight,' Goss said, 'and probably unnecessary, and perhaps not helpful to the war effort. I am not comfortable with what the Senate is doing,' he added."

I think this is an appropriate time, in light of the questions by the Chairman with regard to this ghost detainee issue, which I consider a very serious one, along with the whole subject, that I believe that the Senate has treated very conscientiously. And it's interesting that the House Armed Services Committee was somewhat

dismissive of the issue in the beginning, but subsequently that Committee has conducted just about every single hearing that the Senate has had on the subject in a very thorough and professional way.

So I don't mean to dwell on that, but if you want to say a word.

Mr. GOSS: Senator, thank you for the opportunity.

In the first place, I did not know of your conversation, in your capacity as Chairman, with the Pentagon. Had I known that, I probably would not have made that statement. In fact, I certainly would not have.

My statement was based on dealing with members of the military who were witnesses who had appeared before our House Committee, and they were concerned that we were getting in the way of their first jobs. That was why the statement was made with regard to do we need our people here or there. And I think that your clarification of that illuminates it for me, and I think you are right.

With regard to the question of needing to investigate, obviously we needed to investigate. My issue then was the question of how. Back then, in May, there was quite a feeding frenzy going on in the media over the very sensational photographs that were out there, which, unfortunately, our Committees had the responsibility of overseeing, and they were—disgusting is not a strong enough word.

But putting the perversion aside and going to the issue of our Committee, my worry about balance was the question of the balance between getting it right on interrogation, which is a critically important tool for intelligence, having professional interrogators able to do their work—professional interrogators. Torture is never tolerable, and it's not anything that a professional interrogator uses.

Senator WARNER: I think I accept your answer.

Mr. GOSS: Thank you, sir.

Senator WARNER: In terms of the role of the CIA Director in this coming legislative environment, again, I want to work on a provision along these lines. And that is, I'm a firm believe that competitive analysis and differing views are some of the pillars of strength in our intelligence system. I want to preserve that, at the same time supporting the President's initiative for a NID.

But on the assumption there will be instances where the CIA Director could have a strong, personal, differing view than that held by the NID, I'd like to have it written in law, if necessary, that that individual, be it yourself or successors, has the opportunity to go directly to the President and provide those views.

Let me give you an example. When I and many others worked on the Goldwater-Nichols Act—and yesterday in that seat sat Colin Powell, former Chairman of the Joint Chiefs—we wrote in that while the Chairman is the principal military adviser to the President, if one or more of the other uniformed service chiefs have differing views, they can have access to the President to express those views in the presence of the Chairman or however it was done.

Something along those lines, I think, is needed for your post. And I wonder if you share that view. I might say Colin Powell said that he was intrigued with it, and he felt it was worthy of careful examination.

Mr. GOSS: Senator, I think it's a very important observation you have made. How the reorganization comes out, and how the network is stitched together, and how the intelligence community is stitched together and what are the positions is unclear to me, and it will be the job of the Congress. It will not be my job.

But you asked me specifically do I think there should be the opportunity of the person who is in charge of dealing with our clandestine services and our intelligence product that makes up, basically, the most important briefings the President and his national security people get—do I think that that person should have the ability to talk to the President of the United States? Yes, sir, I do.

Senator WARNER: Thank you very much. Well, I hope that we will provide that in a way, if necessary, in law.

Mr. GOSS: Thank you, sir.

Senator WARNER: The President, 24 hours a day, seven days a week, needs intelligence. You know that full well. The military, certainly in the tactical level, likewise needs it 24 hours a day.

Now, assuming we enact a new law, I'm concerned about how we implement and transform the present system in such a way, at a time when this Nation is at war, we don't lose a single heartbeat and it is not perceived by any adversary now is the time to strike America because they're reshuffling this intelligence system.

What guidance could you give the Congress with regard to how we may incorporate that in law, or certainly report language, so an orderly transformation does not leave a single heartbeat, a weakness, in our system?

Mr. GOSS: Sir, that will be your job. And it would be probably inappropriate for me to tell you how I would like my job description carved out.

But I will be very candid and say I totally agree that there can be no slippage, and we must not lose sight of the fact that the warfighter, to support our military operations when we are at war, must have every possible priority and consideration. We know there's frictions between the national consumer and the military. Those are an area which I hope that the Senate and the House would take a very close look at and provide provision when we are at war, whether it's a conventional war or a SOLIC-type war, low-intensity conflicts.

I think those are distinctions that need to be looked at in clarity of how we proceed and deal with our organization so that it is flexible and can get the capabilities on the target to enhance our national security.

Senator WARNER: I thank the witness.

Chairman ROBERTS: Senator Feinstein.

Senator FEINSTEIN: Thanks very much, Mr. Chairman.

Good morning, Mr. Goss.

I would like to go back to Senator Warner's question about your comment that, "We've got the circus in the Senate, which is always the likely place to look for the circus." And this is still the oversight body for the intelligence community, and as such I think there needs to be some mutual respect between this Committee and whoever is DCI. What you're saying by that comment is certainly a lack of respect not only for this Committee, but this body.

How can there be mutual respect, how can we carry out our oversight responsibility with you as a DCI that believes we are a circus?

Mr. GOSS: Senator, I certainly do not believe that the Senate is a circus or this Oversight Committee is.

The comment that I made to the reporter over the media frenzy that was going on over the sensationalism of the pictures at the time was very simple. It was not made as a serious comment. It was not meant as a serious comment. And it was not reported as a serious comment. It was light-hearted jesting about our rivalries that go back and forth on the Hill.

I then amplified that to say, but I am concerned about balance, because I am so concerned about our interrogation as a weapon we must have. As you very well know in your position, you have seen the value of good professional interrogation and what it has meant to the safety of Americans at home and abroad in recent months and years.

To lose that because of the extraordinary abuses that were going on and the failure in the media to understand the distinction between prison guards who may have gotten out of control, or allegedly have gotten out of control and some of who clearly did get out of control and have been properly convicted and there are investigations ongoing, and our professional interrogators who we need to do the job was the point I was trying to make.

I was worried that that balance would swing over and that sensationalism would cause a stop in our interrogation, which was my main problem.

Senator FEINSTEIN: Let me ask you about another light-hearted comment and this has to do with the outing of a clandestine agent, namely Valerie Plame. And you said, "I would never take lightly a serious allegation backed up by evidence that there was a willful—and I emphasize 'willful'; inadvertent is something else—willful disclosure and I haven't seen any evidence. Somebody sends me a blue dress and some DNA, I'll have an investigation."

Do you believe that's an appropriate comment as the Chairman of the House Intelligence Committee?

Mr. GOSS: I don't think it was my best comment ever, for sure. I think it was made to a provocative remark to me about the difference between evidence and allegation. It's not something I'm proud I said at all. But I think the point I was trying to make is that evidence is different than allegations.

Senator FEINSTEIN: Okay. The question is what kind of a message that sends to the clandestine community when you're going to be their number one authority figure?

Mr. GOSS: If you're referring to do I take seriously the investigation about the leak, the answer is indeed I do. And when I was the Chairman of the Committee, I assure you we had numerous of the right people from the Administration come up and explain to us exactly what was going on.

I did exactly what I have done in every investigation, I think without exception, as the Chairman and as a Member of the Committee over the 10 years that I've been there, which was have a quiet, closed hearing to get the facts; learn that the proper investigation was being taken by the proper people; demand that a re-

port be given back to the Committee for the Committee's deliberation when the report was concluded.

That was the record. Some of that is closed, obviously, and I cannot go any further in it. But we await that report.

Senator FEINSTEIN: Thank you very much. I'd like to move on.

Mr. GOSS: Yes, ma'am.

Senator FEINSTEIN: This morning every Member of the Committee received a letter from a 22-year veteran of the Agency. He is a serving CIA officer. He made 10 points. I'd like to read one of the points and ask you to tell me what you will do about it.

"In the CIA's core U.S.-based bin-Laden operational unit today, there are fewer Directorate of Operations officers with substantive expertise on Al-Qa'ida than there were on 11 September. There's been no systematic effort to groom al-Qa'ida expertise among Directorate of Operations officers since 11 September.

"Today the unit is greatly understaffed because of a hiring freeze and the rotation of large numbers of officers in and out of the unit every 60 to 90 days, a process in which experienced officers do less substantive work and become trainers for officers who leave before they're qualified to support the mission.

"The excellent management team now running operations against al-Qa'ida has made repeated, detailed and on-paper pleas for more officers to work against the al-Qa'ida and have done so for years, not weeks or months, but have been ignored."

What would you do? Because I'm one that believes the capture of Bin Ladin, the removal of al-Qa'ida from the face of the Earth, really should be a number one mission of this Agency and this says that there is the al-Qa'ida unit, which is not really functioning as it should be.

Mr. GOSS: Senator, I don't know whether that reference is to the CTC or to an area division or to some other component.

Senator FEINSTEIN: The CIA.

Mr. GOSS: Yes, ma'am. I'm going to take that to mean it is part of the CIA Directorate of Operations and answer it that way.

I largely agree with that. I don't know whether it's factually accurate, but it is similar to the conclusions that our Committee, which I'm no longer on, and, obviously, I'm not speaking on behalf of that Committee.

But that did lead us to write our authorization bill this year with some very sharp language that went very much to those points that caused some considerable uproar at the time. Frankly, it was very similar to language that your Committee reported in your WMD as well. So I think there is agreement there's a problem.

One of the reasons that I sit here before you today seeking your confirmation is so we can continue to rebuild the HUMINT services properly. They are our best bet for dealing with the war on terrorism. It is very hard to use some of our national technical means effectively against terrorists. HUMINT is our best capability.

It needs to be redesigned. We need to have people who can speak the language, blend into the culture, spot the people, understand what motivates people in those cultures. All of those things need to happen. That takes training, that takes time, it takes resources. It takes different platforms, different ways of doing business.

That is very much why I am looking forward to this job if I am confirmed. I believe I can make that happen.

Senator FEINSTEIN: Let me follow up on that.

I'm one that believes the NIE was deeply flawed, and virtually every time there was a difference of view—whether it was on the aluminum tubes, whether it was on the UAVs, whether it was on mobile biological weapons labs—the CIA view prevailed and the CIA view was wrong.

One of the things that bothers me very much is that the Secretary of State was put out before the world at the United Nations with deeply flawed data. And he used that data, and particularly on the mobile labs, when our investigation showed that it was a flawed operation to gather those sources from the beginning and never should have happened that way.

What will you do specifically change the collection and analysis methodology in the preparation for an NIE?

Mr. GOSS: Thank you. Part of the answer to that is the management of the integration and the fusion of information. It is a question of co-locating people from different agencies into the different disciplines to try and make sure that they have people talking to each other. That's a big part of it.

The second part of it is the tradecraft, testing the conventional wisdom, competitive analysis, those kinds of things that are properly pointed out—avoiding group-think if you will. And some of that is ongoing, and I would submit to you that there is a paper from the DO which I would like to provide for you if you're interested on some of the steps that are being taken.

But it goes much further than just dealing with the management. It goes to the question of how many analysts do we actually have who speak the language, who know the cultures to do the jobs and these things. And the answer is, frankly, not enough.

I don't want to give aid and comfort to our enemy today by telling you how bad I think this problem is, but I can tell you right now we're borrowing analysts from places we shouldn't be borrowing analysts from to do jobs. They're probably not as good at what they're being borrowed for, and they're leaving a gap for what they're good at.

That's not smart. And that worries me. And that's happening both at our DO and our analytic divisions, and that's got to stop.

Senator FEINSTEIN: Do you believe that analysts should have more of the source data?

Mr. GOSS: Yes, ma'am.

Senator FEINSTEIN: Which is a real problem. And do you also believe that perhaps they should have station experience?

Mr. GOSS: I believe it's very helpful. The question is that they haven't had the time or the people or the slots; there's a lot of logistics reasons why they haven't.

In a better world, absolutely they should have that, and certainly there needs to be better working relationships, understanding, I will say cross-talking between the DO, the DI.

And, obviously, analysis should drive collection. It shouldn't be we have a collector somewhere say this is what we're interested in. It should be, we have an analyst who wants this, this is what I want a collector to get. That's the right formula.

And you're right. I mean, your Committee's paper did an excellent job pointing this stuff out.

Senator FEINSTEIN: Thank you, my time is up.

Chairman ROBERTS: Thank you, Senator.

Senator HAGEL.

Senator HAGEL: Mr. Chairman, thank you.

Mr. Goss, welcome. We are grateful to you and Mariel for offering yourselves once again at an important time in the history of our country.

I have no questions regarding circuses or any references to circus or county fairs, but I do want to talk a little bit about some things that you have discussed here this morning.

Each of us, and certainly you, Mr. Goss, understand that we are living at a very transformational time in the history of the world. That is requiring essential United States Government agencies to be radically transformed. We are in the midst of that today and have been and will continue to be working on this over the next few weeks in the intelligence community, reforming our intelligence community, restructuring our intelligence community. This transformation in the world today has presented new challenges, new threats, new possibilities.

And with that as the context, I would be very interested in getting your sense of the larger view. And you referenced it a couple of times in your statement when you said, "Intelligence needs to be shared with those who need to know. This includes our State, local law enforcement authorities for homeland security purposes, and our Federal law enforcement officials. Information-sharing must improve if we are to improve our capabilities against our most imminent threats."

Within that context, how do you break out information sharing, as you have noted here, within the domestic structure of our government today? You talk specifically about local law enforcement. We're not doing that very well. In fact, I don't know how much of it we are doing.

How do we integrate into the overall intelligence community fabric domestic and foreign intelligence? How does that work? We're talking about intelligence-sharing this morning, we talked about it yesterday, you have dealt with it for seven years as Chairman of the House Intelligence Committee.

Then, in addition to that, how then do we integrate the tactical-strategic intelligence dynamic into this overall new 21st Century agency intelligence community that you are going to have an awful lot to do with, and you will play a very significant role if you're confirmed, in helping shape and mold that?

Mr. GOSS: That is going to be primarily the most critical task of the community management aspect of the job of DCI or national intelligence director or whatever the job finally is.

The question of the horizontal coordination, collaboration and exchange of both tactical and strategic information and the vertical, down through the State and local, down the working level, is what this is all about. Blending in, getting over that line that we have always had, this is different than the wall between intelligence and law enforcement, but it's like it.

Our whole intelligence apparatus is set up as the National Foreign Intelligence Program. It's all overseas. Now we have a domestic Homeland Security Department. They do law enforcement and they stop terrorism from happening. But the information may come from overseas, or the information may come from local people.

What we have to have is a place to deal with that information. But we have it. It's called TTIC. It's being set up—the Terrorist Threat Integration Center. It's a fusion place. It's a house of exchange of information. It doesn't have capability to go do something. That's why we have a national counterterrorism center that is being considered.

And that's why we have a very thorny question which is raised both by the 9/11 Commission—and as some of the Senators asked, alluding to some of my legislation—how do you join that piece together where you have actual information being used by law enforcement or surveillance people in the United States of America against Americans? That's a policy question that you all are going to have to answer, and I hope that your answer is very clear for the people in the Executive Branch. It has to be clear. I don't know the answer to that.

There are a number of proposals out there to deal with it. The issue has been raised by virtually everybody, and it has to be dealt with. I think it's critical to the success. And everybody has to understand what that is.

Then comes the technical problem, sir. And there is some good news here. We are beginning to understand ways to share information. We're using tearsheets. We're beginning to talk about ways to get information down to the local level, training people to receive information at the local level, ways to sanitize or partially sanitize information so that it can be shared with more people. DIA has done a good job using taggants on some of the information so people can go back and see what levels of access are available for a given nugget of information. Those kinds of tools and modernization techniques are beginning to happen. They're not in place.

We desperately need an enterprise architecture that has an assured, secure mechanism for the intelligence community and its customers to talk together in a way that you can do all of the business you need to do on behalf of the intelligence community—and that is classified information, quite often, the exchange between—and then have a customer be able to reach in there to a safeguarded level where there's no threat to sources, methods, ongoing investigations, liaison relationships or things like that.

That is a long way away, but it is so necessary.

And one of the requests, if I am confirmed, that I am going to be continuously making of the Oversight Committees is continued support for enterprise architecture. Because we've got some agencies now that can't even do their work inside themselves on a secure basis, as you very well know.

Then they have to be able to find interoperability with other agencies. Then you have to be able to stitch that network together. And then you have to be able to deal with your customers, not all of whom can have access to all of the sources and methods, obviously.

You've put your finger on probably the toughest management question we've got, and it's going to take some time and the cooperation of all of us to get that fixed. And we've got to do it.

Senator HAGEL: I would hope, Mr. Goss, that you will be very active in this and take significant initiative. Because we play a role—and you have been through this—but we don't understand it as well as you understand it, and your colleagues. And we are, to some extent, guided, as is your Agency, by the end-user's needs, by what you have to say about this.

Mr. GOSS: Thank you, sir.

Senator HAGEL: Let me ask you, in following along the same line of questions here, you mentioned this, it's been brought up in some exchange this morning: human intelligence. You noted the critical essence of human intelligence.

Can you tell this Committee any specific thoughts you have about what you would do to address this issue if confirmed? You mentioned reaching out, obviously, for more linguistics, more new 21st Century dynamics as part of the collection process, the analysis process, but programs—anything specific to this issue that you are thinking about now?

Mr. GOSS: Yes, sir. Definitely, some specific things.

I believe there is too much management at headquarters, specifically. It has gotten too patterned. I don't want to use the word "too bureaucratic," but maybe it's the right word. And I think that has stifled some of the innovation, some of the creativity and, frankly, some of the risk-taking in the field. I think some of the exact procedures, which I will not go into in open session, need to be modified about how people in the field are allowed to go about their business. I think that's a very easy example.

But there's a more basic problem than that. That's a simple fix. That's a stroke-of-a-pen fix. Reassurance that people will be supported in the field, building the morale, those are more leadership issues, that has to happen. The training has to happen.

Training costs money. We need a lot more people and I can't emphasize enough that if you don't have case officers that can deal with the culture and the language, you're not going to get much. It really is important to have that. And so one of the very specific things I'd ask you to look at is the efforts that are being made with the national flagship language program, the National Security Education programs to take some of our existing people and bring them into an area where we need to employ them and give them the skills, the background, the culture, the language that we also deal with, the language question more head-on than we have. Because it is a major weakness. We may have the best interrogators in the world, but if you can't speak the language, or she can't speak the language, it doesn't do us a whole lot of good.

Senator HAGEL: Do you favor making the aggregate intelligence community budget public?

Mr. GOSS: Sir, what do you mean by the aggregate, the top line?

Senator HAGEL: Yes, how much we spend.

Mr. GOSS: My preference is no, sir, for a very simple reason. It served us well not to put that top line out when we were in what I will call a bipolar stand-off with the Soviet Union. I'm not sure what the future holds.

One of the things that kept the Soviets off balance, we know now, was they weren't quite sure how much we were committing, what we really had, what we were really doing. And my view is that if I had a preference, I think the day may come when we find ourselves in another, sort of bipolar situation, maybe it'll be tripolar, with other great nations that are emerging.

I don't think it's a critical question. To me it's not a deal-breaking type question, but that would be my preference.

If it is ever revealed—and whatever your decision on that will be, obviously, I will follow the law if I'm confirmed—but if it is revealed I hope it would be clear what it was that we were talking about when we say we are revealing the intelligence budget and how it is managed, how the oversight of that works in Congress, because I fear, if confirmed as the DCI, that I had to come back to you with a number that was one number that was public out there, which wasn't the real number I was dealing with, that sooner or later there would be stories written about that.

So I think the connection of the decisions you make on how you do your oversight with regards to the budget and intelligence amounts is related to what you're asking me.

Senator HAGEL: Mr. Goss, thank you.

Mr. Chairman, thank you.

Chairman ROBERTS: Mr. Goss, Senator Bayh is next. We have come through eight of the Senators who are here for the hearing, eight of the 16, and he is willing and I would suggest to you that this would be an opportunity for a five-minute break, if you so choose. Or if you do not choose to do that, we can press ahead.

Mr. GOSS: Sir, I would be very pleased to have a five-minute break, maybe a three-minute break if that's sufficient for you. It's sufficient for me, I think.

Chairman ROBERTS: In the Senate, a three-minute break turns into a five-minute break, that turns into a seven-minute break, as you well know, so the Committee stands in recess for five minutes.

Mr. GOSS: Thank you, sir.

[A brief recess was taken.]

Chairman ROBERTS: The Committee will come to order.

Chairman ROBERTS: Senator Bayh.

Senator BAYH: Thank you, Mr. Chairman.

Thank you, Mr. Goss. I would like to begin by echoing the sentiments of many of my colleagues here today who have recounted their positive personal interactions with you. That certainly has been my experience. And I appreciate your willingness to continue your service.

I have two lines of inquiry. The first deals with some of the questions and concerns raised by a couple of my colleagues touching upon the issues of independence and the possibility of undue partisanship.

As I understood your opening statement, you seem to be indicating that there are different standards of conduct for Members of Congress, the elected branch of government, who by necessity are involved in the political process, and those in the Executive Branch, particularly something as sensitive as the Director of Central Intelligence, where a different standard of involvement would

apply. And that seems to be a reasonable position to take. Have I characterized your opening statement correctly?

Mr. GOSS: Yes, sir.

Senator BAYH: With that in mind, I'd like to ask you about something that was referenced I think by Senator Rockefeller. And that's this op-ed piece that you authored with Congressman Young on March the 8th in the *Tampa Tribune* entitled "Need Intelligence? Don't Ask John Kerry."

That seems pretty partisan to me, almost—knowing you a little bit—almost out of character. With that in mind, I'd like to ask you, were you requested or was it suggested to you that you write this by someone affiliated with the White House or the President's re-election efforts?

Mr. GOSS: Senator, I don't remember the exact circumstances of how that came to pass. I believe I had made some statements on the question of sufficiency in intelligence that were quoted back to me, and I don't remember exactly how all of that blended together, who were the participants. I'd have to check for the record on that and get back to you. I just simply don't recall.

Senator BAYH: I would appreciate it if you would. It raises the question, if this was just sort of a deep-seated concern about Senator Kerry's position on these issues and you did that on your own, that's one thing. If you did it at the behest of someone else for political reasons—which is not, of course, unheard of—that might suggest a level of partisanship or lack of independence that the Committee might find to be relevant to these proceedings.

You would certainly agree that by your own standards an article like this would be inappropriate for the DCI.

Mr. GOSS: Absolutely. Absolutely, sir. I make that loud and clear.

Senator BAYH: With regard to the reorganization that's been suggested of the community; there have been different proposals that have been floated. We find ourselves in an unusual position today where you're being nominated to serve in an office that may be substantially altered in a period of weeks, a handful of months. So I'd like to ask you about your views on some of the issues that have been raised here.

And let me back up just momentarily. You had your own proposal. As you know, Brent Scowcroft had been asked to do a study, had come up with some recommendations. Those recommendations, as I understand it, are still classified. I find it hard to understand why they're still classified. One of our colleagues has suggested that he's going to offer an amendment to declassify the Scowcroft Report.

Would you support declassifying Brent Scowcroft's recommendations about intelligence reform?

Mr. GOSS: Senator, I have not seen the alleged Scowcroft reform. I don't know what the report is, whether it was ever concluded or not. I've heard about it, of course, and I don't know that it would be a proper—

Senator BAYH: Well, if you haven't read it, then I can't ask your opinion about whether it should be declassified.

But suffice it to say he's obviously a nonpartisan figure, has some interesting thoughts about intelligence reform. And as far as I

know, there's nothing in his report that couldn't be shared with the American public.

Mr. GOSS: Senator, what I would say is the job I seek, if I am confirmed, obviously, should be involved with the questions of the security of our country and the capabilities for the intelligence product that we get. The questions of how we reorganize the intelligence community, how it is reorganized, is going to be pretty much up to the legislators in this country to decide what they want it to look like.

Senator BAYH: Well, let me ask you about a couple of the specifics.

As I understand, the proposal that you had suggested, which was embraced by many members of the community, as I understand it, would have tried to flesh out the powers, make real the powers, of the DCI as they were envisioned in 1947. We sort of made the DCI the head of the intelligence community, but never really empowered the DCI to exert the kind of leadership that now appears to be necessary.

And the other approaches that have been suggested by the 9/11 Commission, now by the Administration, by the Chairman of this Committee, would involve the creation of a national intelligence director, the so-called NID.

What about your approach empowering the current DCI is superior to the recommendations for the creation of a NID?

Mr. GOSS: Senator, I think the legislation is pretty clear. The reason that I proceeded that way with the legislation was to signify that I understand that one of our very biggest problems in the intelligence community is that we have a loose confederation of agencies rather than an efficient network of agencies that's delivering product. I believe there should be sort of a top to the pyramid instead of 15 different tops to it, if you will.

Senator BAYH: But why the DCI model as opposed to the NID model?

Mr. GOSS: I believe the DCI model came pretty closely right out of the issue of the DNI recommendation that our Joint Inquiry did. I thought it was the purest and closest way to do that.

There is obviously a difference between a DNI, a NID and a DCI. These are very subtle nuances that get into complexities, as you very well know, sir.

Senator BAYH: Well, can I ask you about a couple of them before my time expires? The whole issue of budget control, and this does get into the weeds a little bit, but it's important if we're going to have, as you say, someone coordinating, bringing coherency to all the different agencies, it's important we don't just, as we did in 1947, put that on a piece of paper, but we empower the individual to actually accomplish that mission.

Let's talk about budget control. The 9/11 panel would authorize the NID to actually create the budgets in consultation with the agencies. The Administration's proposal would have the agencies create the budgets and then be approved. And this sounds a little bit like it's inside baseball but, as you would well know, the people who are actually creating the budgets in the first instance are exercising more control and authority than if someone's just in a position of passing approval on it.

Do you have a thought about whether the NID or the empowered DCI should have the ability to create the budgets for the agencies as opposed to just approving them?

Mr. GOSS: Senator, I have a thought and I had a thought, and they're different and I don't mean in any way to be disrespectful.

The thought I had was that I felt that the national foreign intelligence budget program should be handled by a centralized figure. I've called it the DCI in my bill. That was what I had. What I have now is basically, I am going to, if I am confirmed, play the cards that are dealt to me on this subject.

Senator BAYH: What about paramilitary operations? Some have suggested that those be consolidated in the Pentagon. Others believe that we need to keep a robust capability within the clandestine services of the intelligence community. Do you have an opinion about that?

Mr. GOSS: I do have an opinion about that. Again, that is subject to whatever you all decide you wish to do. I think there are pluses and minuses to virtually all of the recommendations in here, mostly pluses. I think that is one of the area where there is a recommendation that does have some minuses to it that I do have some concern about.

Senator BAYH: My final question, as I see my time is about to expire, we had an unfortunate situation where your predecessor, before I believe—if I'm not mistaken, Mr. Chairman—before 9/11 was in a position—George Tenet called for actually a declaration of war upon al-Qa'ida and Usama bin Ladin. I think those are words that he used—"declaration of war." And yet, subsequently, in testimony it came out that the head of the National Security Agency was unaware of that fact. This was emblematic of the kind of lack of coordination and communication that existed at that time.

Now, you may have touched upon this in your response to Senator Hagel's question. How do we prevent that sort of lack of coordination from occurring again? This is not down in the bowels of the department some place. We have the Director of Central Intelligence declaring war; one of the chief collectors was unaware of this fact. How do we keep that from happening?

Mr. GOSS: I think that is the principal driving factor for most of the energies that we see that are now being engaged at all levels and in all branches of government in Washington to deal with the network problem.

As I said, instead of having 15 agencies out there doing their thing, we've got to have a different kind of management that has something at the top that can control that. That's a solvable problem. It just takes the direction to do it. If I am confirmed, I assure you that I recognize that the preponderance of what is being asked of a DCI is to get the network going.

Senator BAYH: Thank you, Mr. Goss.

Thank you, Mr. Chairman.

Chairman ROBERTS: It is the decision of the Chair and the Vice Chair to proceed as we go along until we at least come to the conclusion of the first round, and probably the second round. I would advise Members to inquire of the chair as to where they stand in order of appearance for questioning so they can get a quick bite to eat.

I would say, Mr. Goss, if you have someone in the audience that is very favorable to you that can prepare you a bite to eat, we could take another five or 10 minutes on down the road here.

Mr. GOSS: Thank you, Chairman.

Chairman ROBERTS: With that, let me recognize Senator Mikulski.

Senator MIKULSKI: Thank you, Mr. Chairman.

And, Mr. Goss, I want to welcome you and your wife, whom we've known from various trips and travels. We want to welcome you to this hearing. As you know, we've worked together. I have a great deal of respect for you. We've worked together on the Joint Inquiry Committee and others. We've traveled on those NATO CODELs to see how we could end the Cold War.

So know that when I look at my criteria for this position, it would be, number one, competence; number two, integrity; number three, commitment to the mission of the Agency; and number four, independence.

I know that you are competent from both your work as a CIA agent, and your work chairing the Committee. There is no doubt that you're a man of integrity; your work in Congress and your record speaks for that. And I believe you're devoted to the mission of the Agency. And that's good news.

But I'm going to ask the questions related to independence. We're only 49 days from an election. And my question would be, will Porter Goss be an independent voice at the CIA, willing to speak truth to power to whomever is President and also to the Congressional Oversight Committees which we ourselves, hopefully, will be reforming ourselves?

Let me tell you, everyone's talked about your attack on John Kerry and those partisan articles. I'll come back to that in a minute. But one of the concerns I had was about investigation in your tenure as Chair of intelligence leaks.

You've stated that you're absolutely on the side of employees to make them the best that they can be. Yet there was the outing of a CIA agent, Valerie Plame. And then when you were asked whether you would be investigating this or whether you felt that this was a matter of being compromised, you said that before you would do anything, that you needed to see the blue dress with DNA on it before you would take any action.

Well, that was really a very snotty answer, quite frankly. And I was surprised about your attitude in that case and also the fact that this involved a CIA agent, the outing of which is, as you know, an egregious, and, if proved and prosecuted, a criminal matter.

Could you tell me why you didn't investigate that, and in fact—I'm not going to ask you if you said that, if you care to comment on that—because that's a cameo of being willing to be independent because it gave the appearance of being dismissive and really kind of, if you will, pardon the brusqueness of this, but shilling for the White House.

Mr. GOSS: The answer to your question that I previously answered on that subject before, it was not a well-chosen remark, and it's not one that I'm proud of.

The question about investigation, however, is a very serious matter. And I believe, as I've testified already, that the investigation

is fully warranted—the best possible investigation. I believe very strongly in the Intelligence Identity Protection Act. It's true that we've had, I think, maybe one or maybe no successful prosecutions in whatever it is, the 25, 30 years that that's been out there.

That has frustrated me. I assure you, my record will speak as Chairman of the Committee and I have many comments on that. I always have practiced the same thing the whole time I was the Chairman—regardless of whatever Administration; it's not a factor—that we would have behind closed doors a presentation of the facts of whatever the problem was and then we would have the professional people do the investigation, in this case, a professional investigation by the Department of Justice using the system of referral, which is the right system, was underway.

We were reassured that it would happen. We were then reassured that they had brought in a top-notch prosecutor and this would be exhausted until the end and that they would report back to us relevant information to the Committee in our portfolio to deal with. And that's where we left it.

Senator MIKULSKI: So you supported a vigorous investigation?

Mr. GOSS: Yes, ma'am.

Senator MIKULSKI: And you regret the remark?

Mr. GOSS: I regret the remark. The remark was not about the investigation. I was trying to make a distinction between an allegation and evidence, which is somewhat different. I was not trying to say—

Senator MIKULSKI: But I was trying to get to your state of mind about these things.

Let's go to, really, a situation. We're 49 days from the election. Either John Kerry or George Bush is going to be President. Let's talk about independence with President Bush should he be re-elected and then I have a question should John Kerry be elected.

We had a previous CIA Director who said when President Bush said to him, "Is there more information about this Iraq?"—again, I'm paraphrasing—and he said, "Oh, Mr. President, this is a slam dunk."

I have here this Select Committee investigation that we did that showed that it was a dunk. It was not a slam.

Then this is the same CIA Director that sat behind Secretary Powell at the U.N., one of the most esteemed and trusted men in the world, who then put forth the reason why we needed to go to war on what we now know was evidence that was flimsy, dated and dubious. The CIA Director was sitting behind.

What would you do that was different? How would you be an independent voice? Because it seems that group-think existed not only in the analytical department, but enlisted by the very Director of the CIA as he engaged in conversations with the highest level of the White House and, in fact, let the President of the United States down when he asked him that question.

Mr. GOSS: I believe, as I have said, Senator, that getting a better product to our policymakers is what this is about. That means using the full network of the intelligence community, the resources and capabilities, to develop that product and present it in an unvarnished way to the President of the United States. I think that's the job. I think I understand that is the job.

Senator MIKULSKI: Well, let's then go to how that job was being done. The ombudsman at the CIA went to the Director and said, I'm getting feedback from the employees that they're being hammered in a way that would predetermine their analysis, the repetitive questioning.

My question to you, when an ombudsman would come to you like that while they're doing the national intelligence estimate, preparing information for the President or other policymakers—well, number one, I presume you support a CIA ombudsman. And, then, second, what would you have done in that situation?

Mr. GOSS: Senator, I would and I did check to find out how much of this—what is the truth of this. Was there undue, unfair pressure? And just as your Committee investigated that question, our Committee did as well. Our Committee is not finalized yet. As you know, I left the Committee—appropriately—when the President made the nomination. But I have total confidence in the Committee.

I believe that the issues that are involved in fact-checking and getting everything right are self-evident. You have to do all of that.

Senator MIKULSKI: But here comes the ombudsman—let's put this Iraq matter over here. There's another matter. We don't know what the issues are that lie ahead over the next several years.

Say you're the CIA Director, your ombudsman comes to you, and, again, regardless of who is President, this issue comes up, that the analytical or the professional staff feels that they are being hammered in a way to skew the analysis and recommendations they give. What would you do about that?

Mr. GOSS: I would deal with it very directly. It is inappropriate to try and shape the intelligence. There's no question.

And I want to make it very clear that the intelligence product has to be the best product that the analysts can produce for us with the best possible collection. Outside interference in that process cannot be tolerated.

Senator MIKULSKI: So you would go to the highest level, even if you saw that?

Mr. GOSS: If I felt there were interference in the product or tampering of the product, of course I would go to any level to say that's not going to happen.

Senator MIKULSKI: I appreciate that answer, and I accept your word.

Mr. GOSS: Thank you, ma'am.

Senator MIKULSKI: I accept your word. Because, again, as I said, I believe that you do come to the Committee with integrity.

My last question: Say John Kerry's elected. Do you feel that you could serve with John Kerry?

Mr. GOSS: Of course. That would be up to President-elect Kerry's decision. But, of course, I believe I can serve, do the job as the DCI that I've been nominated for, for any Administration.

The job is a capabilities job. The question of who is the President is relevant only in one aspect, and that is whether or not the President would be comfortable with a DCI who happened to be a Porter Goss, because I do believe that comfort level and that chemistry is very important to preserve the access. It is the one place where the intelligence community really plugs into the policymakers.

Senator MIKULSKI: I thank you for your answers and I appreciate the conversation. And again, I need you to know I have a great deal of respect for you and again, admiration for your wife.

We know that when we are called, you had a whole other life that you planned two years ago before 9/11. You had another life planned that you thought you were going back to and so we just want to pay our respect to her, as well.

Mr. GOSS: Thank you for your kindness.

Chairman ROBERTS: Senator Durbin.

PREPARED STATEMENT OF HON. RICHARD J. DURBIN,
UNITED STATES SENATOR FROM THE STATE OF ILLINOIS

Mr. Chairman, we meet today to consider the nomination of Congressman Porter Goss to serve as the next Director of Central Intelligence (DCI). This nomination comes at a truly historic moment. Three years after the September 11, 2001 terrorist attacks against the United States, the Congress is—hopefully—about to legislate into law what may be the most significant and far-reaching intelligence reforms since the U.S. Intelligence Community was created after World War II. These reforms will likely be based in large part on the recommendations of the 9/11 Commission.

Clearly, no position is more important than that of the individual who must lead the entire Intelligence Community—to date, that has been the Director of Central Intelligence; but under the current reform proposals, this will become the new position of the National Intelligence Director (NID). Mr. Goss has been nominated to be the next DCI, but this is a position that may only exist for several more months. It will be important for us on this Committee to learn the nominee's views on what this role should be in this post-9/11 world, and what it should evolve into as part of the intelligence reform effort.

Given this unique historical moment, I believe that it is more important than ever that the next DCI be non-partisan and firmly committed to meaningful intelligence reform. I have known, and worked with Mr. Goss for a number of years in Congress and consider him a good man and a patriotic public servant. However, there are a number of concerns I have with his nomination for this important post, and I look forward to having these concerns addressed in the course of these confirmation hearings.

In exploring Mr. Goss' views and record, I am interested in knowing his views on, and level of commitment to, intelligence reform—and particularly to the reforms recommended by the 9/11 Commission.

Mr. Goss has also served as the Chairman of the House Intelligence Committee for almost 8 years—the second longest tenure in that position in the almost 30 years that the House of Representatives has conducted formal oversight of the Intelligence Community. The Chairman of a congressional committee has considerable power in determining what issues the committee will focus its oversight efforts upon, and the manner in which it will conduct this oversight. I will be interested to know more about the nominee's accomplishments in intelligence oversight. I believe that this oversight record will be a reasonable gauge of his likely effectiveness in managing the Intelligence Community during this highly challenging transitional period.

I also note that the nominee has made a number of public comments regarding the Democratic nominee for President—as well as other Democrats—questioning their commitment to intelligence and national security. I look forward to learning more about the nominee's views on these issues, as well as his views on the importance of nonpartisanship as an essential attribute for an effective intelligence professional—particularly for the head of the U.S. Intelligence Community.

Mr. Goss, welcome to the Committee and I look forward to these hearings.

Senator DURBIN: Congressman Goss and Mrs. Goss, thank you for being with us today.

One of the significant differences between the House and the Senate, of course, is this nomination process, and I will tell you that I've come to believe since 9/11 and my service on the Intelligence Committee that next to the President's Cabinet and lifetime appointments to the Federal courts, this appointment to the CIA

is one of the most serious and most important assignments that we have to consider.

Intelligence is literally our first line of defense in the war against terrorism, and that's why this nomination hearing has to be taken so seriously and your appointment taken more seriously than many others.

I've said publicly that you are a good person. My service with you convinces me of that. There are a multitude of appointments in this Administration that you would be excellent to be part of, but I will tell you today that I come to this nomination with two very fundamental questions.

And that is whether you're the right person for this job, in light of what's happened to America on 9/11 and in the invasion of Iraq.

And I look to two or three specific things.

Number one, are you reform-minded? Do you have it within you to really undertake what will be titanic battles to reform intelligence in America, which I think is long overdue?

Secondly, will you be nonpartisan. And I think you've said from the outset that that is one of the most important elements in your service in this position if you are nominated.

Now I will tell you this, Mr. Goss, because I know you and I know your competence. Whoever briefed you for this hearing and said that when you get in a tight spot over something you have said or done, keep repeating "the record is the record," did you no great service. That is a dismissive comment that you never should have included, I think, in your comments before this Committee.

It basically tells us that you're not prepared to answer or discuss some important things about you and your background and your beliefs. And that leaves us, as Senator Wyden has said, at a real disadvantage, when it comes to answering these fundamental questions.

On the issue of partisanship, I have to tell you, Vice Chairman Rockefeller's presentation about the budget figures speak for themselves. You made some allegations about John Kerry and about the Democrats, which when they're compared to your own record don't stand up. They were entirely partisan and, not that we all aren't guilty of it from time to time, but I think you should have given us a little more in terms of how you got into that fix and why you were asked to take on this aggressive partisan role when it came to John Kerry.

But even more important than this election, which will come or go, is the whole question of your loyalty to the Administration at times when serious questions were raised about the political misuse of intelligence. This whole question of Ahmed Chalabi, to say that oversight worked well on Chalabi is to ignore the obvious.

Chalabi was dismissed as a non-credible person by the CIA and the State Department's INR while he was being used as the leading witness and expert by the Defense Intelligence Agency. Now to say that oversight worked well, one of those agencies was wrong. And history has shown us that the Defense Intelligence Agency was wrong.

Ahmed Chalabi is now under investigation for perhaps treason and this man who was posted to sit behind the First Lady at the

State of the Union Address is an embarrassment to us. And to say that oversight worked there, I don't think is appropriate.

On the Valerie Plame incident, I'm not going to recount your statement, which you have said you regret. And we all make statements we regret, but you said what you were looking for, the point you wanted to make was this was about evidence, not about allegations.

The evidence was Robert Novak's column. That was the evidence. This woman, this professional, literally had her professional career and her life in jeopardy, because someone, according to Mr. Novak, in the White House disclosed her identity. I don't know what more evidence you'd like or want to initiate an investigation, but you didn't do it.

On the Abu Ghraib scandal, to criticize the Senate for being a circus, I wish the House would've looked at this scandal as aggressively as the Senate did. Again, it was an episode during the Bush Administration which could have brought embarrassment to the President during an election cycle. And you chose, as Chairman of the House Intelligence Committee, not to get involved, raising questions again about whether or not you could be nonpartisan in this position.

On your commitment to reform, you were part of the 1996 Commission—Aspin, Brown and Rudman Commission. And, as Senator Wyden has said, even after the 9/11 Commission vote, there's no evidence that you've introduced significant reform legislation until just three months ago.

You voted against the creation of the 9/11 Commission when the White House opposed it. When you lost that vote on the floor, and the White House changed its position, you embraced it. That was what many in your party did. But it doesn't show the commitment to reform that many of us are looking for.

Also, I have to really look at your Committee, House Intelligence and Senate Intelligence, and say that we have been accused of not being reform-minded. This 9/11 Commission Report—which we have all praised to high heaven, and should—on page 420 says congressional oversight for intelligence and counterterrorism is now dysfunctional.

Now that happened on our watch, Congressman, while you were Chairman and while I served here. What did we do to show a commitment to reform?

Let me be specific in the question that I think may get to the heart of this, as far as I'm concerned. We now have allegations that there is at least an alternative, if not a rogue, intelligence operation at work in the Department of Defense under Mr. Douglas Feith.

Do you feel the Department of Defense under Secretary Rumsfeld and Assistant Secretary Wolfowitz, specifically DIA and Mr. Douglas Feith, have gone too far in creating an alternative intelligence effort, specifically in their lionizing Ahmed Chalabi and in the dogged efforts which they made to try to legitimize some meaning in Prague involving Mohammad Atta?

Mr. GOSS: The issue of Mr. Feith's position, I believe he's not actually in the intelligence community. I think he's in the policy side of the community. And I'm not sure that as DCI, if I'm confirmed,

that my portfolio goes that far into the Secretary of Defense's territory. That's a question I'm just going to have to explore further.

I've already said very clearly that I do believe that there can be no policy contamination of the intelligence product. Intelligence informs policymakers, not the other way around. Now, do I believe any Cabinet Secretary has the right to go out and do his business or her business the way they see fit, subject to appropriate oversight on the Hill? The answer is, of course, subject to following the laws of the land.

Do I feel that oversight as it applied to intelligence worked in the Chalabi case? The answer is yes, for this reason. We found out in the Oversight Committees that there was a question with the sourcing. The information that came through that channel was not, in my view, sufficiently vetted or explained.

Senator DURBIN: But Mr. Goss, we found out after we invaded. We found out after we had committed 140,000 troops. We found out after hundreds of Americans lost their lives. To say that oversight worked is to ignore the obvious. Years ago, the CIA dismissed Ahmed Chalabi while he was being feted and elevated by this Administration as a reliable person.

Oversight did not work. We ended up in a war that he is frankly laughing at us over. He told the British press: "So we didn't find weapons of mass destruction. I achieved what I wanted. American troops are in Iraq, and Saddam Hussein is gone." Oversight didn't work.

Mr. GOSS: Senator, I agree with you on your observation, which I think is what you're implying, that we did not have enough good sources in Iraq. I certainly do agree with that. And I would not consider Mr. Chalabi a great source.

Senator DURBIN: So let's go back to my first question. Here is the DIA lionizing Mr. Chalabi, trying to create this link between al-Qa'ida and Saddam Hussein, at war with the CIA in terms of its sources and its presentations. I want to know this: If you become the Director of the CIA, what will you do about this rogue intelligence operation in the Department of Defense?

Mr. GOSS: Senator, I certainly would not want to characterize anything as a "rogue intelligence operation" unless I had ample evidence and much more background information than I do. But if there were a rogue activity going on that was in any way tarnishing or affecting the product that I am responsible for providing to the very, very important customers that the community has, if I'm confirmed, obviously I would deal with it rather directly.

Senator DURBIN: Are you familiar with what I've talked about here, this competition and this friction between the Defense intelligence operation and the CIA? You must be familiar with this.

Mr. GOSS: Senator, of course, I am aware that there are different views in many of the agencies about the consensus of opinions that the intelligence community comes up with and delivers. I think that's healthy to have competitive analysis going on.

It's when that competitive analysis is no longer part of the teamwork that that would be a problem.

Senator DURBIN: Do you think it went too far when it came to Mr. Feith's efforts and the DIA's efforts to create the scenario that led to the invasion of Iraq, that misled not only the Administration,

but the American people about the reality on the ground in that country?

Mr. GOSS: I simply don't have the answer to that. It would require a judgment on facts that I don't have and didn't have as the Chairman of the Committee.

Senator DURBIN: As Chairman of the House Intelligence Committee, you don't have an opinion as to whether they went too far?

Mr. GOSS: Senator, I'm no longer the Chairman of that Committee. And you have stated your concern about my independence and my nonpartisanship. And I don't think it's appropriate for me to go down that road.

Senator DURBIN: I will just tell you if you were candid with me in that answer, it would convince me that you will be nonpartisan. But the fact that you reserve judgment whenever it gets close to being critical of this Administration continues to trouble me.

I yield, Mr. Chairman.

Chairman ROBERTS: Senator Hatch.

Senator HATCH: Well, you certainly have a better understanding of what the Senate is like now than ever before with some of the questions that you've had. And that's part of the reason why we go through these confirmation processes, is to test people to see if they do this job.

Now, I have absolutely no doubt in my mind that you're qualified for this job.

Mr. GOSS: Thank you.

Senator HATCH: I know you personally. I know the experiences that you've had. I know the price that you've paid. I know the price your wife has been paying just to have you in Congress. Can you imagine being head of this Agency?

I saw the same type of criticisms of George Tenet when he served in a very, very distinguished way, the best he could, day and night, and did an awful lot of good things that will never be known by this country. It's true, isn't it, that the CIA, people who work for the CIA never really get the credit for the good things that they do, right?

Mr. GOSS: Yes, sir.

Senator HATCH: As a matter of fact, many of them risk their lives for you and me and really everybody else in the world without people really knowing that they do that, right?

Mr. GOSS: Yes, sir.

Senator HATCH: You were one of those at one time, right?

Mr. GOSS: That was a long time ago, sir. And I don't think my life was ever in real danger, but that was the job, yes sir.

Senator HATCH: But you would have been willing to risk your life as an employee of the CIA, is that correct?

Mr. GOSS: Yes, sir.

Senator HATCH: Just like all the rest of them are willing?

Mr. GOSS: Yes, sir.

Senator HATCH: Now, as a Member of Congress, you've been criticized here for being a little bit critical of the Senate. What a horrible thing to do. I mean, my gosh, we're perfect over on this side of the Hill, as you know. And it is very irritating from time to time to have Members of the House speak the truth about the Senate.

I'm only joking, but the fact of the matter is, we all make comments about each other, and that's part of the give-and-take that we have around here.

The question is: Are you competent for this job? The answer is yes.

Are you a person who has the background for this job? The answer is yes.

Do you have a lot of experience in the intelligence community? Of course, the answer is yes. You've not only been Chairman of the House Select Committee on Intelligence, but you've had experience with the CIA. And you know the good things about the CIA, and you know the bad things about the CIA.

And I've seen great CIA Directors, and I've seen some that aren't so great. And there is at least one popping off right now that you can't believe who wasn't really very good, acting like he's the authority in the whole world.

Now, I just want you to know that this is a tough job, you know it's a tough job, and I know you can do it.

Mr. GOSS: Thank you, sir.

Senator HATCH: Let me just ask you a few questions. You know, a primary lesson drawn by many investigators of the September 11th terrorist attacks was that law enforcement and foreign intelligence information was not shared at the analyst level. Now, some statutory barriers to the sharing of information have been removed by the USA PATRIOT Act and intelligence authorization legislation.

Now, what is your assessment of how effectively information is being shared today by components of the intelligence community at the working level? And how would you propose to enhance information sharing among the various agencies so that we don't have another 9/11, or at least we have the best chance of avoiding another 9/11?

Mr. GOSS: I would say that it is certainly better than it was, but it is not good enough. More work needs to be done. I've seen evidence of that myself in the past few weeks.

As for how we're doing the fusion, we are trying very definitely to do co-location, we are trying to get the agencies to interchange their analytical people, we are trying to make sure that agencies that are very weak in terms of analysts are being supplied analysts from other agencies that have those analysts, so that not only do we have strong agency analytical capabilities within the individual agencies, but we have those analysts working coherently, coordinated comprehensively with the fusion center, the TTIC, which is the place where the information basically goes round and around on the horizontal level and vertically up and down to the local law people.

I think this is a very doable proposition, Senator. It's a question of sticking to it and forcing this down into the ranks. The natural tendency, as you know, is to cheer for the team, the esprit de corps of your Agency. You have to overcome that and make people understand it's the totality of the product that we need for the community that we all put our imprimatur on and that we're proud of.

We've got a ways to go on that yet.

Senator HATCH: Can we rely on you being bipartisan in this position, being helpful to both sides of the political equation?

Mr. GOSS: Yes, sir. Of course.

Senator HATCH: Can we rely on you giving the President the best solid advice you can, whether he or she wants to hear it or not?

Mr. GOSS: Yes, sir.

Senator HATCH: You're not afraid to say what the real situation is?

Mr. GOSS: Not at all, sir.

Senator HATCH: And you commit to doing that?

Mr. GOSS: Yes, sir.

Senator HATCH: You're a tough enough guy that if you find people that aren't doing their job, you're willing to get rid of them or at least move them to someplace where they can do their jobs?

Mr. GOSS: Yes, sir.

Senator HATCH: You're willing to travel the world and to take the time and to put in the effort to be able to do this job?

Mr. GOSS: Yes I am, sir.

Senator HATCH: You know it's an overwhelming job?

Mr. GOSS: I surely do, and I'm looking forward to guidance from the Oversight Committee on what all the parameters of the job will be when you get through with the reorganization.

Senator HATCH: Should the intelligence reform effort underway now in Congress address the relationship between the DCI and the FBI Director?

Mr. GOSS: It might have to. It depends on which direction you go. That would be your decision. I think it's critically important that all members of the community work closely together. And I think Director Mueller is doing a fabulous job of showing some improvements.

Equally, the DCI, whoever he or she may be, or whatever the title is, the NID, has to be able to work with Homeland Security people and the Defense people and the State Department people. These are all critical elements.

Senator HATCH: In your opinion, do you believe that the counterintelligence mission should be taken away from the FBI and placed in another agency within the intelligence community?

Mr. GOSS: No, sir. I've supported CI in the FBI. I think that's a function—they have a very competent division down there that needs to be beefed up a little bit. We've also got the executive function, the NCI-Ex function, for the overall community network. I think it's a question of building robustness in both places.

Senator HATCH: The 9/11 Commission Report recommends creation of a national counterterrorism center designed to reduce duplication of effort on counterterrorism operations and analysis and to "put someone in charge."

Of all the disparate counterterrorism functions across the 15 different intelligence agencies and, as the 9/11 Commission Report says, "responsibility and accountability were diffuse." Do you believe that arranging the community around core mission areas and national centers of intelligence is a good way to consolidate, align and assign responsibilities within the intelligence community?

Mr. GOSS: Yes, I do. It's been tried and proven that it does work, at least at the agency level. I think it will work at the community level.

Senator HATCH: What national intelligence centers would you recommend, besides the NCTC, the National Counterterrorism Center, to ensure that we're informing the community, that is truly able to predict and warn of the threats of tomorrow?

Mr. GOSS: Sir, in addition to the NCTC, which terrorism is the biggest threat right now, I honestly believe we should be looking very closely at some work that has already been started and probably should be brought to completion of a WMD national center. I think the center template does work for those kinds of transnational threats.

Senator HATCH: Okay.

What would be your top priority issue? How do we ensure that the intelligence community is prepared to confront it with regard to terrorism?

Mr. GOSS: Sir, we need to rebuild the eyes and ears and get them out there. It's basically more eyes and ears, more good information coming in, better screens to deal with the all-source information for our analysts, and making sure that we've got an action capability to disrupt once we've got the actionable intelligence. And all of that is in process, but it's not in place.

Senator HATCH: Okay. Do you think you can help get that done?

Mr. GOSS: Yes, sir, I do.

Senator HATCH: You're going to need a lot of backing to be able to do that.

Mr. GOSS: Yes, sir, I'm going to need the help of this Committee if I'm confirmed. That's for sure.

Senator HATCH: Well, you'll need the help of the current Administration or any future Administration.

Mr. GOSS: Any Administration, yes, sir.

Senator HATCH: Okay.

I, for one, have known you a long time.

Mr. GOSS: Yes, sir.

Senator HATCH: I've watched you on the Intelligence Committee over there. I've seen you lead out in ways—I've seen you do all kinds of investigations. I've seen you do all kinds of intelligence analysis over there. I haven't seen you shirk your responsibility in any way. We all wish we could do more. We all wish we could accomplish every investigation in every possible way.

I just want you to know that I'm proud that you're willing to take this job. It's a tough job. No matter what you do, you're going to have criticisms. And no matter what you do, you won't be able to fully explain it to the public at large. And you'll have to sit there and take it time after time. And some of the criticisms are irresponsible criticisms, as you know. And some of them may even come from the United States Senate. I know that's hard to believe, but it could happen.

And so I have every confidence that you're going to make a great CIA Director. And I'm going to support you with everything I have, and I hope everybody else on this Committee will also. I think your comments have been very candid, very straightforward. And I personally appreciate it.

Mr. GOSS: Thank you very much, Senator.

Chairman ROBERTS: Senator Chambliss.

Senator CHAMBLISS: Thank you very much, Mr. Chairman.

Mr. Goss, you and your wife, Mariel, survived Charley and Frances. You just thought the storms were over until you were called to testify today.

But let me just say, Mr. Chairman, that as someone who has known Porter Goss for 10 years, has had the opportunity to work with him unlike anybody on this Committee, someone who knows him better, I think, than anybody on this Committee, my support for him is very well-known publicly as well as privately.

There was an op-ed that appeared in the *Washington Times* this morning that was written by me, and I would like to ask unanimous consent that that op-ed be inserted in the record.

Chairman ROBERTS: Without objection, so ordered.

[The information referred to follows:]

[From the *Washington Times*, September 14, 2004]

FOR SMARTER INTELLIGENCE

(By Senator Saxby Chambliss)

Years before the United States entered World War II, it was General George C. Marshall's habit of jotting down names of exceptional officers with whom he came in contact. One of the names he had collected was Dwight Eisenhower who Marshall had promoted far ahead of his contemporaries and sent to Europe to lead the Allied forces to defeat Nazi Germany.

General Marshall knew that individuals matter and that selecting the right person to carry out a plan is at least as important as the plan itself. Whenever there is a monumental task to be done, we know that critical tasks require exceptional people.

If we are serious about reforming our intelligence community we will need more than structural changes; we absolutely must have quality people who have the leadership, vision, and drive to implement and manage change. In short, we need real reformers in the top positions of our intelligence community to help protect our country from another devastating terrorist attack.

Porter Goss has been nominated by President Bush to be the Director of Central Intelligence at the most critical time in the history of the intelligence community. Intelligence is our first line of defense in our war on terrorism and it is critical for our national security that the next Director of Central Intelligence be successful in his job.

The President and many members of both houses of Congress have accepted the 9/11 Commission's recommendation to create a National Intelligence Director who will be separate from the Director of the Central Intelligence Agency to oversee our entire intelligence community. While some think it would be better to wait on Mr. Goss' confirmation until the new position of National Intelligence Director is enacted into law, the reality is that the intelligence community needs to have quality, experienced leadership in place right now to lead and implement the changes we all know are coming.

The selection of Porter Goss is a brilliant choice, and he should be confirmed without delay. As a colleague, mentor, and friend of mine for ten years, I know his character, professionalism, leadership abilities, and dedication to duty as few others.

Porter Goss was an officer in the Army's Military Intelligence Corps, a clandestine case officer in the Central Intelligence Agency, and more recently the Chairman of the House Permanent Select Committee on Intelligence. As the Chairman for almost eight years, he had the opportunity to meet with the heads of intelligence of our major allies. Porter Goss' personal credibility with these foreign intelligence agencies and their leaders is an important factor as we work with our allies to confront our shared threats. His unique and important background as a soldier, CIA clandestine officer, and legislator are unmatched.

The country needs Porter Goss' leadership. He is committed to reforming our intelligence community. I know this first hand from working with him in the intelligence authorization process. He has been the intelligence community's most thoughtful and constructive critic, but also its most vocal advocate for greater in-

vestment in the parts of the intelligence discipline that were allowed to atrophy and that everyone else now realizes need our greatest attention. These areas, long flagged by Porter Goss, include human intelligence (HUMINT), competitive analysis, unilateral clandestine collection, investment in language training, collapsing intelligence bureaucracies and sharing of intelligence.

As a former clandestine case officer who served overseas, Porter Goss knows about the hardships, dangers, family separations, and long-hours involved in HUMINT operations. He has the highest regard for our intelligence professionals and Porter Goss will work assiduously to improve the morale of the CIA at the same time he works to fix those problems we have identified in the intelligence community.

Just as General Marshall knew that Dwight Eisenhower was the right person to bring our allies together to defeat Nazi Germany, I know that Porter Goss is the right person to implement reforms and fix the problems in the intelligence community. That's why as the United States Senate should confirm President Bush's nomination of Porter Goss to be the next director of the Central Intelligence Agency.

Under his leadership, our great intelligence professionals will continue to help to strengthen the security of the United States and its allies.

Senator CHAMBLISS: I think, Mr. Chairman, that I do bring a different perspective to this hearing than anybody else here, both pre-9/11 as well as post-9/11. I had the opportunity to work with then-Chairman Goss relative to the intelligence community, both the faults that came out following September 11 as well as the issues involved in the intelligence community prior to September 11 that came to the forefront on September 11.

I've had the opportunity to see him operate in the public sector on a day-to-day basis from a hearing standpoint. I've had the opportunity to dialogue with him in private, both with and without other individuals, other Members of the House present, in a bipartisan way. And just let it be said for the record that as someone who has been there, who has been in the trenches with then-Chairman of the House Intelligence Committee, Porter Goss, I have never seen a partisan bone in his body.

Does he advocate the position that he strongly believes in? You bet he does. That's his obligation to do that. Does he point out deficiencies and arguments from folks on the other side of the aisle or on his side of the aisle? You bet he does. He's always been that strong an individual. And I think it's incumbent on anybody who serves in the capacity of the DCI to be that type of individual. And that's one reason that I so strongly support his nomination by the President.

There have been some questions here today not just relative to his partisan attitude, but questions relative to why he didn't promote legislation in his position as Chairman of the House Intelligence Committee to reform the community. Well, let me just say that in January of 2001, I went on the Intelligence Committee at the suggestion of then-Chairman Goss.

The suggestion came from Chairman Goss after the Speaker of the House created a new Subcommittee on Terrorism and Homeland Security within the House Intelligence Committee and asked that I go on the Committee to chair that. And that was done only with the concurrence of then-Chairman Goss. And I can't over-emphasize the fact that Chairman Goss, at that time, gave to Jane Harman, who was my Ranking Member, who is a very loyal and dedicated public servant who is now his ranking, or before he resigned was his Ranking Member, he virtually gave us a blank check to go anywhere in the world, do anything that we needed to

do from a research standpoint to look into the terrorist community worldwide prior to September 11th.

And we were in the process of trying to raise the elevation of the issue of the potential for a domestic attack by terrorists in the United States when along came September 11th and did that for us.

Following September 11th, he gave us a free hand in doing the initial congressional investigation of the deficiencies within the intelligence community that allowed September 11 to happen. He never came to us and said you're going too far, you're doing too much. His leadership and his directive to us was to leave no stone unturned, do everything you can to find what deficiencies and what faults exist within the intelligence community.

And when we talk about the fact that he did not propose legislation, that really is not correct. I dare to say that I don't know what's in the Solomon legislation that Mr. Goss co-sponsored several years ago, but I'd venture to say if it involved reduction in the intelligence budget, it also involved reforming of the intelligence community. And I'll be interested to take a further look at that.

But from a personal experience, after we experienced September 11, there was a critical issue that Congresswoman Harman and myself felt was needed, that we needed to pursue from a legislative standpoint. And it had to do with information sharing, both within the intelligence community and from the intelligence community down to the State and local level.

She and I worked very long and hard with the concurrence and with the day-to-day dialogue ongoing with then-Chairman Goss, as well as then-Ranking Member Pelosi in a bipartisan way to craft this legislation.

And Chairman Goss insisted that it be inserted in the intelligence authorization bill, and it was inserted. The fact of the matter was that in the latter part of 2002 we were working on the Homeland Security Bill. And at Chairman Goss' suggestion at that point in time, we incorporated that information-sharing bill within the Department of Homeland Security legislation, and that is now law.

Now, I don't know how much closer he can be involved in drafting and implementing legislation relative to the reforming of the intelligence community.

Another issue that I remember very well was the issue of the hamstringing of the CIA subsequent to 1995 as a result of what's referred to as the Deutch Guidelines. Chairman Goss was the leader on the House side in trying to ensure that we remove that handicap from the intelligence community when it came to gathering information by way of human assets. And we did repeal the Deutch Guidelines in, again, intelligence authorization bills. We did it twice because it didn't get implemented.

I again, specifically remember, the leadership of Chairman Goss and then-Chairman Graham on the Senate side in a bipartisan way. They went to the CIA and said, now, dadgummit, we have passed this legislation eliminating these guidelines, and ya'll need to implement them.

And in fact, Director Tenet did subsequently remove those guidelines, so I get a little disconcerted when I hear Members on the

other side really asking questions when they really don't understand the facts of what this man did in his eight years as Chairman of the House Intelligence Committee.

That being said, I do want to say that I think it's incumbent upon the Minority to ask very tough questions, because there's no more important position in the United States Government today than ensuring that we have somebody as head of the intelligence Agency that can do the job that Mr. Goss is being asked to do. And I think he's done a very good job of taking on each and every one of those difficult questions and providing the right answers for them.

Let me ask a couple of questions relative to the reform legislation that we were talking about. And none of us at this point in time know exactly what direction we're going to take, but I think it's safe to say there will be created the position of National Intelligence Director.

And, Mr. Goss, do you as head of the CIA—or will you as head of the CIA—be willing to accept that position being created, whether you're considered for it or not? You're going to then be in the position of Director of CIA when certainly some of your power and authority will be diminished.

But are you willing to work with the Administration to make sure that, whatever the terms and conditions of the National Intelligence Director legislation might be, that you'd be willing to work to make sure that it is fully implemented according to the way that it is passed by Congress?

Mr. GOSS: Senator, I, of course, would be pleased to serve at the pleasure of the President and with the concurrence of the appropriate Committee here for any job that people found me useful in dealing with the intelligence and national security issues.

We are a country at war. And I feel a very keen sense of duty and responsibility to that. But very clearly, I don't know either how the reorganization is going to come out—and there is uncertainty of what this DCI nomination, if I am confirmed, will actually lead to.

I will participate the best I possibly can, as I'm asked on behalf of our country and the people who lead it.

Senator CHAMBLISS: You know that this issue of information sharing has really been of concern to me for the last four years. And you know how diligently particularly Jane Harman and I have worked on this. And it is an important fundamental issue, which I first addressed as Chairman of that Subcommittee on the HPSCI.

Now, I was dismayed recently to hear the testimony of General Kern about the CIA's refusal to provide information to the Army in order to complete their investigation on the abuses at Abu Ghurayb. And I really find this attitude on the part of the CIA totally unacceptable. And I suspect that we'll have a lot to do, especially in the CIA, to improve our information sharing.

Could you please tell us your views on information sharing and how you would make sure that information is better shared within and among all elements of the intelligence community?

Mr. GOSS: Thank you, Senator.

I totally agree with your suggestion about the need for full cooperation—and I have made comment to that—by the CIA with

any ongoing investigations. They are part of—they need to be cooperative. And I don't know the details. But if I'm confirmed, certainly I will be dealing with that. And you will see full cooperation.

With regard to information, as I mentioned earlier in response to another question about information sharing, we have, when I was still in the position of Chairman of the HPSCI, this year put in our bill, which I hope you will all consider when you come to that legislative part, of a chief information officer. This is a new deal. It definitely requires some push and attention on that very subject of information sharing.

We need the enterprise architecture. You have been a fabulous leader on this when you were on the Committee. I urge you to keep up your leadership efforts on it. It is unfinished business for sure. It is critical to the proper working of the community.

I am very definitely open for suggestions, ideas and so forth, if confirmed, about how we make it better, but the whole direction of where we're going on the reorganization debate is to set up a community that does have information exchange that works better.

We've had the advantage of a very good county sheriff down in my district who was sort of one of the people who volunteered to be a guinea pig. And under Senator Graham's leadership in Florida, we convened a group right after 9/11 to talk about vertical integration of information.

I know it can work. I've seen it work.

We had a success case. It turned out the person involved wasn't guilty of anything, but it was a roamer that was picked up in Georgia. The person was apprehended in Florida. It was done properly and it shows that a Federal input, properly handled, put through the process and put back out can get actionable attention in a timely way in this country. And that's something we definitely need with the kind of threat level we've got.

Senator CHAMBLISS: Thank you. And thanks to you and Mariel for your willingness to continue to serve your country.

Mr. GOSS: Thank you, Senator.

Chairman ROBERTS: Senator SNOWE.

Senator SNOWE: Thank you, Mr. Chairman.

I, too, want to join our colleagues here today and welcome you, Mr. Goss and Mariel. And also appreciate the fact that you've accepted this nomination. It means you're taking a detour in your own personal lives, embarking on this monumental journey.

Your nomination comes at a seminal moment, not only for the country, but also for the Intelligence Committee, because there's no longer any question of whether or not we will be engaged in a comprehensive, critical restructuring of the intelligence community, unlike any reform or change the intelligence community has experienced since its origin.

So I have no doubt about your character, your competence, your abilities. I can attest to your bipartisanship.

I've served with Mr. Goss in the House of Representatives. And I think that you're extremely capable. Your experience in the field as a CIA officer, as well as having chaired the Oversight Committee, certainly I think gives you a breadth and depth of experience these times require.

I think the real issue now is, and what is vital, particularly that comes on the heels of definitive reports, the Joint Inquiry by your Committee and this Committee in the previous Congress, the 9/11 Commission Report, as well as our study on the investigation of weapons of mass destruction and the failure of the prewar assessments to reconcile with reality.

So it's going to be vital to know how your experience and knowledge is going to be synthesized into tangible results and work to make the gears of the intelligence community totally synchronized and how it's going to function, and how we're going to execute all of this change, irrespective of what we do.

Because the community is on the cusp and the precipice of major change. And you're going to be the first person who's going to enter the door of the intelligence community that's going to have the ability to lay the foundation for the intelligence community of the 21st Century. So I think your responsibilities, your leadership that has to be firm, bold and visionary, is going to be absolutely paramount in order to steer this Ship of State around during these transformational times. I see it that way.

This is my first term on the Intelligence Committee, but I worked for 10 years in the House on terrorism issues, and I know it's hard to get people's attention when the time comes for change. The point is, it's not what we need to do today, it's what we're going to need to do tomorrow, and who's going to be able to look down the road.

So you're entering a community that, you know, understandably is resistant to change. You know, we have thousands of excellent men and women who are doing extraordinary jobs and putting themselves on the line. But now the time has come for some monumental change, and there are diametrically opposed views as to whether or not that change should occur, how it should occur, it's already taken place.

And that's, you know, some of the issues that I want to explore with you today.

On the day in which we released our report on the stockpiles of weapons of mass destruction investigation that was based on a year-plus effort by the staff and the Committee, one of the highest-ranking members within the CIA had a press conference and indicated that, "We recognize the shortcomings in the prewar Iraq intelligence and have taken a number of steps to address them and to ensure they're not repeated. It is wrong to exaggerate the flaws and leap to the judgment that our challenges with the prewar Iraq weapons intelligence are evidence of sweeping problems across the broad spectrum of issues with which the intelligence community must deal."

Then on the other hand, on the other side of the spectrum, this summer in August we had a hearing with Dr. Kay, who, as you know, was the head of the Iraq Survey Group. And I asked him about all the proposed organizational changes, which, you know, I embrace. I mean, I did so during the course of this investigation. It's not change for the sake of change or changing boxes around; it's changing a whole community in terms of attitude, culture, predisposition, skills and professional management.

Dr. Kay said—and I asked him, “Would it have been a very different product, the National Intelligence Estimate, if we had had major organizational changes of the types that we were talking about creating, a National Director of Intelligence?”

He said, “It could have been a very different product, in my judgment. It would not just be organizational changes, the failure you documented”—referring to some of the issues I raised in our report—“so thoroughly were not just failures of organization. They were failures of tradecraft, failures of culture, failures of management, conscious mismanagement of the information flow.”

So, I guess the point is here that it’s making sure that you are bringing about the spirit of leadership that it’s going to require. It’s not going to be an easy job; it’s not going to transform overnight, we know that. But it’s the spirit in leadership in that you’re prepared to make the kinds of changes so that you can help the Agency because they’re going to, first and foremost, face the greatest change, no matter what reorganization we ultimately enact.

Mr. GOSS: Senator, thank you.

You’ve talked about the blueprints. Reform within the agencies, getting things fixed within the individual agencies, is relatively simple. It’s not totally easy, but it’s relatively simple.

Reform among the agencies is going to require blueprints. And it’s going to require decisions on those. And those will be your decisions and the Administration’s decisions.

I will be, if I’m confirmed, a working stiff taking my direction on how this happens. Whatever cards are dealt to me I will play to the best I can to create the remedies for the problems that have been clearly pointed out in your very excellent WMD report.

I don’t disagree with some of the things Dr. Kay said. Some of the things he said the first time and some of the things he said the second time, I’m still rationalizing out. But I think, on balance, we understand what the problems were and that they’re fixable, and they need to be fixed right now.

I believe those things can be fixed. I wouldn’t be sitting here otherwise. I am totally committed to reform in concept, because I’ve seen the problem for too long.

I thoroughly believe the window is open and it will not stay open forever. I think it is very important for the people who can make reform happen, our legislators and so forth, to give us those blueprints in the community on the Executive side so we can go out and get on with the job of redesigning the capabilities to work the way we want them to get a better product so we don’t have another Dr. Kay report. I believe that.

Senator SNOWE: And I appreciate that.

And I think the concern that I have for where we are going is whether or not we’re going to have the ability to foresee the future. I mean, your predecessor, for example, former Director Tenet, was trying to get everybody’s attention back in 1998. He didn’t garner that attention.

I mean, if you look at the emerging threat reports of the Central Intelligence Agency that were submitted to Congress on an annual basis from 1997 through 2001, terrorism was not viewed as the number one issue by the community until 2001 itself, when they

recognized Usama bin Ladin and his global network would take on a greater prominence.

But while there even was the realization that there was the potential for attack of some sort, they didn't, obviously, have the intelligence. Director Tenet obviously felt very strongly about it. He was trying to get everybody's attention including Congress, the President. His own community wasn't able to do that.

How are we going to avoid just focusing on one single threat and not be overwhelmed by another threat that we didn't anticipate?

One, it bothers me he wasn't able to and I'll be interested to hear your views. Did you think it was a failure of leadership, a failure of organization, a failure of culture? What was it that he was not able to do to garner people's attention to focus on an issue, on a risk and a threat to this country, and he wasn't able to get anybody's attention?

And what are we going to do to avoid that scenario in the future? Because, you know, I believe that you have to look down the road and beyond. And that's my greatest concern of all, that we will be focusing on these charts. And I agree with them totally that we've got to change the flow charts, without a doubt. That's the beginning.

But at the same time, we can't just be focusing on a single risk. Nuclear terrorism, for example. I mean, there's so many spheres and dimensions to threats that are going to pose a risk to our country and Americans and our interests abroad.

So what was it that he failed to do that you have identified that you would do differently? How would you approach it in identifying emerging threats of the future and making sure it gets everybody's attention, irrespective if it's not on anybody's radar screen?

Mr. GOSS: I think the manifestation of that is that our analysts were involved in crisis analysis and there was not enough analytical horsepower to go around to do the predictive type analysis that you talk about.

The intelligence bill this year that the House put out on the floor that had some critical language in it was exactly on that point, that we were not covering the rest of the target. And we used some very strong language that caused the then-Director, the DCI, to use some very strong language back, to be very candid.

I believe it takes sometimes very blunt, strong language. I don't like doing it. I call it tough love, but I think occasionally you have to do that. I believe that there are gaps that should not be there that need to be fixed.

I can tell you that is the drift, that's the direction and that is now the mission. And if I'm confirmed, I understand those gaps have to be filled. We cannot be a one-target team here. We've got to be able to deal with a global world.

Senator SNOWE: I appreciate that. Thank you.

And thank you, Mr. Chairman.

Chairman ROBERTS: I thank the Senator.

Senator Rockefeller, are you prepared for additional questions? If so, I will yield to you and then I have just a couple. Well, I wasn't ready. I was, sort of, hoping that you would go first, but anyway.

Let me just ask a couple here and then I want to respond to the comments by Senator Chambliss and indirectly to the concerns

raised by Senator Levin and so comprehensively pointed out by the distinguished Vice Chairman.

I want to talk about risk-aversion. And I have, sort of, what I call a computer speech—and you know what that is; that's when somebody in public office is asked the same question about 15 times and, you know, you sort of press the computer and then this speech rolls out—in regards to risk-aversion. And I used it in a manner of speaking of connecting the dots.

And I remember during the USS COLE investigation that we finally determined was necessary in the Senate Intelligence Committee, a young man, a DIA agent, quit on the day of that tragedy thinking that he had provided pertinent information that, if given to the appropriate policymakers, should have resulted in a threat warning and that hopefully the captain of the COLE would not have then gone into the Port of Aden.

Back during that particular time, it seemed to me that if you had to have 10 dots to connect and you had a great deal of collection and you're an analyst, that you had to connect probably seven, eight, nine of them to make sure that you were not making a mistake or that you were risk-averse until you moved that product.

And after 9/11 came along, the whole world changed and everybody said, "My goodness, we can't be risk-averse," so out of 10 dots—and there could be 100 dots or, for that matter, 1,000, to fully give a picture, sort of a jigsaw puzzle—but then if you had three or four dots and you connected them, you'd better push the product, because you don't want to be risk-averse. But you could be wrong. And so that's sort of the nature of the beast. You're darned if you do, and darned if you don't. And the seminal event of course was 9/11.

Now I can go down all of the "Oh, my God" hearings that we have had in your former Committee and this Committee—"Oh my God, how did this happen?" Khobar; the embassy bombings; Khartoum chemical plant—whoops, the wrong plant; India nuclear tests; 9/11, of course; the COLE; probably want to put Somalia in there because it was the same people that were doing these things.

And the big question was how could you connect the dots? And why couldn't you have come up with analysis that could be shared with a policymaker so a threat warning could be issued?

So my question is: do you think there is a risk-averse mindset in the intelligence community, more especially today? And if so, as the DCI, what would you do to change the risk-averse mindset within the intelligence community? And the last part of that, is Congress part of this problem?

Mr. GOSS: I certainly believe on the analytical side there is more hesitation about being bold and being innovative because a lot of people feel that they don't want to take the risk of being wrong, of getting outside the box, of doing the daring thing, as it were, because they are worried the sky will fall on them. That is one of the ripples, I believe, that is out there, Mr. Chairman.

In the DO, I think that the word is getting around slowly. It is not a done deal, by any means.

Senator Chambliss, very correctly, pointed out that he did some amazing things on the Committee to get that to happen, along with

some other people. And I believe we finally got the action we wanted on the day after he made a public announcement about it.

So I think it has taken a combined effort of a lot of people to send the message. The message is not completely understood.

A lot of people don't understand that the nature of the intelligence business is if you are going out for win-win situations, you don't want to be in the intelligence business. That is what it is not about. You have got to take the risk.

Now some have said, as you have correctly pointed out, sir, that we were not sufficiently alert before 9/11 and then, after 9/11, we were too alert. So the answer is yes, there is an operational climate that affects everybody.

I believe that the message is out there in the DO right now that nice spies is not the formula right now, that risk will be rewarded. But I don't believe there is a full confidence in those words yet.

What will I do? I will try and put confidence behind those words for our operators. I will give them the chance to make the mistakes out there, if I'm confirmed as the DCI.

I will give them more leash, I will be very candid. And frankly, if I am confirmed as DCI, I will probably be up here explaining to you, hopefully in closed session, about why something went wrong.

But sometimes the things that only have a 50 percent chance of success are worth doing. And I think it's very important that that risk be taken if it is sufficiently deserved for the information or the action that may be involved. I think those are judgment calls that the Oversight Committee certainly should be participating in.

Do I think Congress has a role? Yes, I do, very definitely. I think Congress is understanding, and dealing with colleagues is very important, because not all colleagues are privileged to sit on these Committees.

Chairman ROBERTS: I'm not going to get into the instant judgment business that I think that we have, including this Chairman, in regards to criticism when something goes wrong and then obviously, as has been said, why the intel community can't really talk about its successes. I just hope we're not too harsh on the one side and ignore the other.

Let me just touch on—and I may run over time, Mr. Vice Chairman. And if so, I would be happy to yield back to you.

But I now have the Balance the Budget Act by Congressman Solomon. This, as I recall in my previous days in the House when I had the privilege of being a House Member—by the way, I called the Senate the “cave of the winds” at that time. I was informed by Senator Kassebaum and Senator Dole that was not appropriate.

But at any rate, here it is. And it's across the board. And it's a call to balance the budget of the United States Government by restructuring government, reducing Federal spending, eliminating the deficit, limiting bureaucracy and restoring federalism. That's a rather ambitious goal.

And Congressman Solomon, bless his heart, a former Marine, would do this every year. And you know, as a Member of the Rules Committee, that every year this bill went nowhere, mainly because we were in the Minority.

And then he got his chance. And this was the number one goal of the then-Majority party, the Republican Party, and the Congress

of the United States: to achieve a balanced budget. But it involved everything from aardvarks to zebras, if I can use that term, as well as intelligence.

And I have here, I think, that you were shifting things around—I'm using the editorial "you"—much in the same fashion as some of us are proposing today in order to achieve the savings. Now I'll let the statement stand by the distinguished Vice Chairman, who has that accurately.

But basically—I'm losing my place here; oh, here we go—the Solomon-Goss proposal was an effort to eliminate redundancy within the intelligence community and to put analysts in consolidated units so they can more easily share information. That almost sounds like the Roberts bill.

Dana Milbank's article admits, in *The Washington Post*, some of the legislation sounds much like the current proposals, including a plan to reduce the redundancy. But as I say again, this was Solomon's bill, his pet project. And it was across the board.

Senator Kerry proposed a \$45 billion cut aimed at science, intelligence and defense projects within Committee. Basically, he decided when that became stalled that he would then go to the floor—if I have this right, and I stand to be corrected—and propose a \$6 billion cut, a targeted cut, at intelligence, as opposed to an across-the-board cut.

And he indicated that these were clearly pork barrel boondoggles. And in his view, I will give any Senator credit in terms of intent, but that was more of a directed cut.

That did come to a vote. And it was defeated, 75 to 20. I think that's right; yes, 75 to 20.

And it was aimed at the National Foreign Intelligence Program, or the NFIP program, the tactical Intelligence or TIARA program. And there are many comments about how that was not in the best interest of the Senate by his colleagues.

So I think there is a difference. That might just be my personal opinion because I can remember my angst as Chairman of the Agriculture Committee in looking over Mr. Solomon's total package and indicating to the leadership that it just simply would not work, as far as I was concerned, on agriculture.

And it never really went anywhere, as opposed to a more specific attempt in regards to intelligence. And then I think again there is a difference between trying to move things around.

Now I say that only because it piqued my interest, because I certainly remembered that effort back when I was in the House. I was not favorable of the activity. I don't know if that answers the question for Senator Chambliss or if it sheds any light over and above the comparison that we are trying to make here on who is strong for intelligence.

I might add that I think both Senator Kerry and Congressman Goss, at this particular day and age, clearly understand the need for better investment in intelligence and perhaps this should not be that much of an issue.

With that, I have exceeded my timeframe. And I will be happy to recognize the Vice Chairman.

Vice Chairman ROCKEFELLER: Thank you, Mr. Chairman, very much. And I understand the points that you are trying to make.

But it remains a fact, Mr. Goss, and that's we have to just go on this. You say the record is the record.

When you put your name on a bill, your name is on the bill. The bill usually—we produce 10,000 and pass 100—so there is always a good chance it's not going to pass. But you don't put your name on a bill if you don't agree with, for the most part, what is in the bill.

In your case, you wouldn't have been as much interested in agriculture as you would have been in the intelligence part of it—or he might have been.

Chairman ROBERTS: He has an organic farm, sir. I beg to differ.

Vice Chairman ROCKEFELLER: And during that six-year period, 1996 to 2001—I emphasize this because frankly, nobody is sort of taking this up at all. It's just been left to hang out there—the Republicans controlled both Houses of Congress. And that Republican Congress cut the President's request for intelligence in 1996, 1997, 1998 and 2001. And in 1999, the Republican-controlled Congress initially cut the intelligence budget, but then passed a large, one-time appropriation.

I'm not going to get back into it. I'm just going to say that the numbers are there. The numbers are there. I can't present them. They are there.

And then I'll leave it at that.

I want to get back to the declassification of Richard Clarke's testimony.

Mr. GOSS: I'm sorry?

Vice Chairman ROCKEFELLER: The declassification of Richard Clarke's testimony. I apologize. You know, of course, of his position. You know of the fact that when he spoke before the 9/11 Commission he was accused of perjuring himself by Senator Frist.

People—they said what he said before the 9/11 Commission didn't agree with what he said before all of us when we were doing this together. And I just wanted to ask: did you ever suggest that Mr. Clarke may have lied or perjured himself before the Joint Congressional Inquiry on 9/11?

Mr. GOSS: The answer to the question is I made a statement in response to a press question about a statement that Mr. Clarke made, which he subsequently backed down from. And I said that if he were saying that that were the case, then that would not be accurate; it would be close to a lie.

It had to do with the question of whether or not there had been no attention whatsoever to the terrorist threat, which is what his statement was. I believe in public testimony Mr. Clarke said we all need to cool off and back down. And perhaps I was a little overzealous in what I said.

Vice Chairman ROCKEFELLER: I think the NSC in 2004, they forwarded the declassified testimony of Richard Clarke to you. You have that.

Mr. GOSS: I requested it, sir.

Vice Chairman ROCKEFELLER: Yes. And you have it. Did you take any action to publicly release it?

Mr. GOSS: No, sir.

Vice Chairman ROCKEFELLER: Would you be willing to publicly release it?

Mr. GOSS: I guess the way I answer the question, Senator, is I am no longer on the Committee. The reason I made the request was to get the information for the Committee to deliberate over to see if there was as much of an inconsistency as appeared at first.

That matter has not substantially advanced, as far as I know, in the Committee. I'm just not in a position to tell you what the Committee is doing.

Vice Chairman ROCKEFELLER: I understand that you aren't the head of the Committee. But it hasn't been very long that you haven't been. Then maybe I should just say: why didn't you release it?

Mr. GOSS: Frankly, I had other higher priorities to deal with as Chairman of the Committee. That was not something that came back to be on my plate as a matter of urgency.

Vice Chairman ROCKEFELLER: You made a number of statements about the Clinton Administration and congressional Democrats for cutting human intelligence collection programs in the 1990s. And I need to talk about this, Mr. Goss, not because I don't have a very high regard for you and respect you very much, but because this is a confirmation process in which probably the single most important thing, other than qualifications and knowledge about the job—knowledge about the job and you surely have that—is the question of independence, of the non-politicalness in an area where everything has become so political that the American people are turning away in droves.

This is the worst sort of situation I have ever seen in 40 years in public life. And so that is why this question of independence, nonpartisanship and all the rest of it is so important.

And you criticize Democrats for limiting the intelligence ability to carry out its mission. Now I have pointed out already I believe this claim is not only partisan, but it's also correct.

On November 6th, you gave a speech entitled, "A Blueprint for Intelligence in the 21st Century." And in it, you made the observation: "I am convinced,"—your words—"that the U.S. clandestine service, the CIA's directorate of operations, was, in the mid-to-late-1980s, too large."

So in a sense, by your own assessment, you believe our human intelligence collection, if I'm correct in my quote, needed to be cut by the time the 1990s began. And I just want to know if that is a fair statement or if it is not a fair statement.

Mr. GOSS: I believe it's a fair statement.

Vice Chairman ROCKEFELLER: Thank you, sir.

Mr. Goss, during the October 2002 House floor debate on whether to authorize the use of military force against Iraq, which obviously was a high point everywhere, you made the following statement: "Evidence supports Iraq's involvement in the first and probably the second World Trade Center bombing."

Now as you know, the intelligence community, the Joint 9/11 Commission congressional inquiry, which you co-chaired, the Kane-Hamilton Commission, looked into the al-Qa'ida plot of September 11 and found no Iraq involvement in the attacks at all. I am just interested what evidence you might have in referring to your claim that there was involvement. And do you still stand by those claims?

Mr. GOSS: Senator, that was in 2002. And that was based on the information that we had at the time. And it was my best judgment. I, like everybody else, was relying on information that was presented to us. And I thought it was accurate.

It turned out it was not as conclusive evidence as we thought it was. There was some question, as you know about some things that happened or may not have happened or the significance of them happening was not properly interpreted.

I believe it is fair to say that our analysts were giving us worst-case scenarios. And we were accepting worst-case scenarios.

Vice Chairman ROCKEFELLER: Thank you.

Chairman Roberts and I worked mightily—not always happily at the beginning, but mightily—about the collection and the analysis and the production of intelligence. And under our rules, one can go on and look at the use, misuse, whatever of that by policymakers.

But that was not something that was going to happen. And so we sat down and we simply worked out our problems and have worked very, very hard at having a good bipartisan relationship and produced what you yourself have indicated was a really good report—and I'm really proud of that report and I know that Chairman Roberts is too—about pre-war intelligence. Now it didn't cover everything I wanted. But what it did was very important.

You also had that responsibility. And I don't know where that report is that you all produced. I know there were press releases. I don't know if it's ever been completed.

Was it conducted on a bipartisan basis with the involvement of Congresswoman Jane Harman and the Minority staff? I mean, given the fact that Members of this Committee—our Committee had to request—Bob Graham in particular had to request, and Richard Shelby—that the intelligence community produce a National Intelligence Estimate on Iraq in September of 2002, only three weeks, an unheard of way to put together an NIE, classified, much less unclassified or unclassified, much less classified. And that product was extremely hastily put together. Do you still hold to the opinion that Iraq intelligence assessments were timely?

So number one, what about the report? Has your opinion of a year ago changed when you said that you had no reason to believe that intelligence assessments in Iraq were wrong, inaccurate, untimely or biased?

Mr. GOSS: There are a number of questions there. I will try to get them, Mr. Vice Chairman.

The first one on the Committee, I left the Committee at a time when the report is in work. The answer is yes. The Committee tries hard to turn out bipartisan—I would rather say nonpartisan, but bipartisan is right because there are two side-products.

The planning, as was very clear to all Members of the Committee and it was no secret to anybody—was that we simply would do four projects this year in the Committee: the authorization bill; the language provision bill, which is included now in the authorization bill, which is a task that's been completed and I hope will be received well by this Committee; the WMD report, our view of it; and reorganization or reform of the community.

Those were our four tasks, set out in an orderly way, to be done the way we do business on the HPSCI side, which is more often,

frankly, in closed session. It's just the way we have done it over there. It's the tradition.

I believe that that report is being prepared. I think there are differences in the goals for the two reports. Our report is focused on sufficiency of resources to the intelligence community. We did have one public hearing on that subject. There have been other closed hearings that are relevant to that.

I believe that you will find that when that report is done that a lot of what you have already covered so well in your WMD report will not be necessary in that report. There will be some further attention to sufficiency.

And more than that, we will have the advantage of the extra time that has gone by. We may have information from Mr. Duelfer, which is out there. We may have further information from interrogations of detainees and so forth that's out there.

Originally, I believe your report was scheduled to be released somewhat earlier in the year. My thinking—and I fully informed the Committee on this and the staff, there is no question about that—was that perhaps we could do the best for the people of the United States if we had two reports during the year so we would have an ongoing picture, sort of a collage of how things were progressing.

But the idea that you have come out with, as I have said publicly, what you found in your WMD report, I think, is very, very helpful and pretty much on the mark all over the place.

Vice Chairman ROCKEFELLER: So when is it, sir, that we may expect your product?

Mr. GOSS: Sir, this is not in any way—

Vice Chairman ROCKEFELLER: Not your product, but the Committee's product.

Mr. GOSS: It's not a flip answer.

Vice Chairman ROCKEFELLER: Yes.

Mr. GOSS: I resigned—

Vice Chairman ROCKEFELLER: I understand that.

Mr. GOSS: I think it was totally appropriate to get out of the business.

Vice Chairman ROCKEFELLER: And I'm caught in that trap. But the record is the record and decisions were made to do this in a different way.

Mr. GOSS: Yes, sir. That decision was made.

Vice Chairman ROCKEFELLER: When might it be that the Committee might come out with this report, since that is what we were all charged to do?

Mr. GOSS: We were aiming, sir, for after the break, after the summer break.

Vice Chairman ROCKEFELLER: Thank you, sir.

Chairman ROBERTS: I think it's Senator Levin. I apologize.

Senator WYDEN.

Senator WYDEN: Thank you, Mr. Chairman.

Congressman Goss, I want to come back to this point I made earlier about what I feel has been your slowness to get to the issue of intelligence reform. I cited earlier your being on the Committee for eight years. You put in a bill a couple of months ago. You have been in the House for 16 years.

And when I asked you about why you had been slow to introduce legislation, earlier you said, well, it had been hard to get attention to the topic. Let me tell you, sir, I just think that is a “hit your forehead” kind of answer.

You are the Chairman of the Committee. Of course you can get attention if you lay out a bold, aggressive kind of proposal. And that’s what you get gavels for. I mean, chairmen, in effect, have a bully pulpit. And so I want to again, because of my affection for you, see if I can get a sense of why you did some of the things that you did and how you might change in the future.

And let me start with the 1996 initiative where you were a member of the Brown-Rudman Commission, studied the intelligence community and it issued a set of recommendations for reform. So you would have had an opportunity then to lay out a legislative proposal for reform. My understanding is you did not.

And I would like to know, on the basis of that 1996 initiative where you were centrally involved, why you did not try to reform the intelligence community at that time, given your role on the commission?

Mr. GOSS: Senator, I was not the Chairman at that time. The Chairman at that time was choosing to follow the IC-21 formula. I did recommend strongly the Aspin-Brown recommendations.

And one of those—

Senator WYDEN: But you introduced no legislation.

Mr. GOSS: No, sir, I did not.

Senator WYDEN: And why was that?

Mr. GOSS: Because I introduced the report to the Chairman of the Committee and asked him to give it consideration. And he did. And that was not his decision to go forward with that.

Senator WYDEN: All right. In 2002, you were part of the Joint Inquiry. There was a joint inquiry into 9/11, of course, the Senate and the House, another report with recommendations, including creating a strong national intelligence directorate. You were Chairman then. Again, no legislation to implement reforms.

What I am trying to do, you have said, “The record is the record.” And I will tell you it’s the record that I find so troubling. And what I would like to do is get a sense that your future record would be different.

And perhaps you could tell me why, after 2002, where you were the Chairman, a proposal was made for changes in the intelligence community, why didn’t you introduce legislation then? Why didn’t you say, here is a chance to really make a difference and I’m going to use my chairmanship to initiate reform?

Mr. GOSS: Senator, I think that what has happened that has opened the window to allow this engagement to reform is that our constituency now understands the problem. I think that had not happened before 9/11. We were focusing on a bite at a time type reform. A little bit, we could do, up until that time.

After 9/11, it became very apparent that we needed a different form of protection. The understanding of the value of intelligence became more widespread. I think there is a very broad constituency.

Look at the number of issues right now involving intelligence that are really on the front burner, on the front pages of the media. It's extraordinary. Four years ago, that was not the way it is.

I am very proud that we have been able to move so fast in terms of the window being open and the engagement I am seeing with a great number of very thoughtful presentations coming forward on reform this year from the legislative side, to say nothing of the extraordinarily strong engagement from the Administration on this. I think we're going to get this done. I think now is the moment.

Senator WYDEN: I will not try to make a definition of what "fast" is. But I will tell you that your idea of saying that the constituency wasn't ready and that that was again the rationale for going slow, that's just unacceptable to me. Leaders are supposed to lead.

And I have just cited two examples where someone with your stature and your prestige could have led in recent years after it was documented that there were problems. You were a leader in the intelligence field. And nothing happened.

And that is what I hope—and Mr. Chairman, I have already indicated I hope we will have a second day of hearings. I have a great deal more I am going to get into and try to use my 10 minutes. I'm anxious to meet with Congressman Goss in my office to again try to see if we're going to get a commitment to some reform. And we'll just use the rest of my 10 minutes for some additional questions.

Now one reform that I think is important is the one that Senator Snowe and Senator Lott and I have in order to shake up the classification system. I think today this system is just wildly abused. It's more for political protection really than to protect the national security interests of the country.

I don't expect you to take a position on the bipartisan bill that we have. But I would like to ask you about one feature in particular.

We propose—Senator Snowe, Senator Lott and myself—to give Congress the right to appeal a declassification decision, so that we strike a balance between the Congress and the Executive Branch. And then when the Executive Branch in the future essentially tries to cover themselves—and make no mistake about it, I think it's gone on through all kinds of Administrations, Democrats and Republicans—there will be an opportunity for Congress to appeal.

Would you be supportive of the concept of Congress having a right of appeal for an Executive Branch decision on classification?

Mr. GOSS: Senator, I believe there is a system already in place for both the House and the Senate to deal with matters that they disagree with.

Senator WYDEN: Do you support reforming that? I think you and I know that is never used. I mean, you talk about water torture. I mean, in order to use something like that, that is a huge around-the-mulberry-bush kind of exercise.

My question then would be: will you support reforming the process so there can be an expeditious way for the Congress of the United States to appeal a classification decision?

Mr. GOSS: I believe that there should be working arrangements that provide for those kinds of matters. We have seen that. I have participated myself and had some very strong public statements to

say about how the system is broken on that. I believe it needs a new system. I certainly agree with that.

Senator WYDEN: I appreciate that answer. I am going to emphasize there that it was a new system that you would be supportive of, because I take note of the fact if it hadn't been for Senator Roberts and Senator Rockefeller, even the Senate report would have been mostly black ink. And that certainly wouldn't have been in the public interest. And Senators Roberts and Rockefeller did the heavy lifting in order to ensure that the public got the facts.

I want to ask you a question about the U.S. relationship with Israel. And I believe that the close strategic cooperation that our government has with Israel is very much in the national security interest of the country, very much in the interest of people in Florida and Oregon and everywhere else.

I think it is to the benefit of our national security. And so I am concerned this afternoon about the allegations about this Defense Department analyst—and they are allegations—providing classified information to Israel and the effect that the case might have on the close U.S.-Israel relationship that I think is important.

My question to you is, based on what you know, how would you deal with this situation as CIA Director so as to ensure that our laws were followed and also the close U.S.-Israel relationship, which I think is important in fighting terrorism, was maintained? How would you deal with it?

Mr. GOSS: Senator, I am not informed of the details of that. I have been out of the loop for a while. But in a situation where there was a leak of concern, there is a system in place for the DCI for a referral to the Justice Department for appropriate investigation.

That would certainly be the system I would use because it's the only system that is there. I believe that the leak problem is a problem that is worthy of oversight attention. That's the system we have to use and I would use it.

As for any policy comments on our relationships with any foreign Nation, I don't think that it would be appropriate for me. And my record on that is my record on that as a Member of Congress. And I will just leave it at that.

Senator WYDEN: Let me ask you about the part of the 9/11 Commission Report dealing with the millennium exception. They, in effect, in the 9/11 Commission Report say that this was an example where we seem to really have got it right, where the government acted in concert to deal with terrorism those last weeks of December of 1999.

Information flowed freely, and the Counterterrorism Center and the Counterterrorism Security Group, that essentially in the summer of 2001, the millennium phenomenon was not repeated. That was what the Commission found, is that we weren't doing in 2001 what we were doing in 1999.

Since we know through the Commission's finding that successful information-sharing is possible, it just seems to me that somebody's feet ought to be held to the fire to make sure that the millennium exception becomes the rule. Do you believe that somebody should be held accountable for not sharing information prior to 9/11?

Mr. GOSS: I know of no specific case where somebody had some information that was not willfully shared, with the exception of the matters that are covered. And the justifications are explained. That would be the wall, as it were. And that, in fact, the Congress has responded to that and removed the wall.

Senator WYDEN: So you wouldn't have handled that pre-9/11 situation, as the head of the DCI, any differently than it was handled? You don't know—

Mr. GOSS: Which situation?

Senator WYDEN: What I'm trying to do is find out what you would have done pre-9/11. Because we've got an example of something that worked. In 1999, the millennium situation, in terms of dealing with that threat, worked. We shared information alike.

You just told me that you don't know of anything that you would do differently, I think. You said you didn't know of anybody who should be held accountable.

I want to make sure I understand it. Because it looks to me like there were a lot of failures in that period before 9/11. In fact, we have had some testimony to that effect. And I just want to make sure that you have a chance to tell me, if you were the head of the DCI at that particular period, whether you would have handled it any differently.

Mr. GOSS: Senator, I think that the 9/11 Report speaks for itself. There are various views on how well we were prepared for the millennium, how well we were prepared for 9/11 and where the weaknesses were. There has been a lot written and a lot discussed. And I don't think we have the complete mosaic yet.

I will put it this way. It is very clear that there are systems breakdowns, management breakdowns and problems in the way we go about dealing with the threat that is in front of us today. I think we understand what those are.

Now if you are asking me will I assess accountability where I find omission or where I find negligence, the answer is, of course, yes. I have to do it in a hypothetical sense, however.

Senator WYDEN: My time is up. I just remain concerned that, if we are going to see the kinds of changes made, that you have a chance in the days ahead to say I would do things differently if I am approved to head the CIA. And that is what I continue to look for.

And in that vein, Mr. Chairman, I'm going to have to be ducking out. And I have had a second round. But I do have additional questions. And I feel very strongly that we should have another day's worth of public hearings on this nominee.

I intend to meet with him in my office. But if we're going to use the litmus test of "the record is the record," I will say that I find the record troubling. And because of my personal affection for the nominee, I want to hear how his record as the head of the CIA will be different.

And I am not satisfied yet that we will have the urgency behind the reform push that I think is warranted. So I assume that decisions are going to be made in the next couple of hours as to whether to wrap up the public portion of this hearing today. I just want it understood that I would like to have another day of public hearings because I have a number of additional questions.

And you have been very generous with me. I have already had a second turn. We have a lot of colleagues who obviously would like to ask additional ones. And I hope we will have another day at least of public hearings. And I thank you.

Chairman ROBERTS: I would inform the Senator and those present that there will be a series of votes at 2:20. And I wish to recognize Senator Levin and then Senator Chambliss for any further questions that they have.

And I think probably my question could be submitted for the record. Let me say to the Senator that the Vice Chairman and I think that any need for further hearings should be Member-driven. And he has expressed a very strong desire in that regard.

At the same time, I think all of us want to see this expedited, for the obvious reasons. And so on Monday, perhaps if Members would like to have another round and then have a business meeting to determine our vote, that would be the thing that I would suggest.

Senator WYDEN: Would the Chairman yield?

Chairman ROBERTS: Yes, certainly.

Senator WYDEN: I think the Chairman is being very fair in that regard. And I know you are going to have to discuss this with colleagues and Senators. But that strikes me as very fair.

Chairman ROBERTS: The Wednesday, Thursday, Friday situation, as we all know, because of Rosh—help me, Carl.

Senator LEVIN: Rosh Hashanah.

Chairman ROBERTS: Rosh Hashanah. We Methodists have problems with that. At any rate, many Senators simply will not be there. But it is the very strong desire of leadership to have this on the floor the 21st, which means that we could have a business meeting on the 20th.

And if Mr. Goss would be available for possible additional questions, perhaps on Monday morning, that might work out. And we will determine that at that particular time.

Senator Levin.

Senator LEVIN: Thank you, Mr. Chairman.

The Vice Chairman asked you about a statement that you made on the House floor on October 9, 2002 relative to the Use of Force Resolution, when you said that “evidence supports Iraq’s involvement in the first and probably the second World Trade Center bombing.”

And your answer to Senator Rockefeller was that the evidence was not as conclusive as you thought it was then. What evidence are you referring to? Because the President has said that we have had no evidence that Saddam Hussein was involved with September 11th?

Mr. GOSS: Senator, my view was at the time that there were some reports that led us to believe that Iraq was part of the war on terror. I don’t recall specifically what the justification was. But I do recall I made a statement that I believed.

Senator LEVIN: Do you disagree with President Bush that we have had no evidence that Saddam Hussein was involved with September 11th?

Mr. GOSS: I don't disagree with President Bush. I would point out that in hindsight our interpretation of the information has changed.

Senator LEVIN: And there is no evidence that you know of?

Mr. GOSS: Of which, sir?

Senator LEVIN: Of Saddam Hussein's being involved with September 11th?

Mr. GOSS: Directly involved with the plot of al-Qa'ida? I have no evidence of that at this time.

Senator LEVIN: Now there was a letter that was sent to Senator Bob Graham by DCI Tenet on October 7, in which he declassified—that was in 2002, October 7, 2002—in which they declassified portions of the NIE relative to Iraq's weapons of mass destruction, in which the Director said that Iraq was unlikely to provide weapons of mass destruction to terrorists or to al-Qa'ida, called such a move an extreme step for Saddam Hussein that would be Saddam's "last chance to exact vengeance by taking a large number of victims with him."

If he had been attacked by the United States, it would be in response to an attack that he would take such a step, according to DCI Tenet's letter to Senator Graham. Were you aware of that intelligence relative to the lack of connection of Saddam Hussein to terrorism at the time you made your statement on the floor?

Mr. GOSS: I don't recall whether I was or not. I remember seeing that at some point. And I don't remember the point. I think I will stick to my statement, sir, that the best judgment I had at the time was the judgment I spoke. That's what I believed at the time.

Senator LEVIN: Now you were also asked about these budget numbers. And I just want to ask, just a statement relative to the budgets which were adopted, not comparing the bill that you co-sponsored to Senator Kerry with this question, but relative to the votes on intelligence budgets which were made in Congress from the year 1995 to the year 2004, during those years, 1995 to 2004. The Republicans took control in 1994, so I'm going to pick it up from there.

Congress cut funds from the budget requests of Presidents for the National Foreign Intelligence Program in seven out of 10 years, from 1995 to 2004, including the two years immediately following 9/11. Did you vote for those budgets that were less than what was requested by the President?

Mr. GOSS: Senator, I will have to go back to my statement. I don't recall all my specific hundreds of thousands of votes I made. The record—

Senator LEVIN: No, I'm talking about the intelligence budget. I'm just talking about on the intelligence appropriations. Did you vote for the appropriations bills in those 10 years, seven of 10 of which had reductions in the requests made for intelligence, in terms of the National Foreign Intelligence Program?

Mr. GOSS: Most likely I did, sir. But I can't tell you with certainty that I voted for each and every one of them until I check the record or until the record is checked.

Senator LEVIN: Do you remember whether you acted to restore cuts that were made by Congress in those seven budgets from the presidential requests in those 10 years?

Mr. GOSS: Senator, what I can tell you, on the basis of what I recall from my time on HPSCI, the record there is clear and will show that for seven years in a row—I think it was in my chairmanship from 1997 to 2004—we plussed up every authorization budget that was given to us. In some years, it was just a tiny amount. But it was an add-on. We did plus it up. And in other years, it was very, very significant.

That is a part of the process I control. The part of the process, once we got into conference and dealing with the appropriators, I took the best I could get.

Senator LEVIN: Right. I understand that. You're in a pretty critical position as Chairman of the Intelligence Committee. And I am representing to you and assume it's true that there were reductions in appropriations from the requests of the Presidents in seven out of 10 years that the Republicans controlled the Congress. And I'm asking you whether you supported those appropriation bills containing those cuts in the requests. That's what I'm asking you.

Mr. GOSS: Senator, I would have to go back to the record. And I apologize that my memory just doesn't recall each and every vote that I took on a Defense bill. I seriously doubt I voted directly for isolated intelligence cuts when I was the Chairman.

Senator LEVIN: And the appropriations bills?

Mr. GOSS: I don't know how the appropriations bills—

Senator LEVIN: Assuming that that is true, do you think it is fair to say that the Democratic Party did not support the intelligence community? Do you think that is a fair comment, given the bipartisan approach to intelligence which has been taken in the Congress, as far as I know, and given the fact that in those years when Republicans controlled the Senate and the House both, that there were reductions in the requests of both President Clinton and President Bush in terms of the requests for intelligence? Is that a fair kind of a comment, do you think?

Mr. GOSS: Senator, that comment was made in the middle of floor debate. It is a matter of public record this year on the authorization bill, in a context that appeared appropriate at the time and in response to a challenge on the bill. I was defending a product of the bill. And I am happy to report the bill did pass on a bipartisan vote, a strong bipartisan vote.

Senator LEVIN: And to my question, do you think that was a fair comment?

Mr. GOSS: I think your question was a fair question, sir.

Senator LEVIN: Do you think the comment you made was a fair comment?

Mr. GOSS: The whole debate?

Senator LEVIN: That the Democratic Party did not support the intelligence community?

Mr. GOSS: I think in the context of what we were talking about, it was a reasonable comment. Yes, sir. Maybe it wasn't my best debating point, but I think it was a reasonable comment.

Senator LEVIN: You will give us the numbers in the budgets for the last 10 years which are going to support that comment?

Mr. GOSS: Which, sir?

Senator LEVIN: That the Democratic Party doesn't support intelligence.

Mr. GOSS: Sir, what I was just referring to is what I had said. And I would be very happy to supply any material you would like to have about our staff justification.

Senator LEVIN: Is that an accurate statement now? Do you believe that the Democratic Party does not support intelligence?

Mr. GOSS: Does not? No. I believe the Democratic Party does support intelligence now, very strongly. We have seen that in good bipartisan votes.

Senator LEVIN: For how long?

Mr. GOSS: We have had good bipartisan work in the Committee for a number of years. And I am very pleased about that.

Senator LEVIN: You were asked, I believe by Senator Wyden, about—I think it was by Senator Bayh, I'm not sure—relative to the Doug Feith operation and the Department of Defense. And whoever asked you, your answer was that you are not sure that your portfolio would include going into the Secretary of Defense's operations, into the policy operations and that Feith is a policy person. That's his assignment.

But the facts are that his operation got into intelligence pretty heavily. Are you familiar with their efforts inside that policy shop to affect intelligence for Iraq? Are you familiar with that?

Mr. GOSS: Senator, I am familiar with the fact that policy is made from many threads. I don't know that I would characterize what Mr. Feith was doing as part of the intelligence community or an intelligence operation. I'm just not familiar with it to that degree.

He did testify in front of our Committee and I think provided satisfactory testimony. But again, I think there is a very strong line between policy and capability.

Senator LEVIN: I will just finalize this question and I'll have to get back to that issue on Monday. And we are going to get you some materials on that between now and then so you will be better in a position to comment on that.

When I asked you earlier this morning about whether you agreed with the Senate Intelligence Committee report's summary that most of the major key judgments in the intelligence community's October 2002 National Intelligence Estimate overstated or were not supported by the underlying intelligence reporting, you indicated that you thought you agreed with that conclusion. Is that correct?

Mr. GOSS: Generally, I think I do.

Senator LEVIN: But in a letter that you wrote in September 2003, a letter that you wrote with your Vice Chair, where you had a very clear disagreement with Jane Harman, you said the following: that "we have a fundamental disagreement"—that's between you and Congresswoman Harman—"generally on whether the National Intelligence Estimate on Iraq's WMD programs and the intelligence on Iraq's ties to al-Qa'ida were deficient with regard to the analysis and presentation, especially in the certainty of the IC's judgments. The Ranking Member believes it was;"—in other words, deficient—"the Chairman"—you—"believes it was not."

And yet, this morning, you told us that you generally agreed with the conclusion of the Senate Intelligence Committee, which I just read to you. Have you changed your view on that issue?

Mr. GOSS: I think that the Senate has provided a very excellent report that has provided a lot of new information, certainly to me, that has led me to change my conclusions. One of the points of disagreement I had with Ms. Harman on that was the question of caveating. And I think that may be in that letter. I'm not sure which letter you are referring to, but I believe that was the one.

Senator LEVIN: Thank you.

Chairman ROBERTS: Senator Chambliss.

Senator CHAMBLISS: Thank you, Mr. Chairman. Just a couple of observations, I guess, and maybe in the way of a question.

But we are here to decide whether Mr. Goss is fit for the position to head the intelligence Agency. And to sit here and ask him what he would have done differently relative to the situation leading up to September 11 reaches way beyond the fairness side of this.

Certainly, if he had known that al-Mihdhar and al-Hazmi were in a meeting in Kuala Lumpur in the year 2000 and somehow, through a glitch in the intelligence system, they got in this country, we know what his answer is going to be. So I think to try to determine the fitness of this man to move forward in the intelligence leadership area, based upon what he would have done differently about pre-2001 is bordering on the ridiculous.

With relevance to the—

Senator WYDEN: Would the gentleman yield?

Senator CHAMBLISS: Yes, I will.

Senator WYDEN: I wasn't asking him what he personally would have done differently. I was asking him, on the basis of what was said in the 9/11 Commission Report, whether he would hold anybody accountable.

I think I read that the 9/11 Commission found that, in the summer of 2001, the millennium phenomenon of cooperation wasn't repeated. And that was what I was asking the nominee, whether he would hold anybody accountable, not whether he would have done something differently.

Senator CHAMBLISS: I agree. You did ask that. But you also went ahead and you asked him what he would have done differently. And I think that is a very unfair question and an unfair position to put him in.

Senator WYDEN: If the gentleman would yield? With respect to the—

Senator CHAMBLISS: Well, let me go on to what else I am going to ask and if I have more time, I will be happy to come back to you.

Mr. Goss, I was, as every Member here, was involved in the budget issues that have been alluded to. And the fact that we increased the President's request for both Defense budgets and Intelligence budgets each and every year that the previous Administration submitted Intelligence budgets and Defense budgets and also that there were movements within those budgets from time to time, let me ask you if you recall that.

Senator Levin alluded to a particular program where there was some support and a vote to reduce the funding for that particular program, the foreign intelligence service program. I'm sure I supported that reduction too. And we took that money and we used it

in an area where we thought we would be better served and the Intelligence Community would be better served.

Am I correct in that? Or do you recall that?

Mr. GOSS: Senator Chambliss, I think you are correct. And as I said, I appreciate that clarification from you because that was my recollection.

But I'm not that sure of it that I want to tell a United States Senator that I remember each and every vote. I believe that there were a number of tradeoff votes that came. And some of them could be characterized as cuts to intelligence if the whole story were not true.

I just don't have the richness of that panoply of votes in front of me, nor frankly is my memory of that good of the thousands of votes that I have made. The question comprehensively though, if the question you are asking, is have I been a steadfast supporter of the intelligence community, to give them the resources they need? You very well know and helped me greatly on the Committee to provide as much resource as we could for the community that was justified for their work.

Senator CHAMBLISS: Let me go to one other area that Senator Wyden was asking about, and that's our relationship with Israel. And he brings up a very interesting point. And I think it's a legitimate question. I don't disagree this one was unfair, Ron.

I think it is a legitimate point. And I think this is one of the strongest assets that this man brings to the table, because I have been there with him when he sat down with the leaders of not just the Israeli intelligence community, but virtually every other ally that we have around the world in the intelligence community.

And let me just say, Mr. Goss, if we had an issue with Israel, do you know and have you had dialogue with the leaders of the Shin Bet as well as the Mossad over the years? Do you know who they are? Do they know who you are? Do you have that kind of relationship with them that you could confront them with any intelligence issue, whether it's positive or whether it's relative to some issue, such as what Senator Wyden referred to?

Mr. GOSS: Senator Chambliss, I want to answer that question as openly as I can, recognizing that this may be a very large audience and not wishing to put anybody on the spot. I have contacts around the world in professional business. And I have parliamentarians around the world that I have met doing this job who have come here, as you very well know. You have participated in some of those matters.

Not all of them wish to acknowledge the fact that we have had conversations and do talk from time to time. So I want to be very circumspect. But it is well known that there has been a very good symbiotic working relationship with the professional forces of Israel. And I think that is of value to both nations.

Senator CHAMBLISS: And that is, Mr. Chairman, an asset that I don't know of anybody else in the intelligence community, outside of those folks who are in leadership positions currently in the CIA, could bring to the table. And I do think that's one of the strongest assets that Mr. Goss has.

Senator Wyden, I don't know whether there is anything else you want to ask about, but I've got a little time left if you do.

Senator WYDEN: No, I think we have cleared it up. And I appreciate your thoughtfulness. I want to see—and I know you do, as well—what happened in the millennium situation in terms of information sharing. I want to see that become the rule, rather than what the Commission found as the exception.

I think all of us do. And that was why I was asking the nominee, with respect to accountability, whether he thought someone should be held accountable. But I think we have cleared it up. And I look forward to continuing to work with my colleague and friend from Georgia on this and a lot of other matters.

Senator CHAMBLISS: I don't know whether you were here when I was asking my questions in the first round, but I spent a lot of time with Mr. Goss relative to the issue of information sharing. I know how passionate he is because I had the chance to work with him day to day on the House side about this.

And it is because of his strong leadership and insistence on inclusion of the information sharing package in the Department of Homeland Security bill that that broad information sharing provision was put in there.

Thank you, Mr. Chairman.

Chairman ROBERTS: The Chair would inform all Senators that a vote is taking place now.

Senator Rockefeller, do you have any additional questions at this time?

Vice Chairman ROCKEFELLER: Mr. Chairman, I will not, for the purposes of this day. I want to reflect and reorganize a few thoughts. And we discussed whether we would be meeting on—

Senator LEVIN: The Chairman, perhaps when you were gone, indicated that we would have an opportunity to ask questions on Monday.

Vice Chairman ROCKEFELLER: Yes, I heard. I will have a couple of questions for that time.

Chairman ROBERTS: I will search my recollection here. I think it should be Member-driven. And I know that Mr. Goss will be very accommodating and there may be an opportunity, as of Monday.

But I do want to expedite this to a business meeting on Monday afternoon. So we will discuss that with all Members concerned. And we will notify Mr. Goss that we will proceed accordingly.

Senator WYDEN: Mr. Chairman, would you yield just on that?

Chairman ROBERTS: Yes.

Senator WYDEN: Thank you. And again, I thank you for your thoughtfulness. Since we may not be able to talk, with Rosh Hashanah and everybody running for planes, your plan now is to try to go to the business meeting on Monday afternoon with respect to the Goss nomination. And for those of us that have additional questions and would like to ask them in a public forum, you would work with Senator Rockefeller to try to provide us that opportunity Monday morning.

Chairman ROBERTS: That is correct.

Senator WYDEN: Okay, I thank you.

Chairman ROBERTS: You may stand at ease, sir.

Mr. GOSS: Thank you, Mr. Chairman, Mr. Vice Chairman, Senator.

[Whereupon, at 2:28 p.m., the hearing adjourned.]



TRIDIMENSION
STRATEGIES LLC®

August 27, 2004

The Honorable Pat Roberts
United States Senate
109 Hart Senate Office Building
Washington, DC 20510-1605

The Honorable John D. Rockefeller, IV
United States Senate
531 Hart Senate Office Building
Washington, DC 20510

RE: Representative Goss Confirmation Hearing

Dear Chairman Roberts and Vice Chairman Rockefeller:

Successful governance in a democratic society is dependent upon its citizens for involvement, participation and oversight. In fact, Congress and state legislatures have carved out specific tools, such as the Freedom of Information Act, to empower citizens in their oversight efforts.

However, American citizens have an oversight blind spot when it comes to intelligence and classified topics. The lay public is dependent upon an accurate portrayal of the facts by government officials with exclusive access to classified information. U.S. citizens have no ability to accurately question, examine or engage in oversight of the information presented. This gives those with access to classified information a high level of power on some of the most critical issues facing our country while, at the same time, facing significantly less oversight on how they use this power.

On July 23, 2002, the United States House of Representatives took up the Treasury and General Government Appropriation Act, 2003. It was widely known that Representative Flake would offer an amendment to prohibit the use of any appropriated funding to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control regulations) with respect to travel to Cuba.

Like Representative Flake, I had been working to change United States travel policy toward Cuba and I had been closely following this topic since January 2001. Only with a vigorous policy of engagement will democratic change occur in Cuba.

In an effort to kill Representative Flake's amendment, Representative Goss offered amendment number 330. Amendment 330 sought to require the President to certify to

Page 2

Congress that the Government of Cuba does not possess biological weapons, is not developing or providing terrorist states or terrorist organizations the technology to develop biological weapons, and is not providing support or sanctuary to international terrorists before any limitation on funding is applied to the enforcement and administration of travel restrictions to Cuba.

Representative Goss' amendment was rejected by the United States House of Representatives on a recorded vote of 182 ayes to 247 noes.

During the floor debate on amendment 330, Representative Goss provided the body with the following description of his amendment (H5303, July 23, 2002, Congressional Record):

Mr. GOSS. Mr. Chairman, I have followed the debate with great interest tonight, and have heard my amendment seriously mischaracterized. I would like to point out that the amendment merely is a safeguard for America and American national security. If everything is all right and the President certifies everything is all right, then there is no problem. But if everything is not all right, then there is a problem. I think Members would agree that national security for the United States of America and Americans is our first priority. I want to point out that the nation of Cuba has been about the most aggressive spying on the United States of America. We have now convicted 17 spies in the past year or two. I do not know the exact number, but that is close. Certainly the highest-ranking analyst at the Department of Defense in the DIA has recently been apprehended and has been a long-time spy for Fidel Castro's Cuba. These are not friendly motives. These are harmful to the national security. Those are the kinds of things that we are worried about.

I was very troubled by what Representative Goss suggested through his amendment, and, if true, I probably would have abandoned my efforts to change U.S. travel policy with Cuba. My problem was how an average citizen could verify the concerns expressed in his amendment. I decided that I should evaluate Representative Goss' concerns by how other members of the House Permanent Select Committee on Intelligence voted on his amendment. After all, these members have access to the same classified information and should be equally concerned by the points suggested in his amendment.

The table on the next page highlights how the Republicans and Democrats on the House Permanent Select Committee on Intelligence voted on Representative Goss' amendment number 330.

Page 3

| Republicans: 5 Yes, 6 No | | Democrats: 0 Yes, 9 No | |
|--------------------------|-----|------------------------|----|
| Goss | Yes | Pelosi | NO |
| Bereuter | NO | Bishop | NO |
| Castle | NO | Harman | NO |
| Boehlert | NO | Condit | NO |
| Gibbons | Yes | Roemer | NO |
| LaHood | NO | Hastings | NO |
| Cunningham | Yes | Reyes | NO |
| Hoekstra | NO | Boswell | NO |
| Burr | Yes | C. Peterson | NO |
| Chambliss | Yes | | |
| Everett | NO | | |

Representative Goss' amendment that he put forward with such alarm was rejected by seventy-five percent of his own committee members. Additionally, the majority of Republicans on his committee opposed it. Finally, the three most senior Republicans on the committee, including the vice-chair, opposed amendment 330.

It is hard to look at the vote on amendment 330, regardless of your position on Cuba travel, and say that the dire national security situation suggested by his amendment was accurate. Perhaps I am missing critical facts in my conclusion. I do not have access to the needed information for informed oversight of my government on this issue.

I would like to suggest to the Senate Select Committee on Intelligence that amendment 330 could be a good case study into how Representative Goss might handle his position as director of the Central Intelligence Agency. At the least, I think this vote warrants some committee questioning during the public or private hearing on his appointment on how he might use national intelligence to drive public policy debate.

Thank you for your consideration of my comments. I would like to respectfully request that my letter be made a permanent record of the committee hearing on the appointment of Representative Goss to be the director of the Central Intelligence Agency.

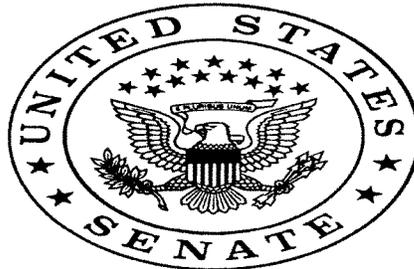
Sincerely,



Cynthia Thomas
President

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

Effective May 2003

SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME: Porter Johnston Goss
2. DATE AND PLACE OF BIRTH: 11/26/1938, Waterbury, CT
3. MARITAL STATUS: Married
4. SPOUSE'S NAME: Mary Robinson Goss
5. SPOUSE'S MAIDEN NAME IF APPLICABLE: Mary Robinson
6. NAMES AND AGES OF CHILDREN:

| <u>NAME</u> | <u>AGE</u> |
|----------------------------------|------------|
| <u>Leslie Oliver Goss Gruner</u> | <u>41</u> |
| <u>Chauncey P. Goss</u> | <u>38</u> |
| <u>Robinson Mason Goss</u> | <u>36</u> |
| <u>Gerrit Johnston Goss</u> | <u>34</u> |

7. EDUCATION SINCE HIGH SCHOOL:

| <u>INSTITUTION</u> | <u>DATES ATTENDED</u> | <u>DEGREE RECEIVED</u> | <u>DATE OF DEGREE</u> |
|------------------------|-------------------------|-------------------------|-----------------------|
| <u>Yale University</u> | <u>9/1956 to 6/1960</u> | <u>Bachelor of Arts</u> | <u>6/1960</u> |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

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.)

| <u>EMPLOYER</u> | <u>POSITION/TITLE</u> | <u>LOCATION</u> | <u>DATES</u> |
|-------------------------------|--|------------------|-----------------|
| U.S. House of Representatives | U.S. Congressman | Washington, D.C. | 01/1989-present |
| Lee County, FL | County Commissioner | Ft. Myers, FL | 01/1983-03/1987 |
| Self Employed | Newspaper publisher/small business owner | Sanibel, FL | 11/1982-01/1983 |
| City of Sanibel | Mayor/Councilman | Sanibel, FL | 10/1981-11/1982 |
| Self Employed | Newspaper publisher/small business owner | Sanibel, FL | 11/1980-10/1981 |
| City of Sanibel | Mayor/Councilman | Sanibel, FL | 11/1974-11/1980 |
| Self Employed | Newspaper publisher/small business owner | Sanibel, FL | 3/1971-11/1974 |
| Central Intelligence Agency | Clandestine Services, Case Officer | Langley, VA | 11/1962-03/1971 |
| Central Intelligence Agency | detailed from CIA to active duty US Army, Reassigned to CIA 6/61-6/62 | | 11/1960/11/1962 |
| Central Intelligence Agency | trainee | | 7/1960-11/1960 |
| US Army | Officer/Active Duty | | 11/1960-11/1962 |

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):

League of Cities
 League of Counties
 ELM II-Florida Land Management Committee
 Southwest Florida Regional Planning Council
 Metropolitan Planning Organization
 Tourist Development Council
 West Coast Inland Navigation District
 Bipartisan Commission on Entitlement and Tax Reform
 OAS Observer- Nicaragua
 Election Observer Haiti 1999 (Presidential Delegation)
 Inter-parliamentary-Canada
 Inter-parliamentary- United Kingdom
 Aspin-Brown Commission
 NRO Commission
 NATO Parliamentarians
 "October Surprise" Hostage Investigation

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

While serving in the US Army, I was a photo interpreter. In this capacity, I learned the fundamentals of imagery intelligence. I gained an appreciation for the methodologies utilized in interpreting and analyzing imagery intelligence.

As a clandestine service case officer with the CIA, I developed an expertise in the tradecraft of human intelligence collection. I learned the importance of having the sort of timely close-in access to the plans and intentions of our adversaries and enemies. I gained an understanding of the mechanics of HUMINT collection and reporting. I learned that good HUMINT is largely dependent upon the interpersonal relationships that are established between case officer and agent.

As a Member of Congress, indeed as a Member of and as the Chairman of the HPSCI, I obtained a sound understanding of the end-to-end nature of the intelligence cycle, from priority setting, to tasking, to collection, to exploitation, to analysis, and to dissemination. I gained an appreciation for the interwoven complexity of the US Intelligence Community and the increasingly dependent nature of the relationship between and among the various intelligence disciplines. I learned how fragile our intelligence capabilities are and how easily they can be dissipated. I also learned that congressional oversight is a great benefit to our Intelligence Community, because the IC has direct access to those individuals responsible to the people of the United States for the funding and maintenance of our national security capabilities. Likewise, I have gained an understanding of the vital importance attached to getting relevant and accurate intelligence to the national level policymakers, as well as to the state and local government authorities.

As a Member of the NATO Parliamentary group, I gained insights into the way other democracies engage in intelligence collection, analysis, and legislative oversight. I have come to understand that our system of oversight, though perhaps not perfect, is the best in the world.

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):

- In Appreciation of Efforts for Ricky Ray Bill, Florida, Virginia and National Hemophilia Foundations, Community Health Centers (1998-2000)
- Guardian of Small Business Award, National Federation of Independent Business, (101st-108th Congresses)
- Jefferson Award for Sound Economy (101st-107th Congresses)
- Watchdog of American Treasury (101st - 106th Congresses)
- Champion of Merit Shop, Associated Builders and Contractors (104th-106th Congresses)
- Main Street Partnership, Distinguished Service Award, 2004
- Improving the Quality of Life in Southwest Florida Award, Southwest Florida Transportation Initiative, 2004
- Senator Connie Mack Leadership Award, Republican Party of FL, 2002
- Joint Military Intelligence College, Honorary Degree, 2002
- Walter Kline Lifetime Achievement Award, Sanibel and Captiva Chamber of Commerce, 2002
- Environmental Leadership by the Conservancy of Southwest Florida, 2002
- Hero of the American Taxpayer, Americans for Tax Reform, 2002
- Business Building Leadership Award, Chamber of Southwest Florida, 2001
- Florida Gulf Coast University, award for dedication to high education, 2001

- Champion of Competition presented by World Com, 107th Congress
- Legislative Excellence, National Association of Manufactures, 105th and 107th Congress
- Image Award for hosting Drug Awareness Town Hall Meeting, FL public relations association, 2000
- Champion of Free Trade, Florida Chamber of Commerce, 106th Congress
- Outstanding Alumni, Hotchkiss, 1999
- International College, Education Appreciation Award, 1999
- Distinguished Citizen of the Year, Southwest Florida Council, Boy Scouts of America, 1998
- Spirit of Enterprise Award, US Chamber of Commerce, 104th and 105th Congress
- Chairman's Recognition Award, Coalition for Drug Free Lee County, 1996
- Quality Floridian, Florida League of Cities, 1995
- Distinguished service (Named Education Building after Porter Goss), Mote Marine Laboratory, Sarasota, FL 1992
- Man of the Year Award, German American Club, 1992
- Best Politicians Award in Southwest Florida, Ft. Myers News Press, 1991 and 1992
- Distinguished Leadership Award, Planning Council, 1991
- Eagle of Freedom Award, American Security Council Foundation, 1990
- Republican Statesman Award, Republican Party of FL, 1989
- Humanities Award for Say No to Drugs Crusade, 1989
- Good Government Award, Cape Coral Chamber of Commerce, 1987
- Freedom and Brotherhood Award, Lee County Chapter of NAACP, 1986
- Honorary Fire Chief, Congressional Fire Service Caucus
- J. Ding Darling, in appreciation of environmental excellence, Duck Stamp Award, 1989
- In appreciation of support for obtaining authorization for the Kissimmee River Restoration, SFWMD

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):

| <u>ORGANIZATION</u> | <u>OFFICE HELD</u> | <u>DATES</u> |
|------------------------------------|--------------------|---------------|
| Social: | | |
| Hay Harbor Club (NY) | | Over 10 years |
| Fishers Island Club (NY) | | Over 10 years |
| Fishers Island Yacht Club (NY) | | Over 10 years |
| City Tavern Association (DC) | | Over 10 years |
| Captiva Island Yacht Club (FL) | | Over 10 years |
| Capitol Hill Club (DC) | Board Member | Over 10 years |
| Chevy Chase Club (MD) | | Over 10 years |
| Keswick Club (VA) | | Over 10 years |
| Cultural: | | |
| Mystic Seaport Museum (CT) | | Over 10 years |
| Henry L. Ferguson Museum (NY) | | Over 10 years |
| Florida Historic Trust | | Over 10 years |
| Smithsonian (DC) | | Over 10 years |
| National Arboretum (DC) | | Over 10 years |
| Montpelier Foundation (VA) | | Over 10 years |
| Civic: | | |
| Sanibel Community Association (FL) | | Over 10 years |
| CIA Memorial Advisory Committee | | Over 10 years |

| | |
|--|-------------------|
| Sanibel Captiva Conservation Foundation (FL) | Over 10 years |
| Fishers Island Civic Association (NY) | Over 10 years |
| Charitable: | |
| Rapidan Foundation (VA) | Less than 5 years |
| Orange County (VA) Boys and Girls Club | Less than 5 years |
| Fraternal: | |
| Association of Former Intelligence Officers | Over 10 years |
| Yale Club of Southwest Florida | Over 10 years |
| Religious: | |
| St. John's Church Episcopal, Fishers Island (NY) | Over 10 years |
| Emmanuel Church Episcopal (Rapidan, VA) | Less than 5 years |
| Political: | |
| Republican Party of FL | Over 10 years |
| Lee County Women's Republican Club (FL) | Over 10 years |
| Lee County Republican Club (FL) | Over 10 years |

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):

Columns/Articles:

- o "Hush Up Congress," Ft. Myers News Press, December 24, 1989
- o Op-Ed, "Attention Outstanding Students," April 18, 2002
- o Op-Ed, "Serving our Veterans," April 8, 2002
- o Op-Ed, "A Congress with Results," January 18, 2002
- o "A Call to Arms," Republican Party Mag., 2001
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - May 19, 2000
 - May 26, 2000
 - June 9, 2000
 - June 16, 2000
 - June 23, 2000
 - June 30, 2000
 - July 14, 2000
 - July 28, 2000
 - September 9, 2000
 - September 15, 2000
 - September 22, 2000
 - September 29, 2000
 - October 2, 2000
 - October 13, 2000
 - October 20, 2000
 - October 27, 2000
 - November 3, 2000

- December 15, 2000
- June 15, 2001
- July 13, 2001
- o "Developing Strategies for Unknown Threats," The Hill, May 17, 2000
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - May 11, 2000
 - May 5, 2000
 - April 14, 2000
 - April 7, 2000
 - March 31, 2000
- o "Views on China Policy," Cape Coral Breeze, March 25, 2000
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - March 24, 2000
 - March 17, 2000
 - March 10, 2000
 - March 3, 2000
 - February 25, 2000
 - February 18, 2000
 - February 11, 2000
 - February 4, 2000
 - January 28, 2000
- o "Intelligence issues in the 'new' NATO: an American Perspective," June 2000
- o "Punishing Drug Lords," Washington Post, November 20, 1999
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - November 19, 1999
 - November 12, 1999
 - November 4, 1999
 - October 29, 1999
 - October 22, 1999
 - October 15, 1999
 - October 15, 1999
 - October 1, 1999
- o "US Leaves As Haiti Degenerates," October 1, 1999
- o Op-Ed, with Sen. Moynihan "The Lessons of History," October 8, 1999
- o "20,000 Troops Later," Washington Post, September 29, 1999
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - September 24, 1999
 - September 17, 1999
 - September 10, 1999
 - August 6, 1999
 - July 30, 1999
 - July 23, 1999
 - July 16, 2003
- o Op-Ed, "Investment in Haiti," August 26, 1999
- o Op-Ed, "Save Florida's Coastlines," August 13, 1999
- o Op-Ed, "Nat. Security Not For Sale," July 16, 1999
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - July 2, 1999
 - June 24, 1999
 - June 1999
 - June 23, 1999
 - June 18, 1999
 - June 11, 1999

- May 28, 1999
- May 21, 1999
- May 14, 1999
- o Op-Ed, "Lets Not Forget the Good Kids," May 7, 1999
- o Op-Ed, "The End Game in Kosovo"
- o Op-Ed, "Southwest Florida's Voice in Washington"
 - April 30, 1999
 - April 23, 1999
 - April 16, 1999
 - March 26, 1999
 - March 19, 1999
 - March 12, 1999
 - March 5, 1999
 - February 26, 1999
- o Op-Ed, "This Week in Washington"
 - February 19, 1999
 - February 12, 1999
- o Op-Ed, "NATO Summit: An Empty Celebration," April 20, 1999
- o Op-Ed, "The Time for Tax Cuts is Now," April 19, 1999
- o Op-Ed, "A Constituency for Intelligence," August 1998
- o "Smart Guns" The Baltimore Sun, October 14, 1998
- o Op-Ed, "Nothing has Changed"
- o Op-Ed, with Rep. Clay Shaw "Re-Affirmation of Commitment to Everglades"
- o "US Plays Hosts To Terrorists, Too," New York Times, August 27, 1998
- o Weekly Op-Ed's 1998
 - July 15, 1998
 - June 22, 1998
 - May 15, 1998
 - April 9, 1998
 - April 3, 1998
 - March 27, 1998
 - March 2, 1998
- o Weekly Op-Ed's 1997
 - December 3, 1997
 - October 22, 1997
 - October 10, 1997
 - September 26, 1997
 - September 17, 1997
 - March 3, 1997
 - January 27, 1997
 - January 20, 1997
- o Weekly Op-Ed's 1996
 - December 11, 1996
 - November 20, 1996
 - November 8, 1996
 - November 1, 1996
 - October 9, 1996
 - October 3, 1996
 - September 10, 1996
 - August 28, 1996
 - August 20, 1996
 - August 12, 1996
 - July 16, 1996

- June 26, 1996
- June 18, 1996
- June 7, 1996
- May 24, 1996
- May 15, 1996
- May 1, 1996
- April 24, 1996
- April 10, 1996
- April 3, 1996
- March 18, 1996
- March 11, 1996
- March 1, 1996
- February 23, 1996
- February 13, 1996
- January 3, 1996
- o Weekly Op-Ed's 1995
 - December 22, 1995
 - December 12, 1995
 - November 18, 1995
 - November 3, 1995
 - October 20, 1995
 - October 16, 1995
 - October 2, 1995
 - September 26, 1995
 - September 6, 1995
 - August 18, 1995
 - August 4, 1995
 - July 10, 1995
 - June 27, 1995
 - June 20, 1995
 - June 9, 1995
 - May 26, 1995
 - May 22, 1995
 - May 8, 1995
 - April 11, 1995
 - March 31, 1995
 - March 23, 1995
 - March 15, 1995
 - February 27, 1995
 - February 13, 1995
 - February 7, 1995
 - January 20, 1995
 - January 13, 1995
 - January 13, 1995
- o Weekly Op-Ed's 1994
 - December 22, 1994
 - November 8, 1994
 - October 14, 1994
 - September 23, 1994
 - September 16, 1994
 - August 29, 1994
 - August 12, 1994
 - July 25, 1994

June 22, 1994
 June 1, 1994
 May 20, 1994
 May 11, 1994
 April 29, 1994
 April 25, 1994
 April 8, 1994
 April 7, 1994
 March 24, 1994
 March 21, 1994
 March 8, 1994
 February 17, 1994
 February 12, 1994
 February 9, 1994
 January 12, 1994

- o "New York Times," with Senator Bob Graham, April 23, 2002
- o "Tampa Tribune," with Congressman Bill Young, March 8, 2004
- o "Safer Seas for Dolphins"
- o "Normalize Cuban Immigration"

Speeches:

- o Rule X and its application to the jurisdictional issues related to the House Permanent Select Committee on Intelligence, House Rules Committee, June 16-17, 2004
- o Sense of the World, March 2004
- o Congress Today, Yale Club, February 2004
- o Current Perspectives on the Intelligence Community, AFIO, November 4, 2003
- o Introductory Comments for Vice President Cheney Visit, October 31, 2003
- o Georgetown University Speech, October 01, 2003
- o "Sufficiency of Intelligence on Iraq: Emerging Issues and Lessons Learned," HPSCI, July 24, 2003
- o Current Perspectives on Intelligence, Leadership Florida, September 2003
- o Sufficiency of Intelligence on Iraq, July 24, 2003
- o Woodrow Wilson Center Discussion, May 9, 2003
- o "Securing Freedom & the Nation: Collecting Intelligence Under the Law," HPSCI, April 9, 2003
- o Joint Inquiry into September 11th, HPSCI & SSCI, September 18, 2002
- o Joint Military Intelligence College Commencement, August 9, 2002
- o Intelligence Speech, U.S. Chamber of Commerce, November 2001
- o Intelligence Commentary, AFIO, November 2, 2001
- o Role of Intelligence Committees, Hospitality and Information Service Diplomatic Breakfast, March 23, 2000
- o Legislative Update, Yale Club, March 2000
- o Legislative Update, Shell Point Village & Chamber of Commerce, March 31, 2000
- o Congressional Overview, Boca Grande, February 11, 2000
- o Kosovo: Lessons Learned, February 6, 2000
- o Sanibel-Captiva Chamber Speech, December 14, 1999
- o "Challenges for U.S. Intelligence in the 21st Century, Naples World Affairs Council, December 13, 1999
- o The Developing Agenda For National Security Policy, December 6, 1999
- o Connecticut GOP Speech, September 19, 1999
- o Espionage in the Next Century, September 16, 1999
- o Legislative Update, Rotary and Kiwanis Club Speeches, August 1999
- o International College Commencement Address, June 13, 1999
- o Cape Coral Mayor's Scholarship Fund, June 12, 1999
- o Lincoln Day Dinner, May 14, 1999

- o Central Intelligence Retirees Association, May 3, 1999
- o "Retooling Intelligence for Non-Traditional Threats, Armed Forces Communications and Electronics Association Symposium, April 21, 1999
- o Talking Points, "Tough Times to be a Government Official," April 15, 1999
- o Yale Club Speech, March 1999
- o Meeting the Intelligence Challenges of the 21st Century, January 12, 1999
- o AFIO Conference, "A Blueprint for Intelligence in the 21st Century," November 6, 1998
- o "Future of Intelligence in NATO," NATO Strategic Intelligence Conference, October 14, 1998
- o Speech, ABA's Standing Committee on Law and National Security, September 15, 1998
- o Hotchkiss Commencement Address, October 4, 1998
- o "Enlargement and Adjustment: Intelligence Support for the Two Tracks of NATO Expansion," May 22-26, 1998
- o How Can the Intelligence Community Meet New National Security Challenges, May 5, 1998
- o National Information and Infrastructure at the Washington Duke Inn and Golf Club, April 20, 1998
- o Newton Speech, April 18, 1998
- o Intelligence Speech, Yale Club, April 1998
- o Terrorism Speech, Naples Area Chamber of Commerce, January 20, 1998
- o Recess Speech in 14th District, January 1998
- o Intelligence Speech, Security Affairs Support Association, November 13, 1997
- o Veterans Day Speech, Charlotte County, November 11, 1997
- o Lincoln Day Dinner in 14th District, February 1997
- o Legislative Update, Yale Club, February 1997
- o Intelligence Speech, American Bar Association, December 9, 1996
- o Legislative Update, Veterans Day, November 11, 1996
- o Legislative Update, Real Estate Investment Society, October 29, 1996
- o Legislative Update, October 1996
- o Introductory Comments, President George Bush Visit, October 18, 1996
- o Legislative Update, August 1996
- o Legislative Update, Memorial Day, May 1996
- o "Where Things Stand In Washington," March 1996
- o "1996 Presidential Elections: Problems and Prospects," St. Timothy's, February 2, 1996
- o Legislative Update, Collier County GOP, February 5, 1996
- o Legislative Update, IMRA, January 21, 1996
- o Legislative Update, Veterans' Day, November 11, 1995
- o "What is Really Happening in Washington," November 1995
- o "What is Really Happening in Washington," October 1995
- o Legislative Update, August 1995 Congressional Recess
- o Legislative Update, ABRA, June 15, 1995
- o Legislative Update, April 1995 Congressional Recess
- o Legislative Update, Veterans' Day, November 11, 1994
- o Legislative Update, October 1994
- o Legislative Update, Collier County Public Relations Association, August 16, 1994
- o Legislative Update, De Tocqueville Society United Way, April 5, 1994
- o Leadership and Legislative Speech, Collier County Leadership Forum, September 11, 1993

PART B - QUALIFICATIONS

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

My ten-year tenure on the House Permanent Select Committee on Intelligence (HPSCI), eight as Chairman, my service on various intelligence related commissions and investigations, plus the ten years I served as a clandestine services case officer with the Central Intelligence Agency, have provided me with unique opportunities to observe the respective missions, capabilities, and the needs of the various elements of the Intelligence Community. I have had the occasion to observe close up the successes and sacrifices of the men and women of the Intelligence Community. At the same time, these positions have permitted me insight into the problems affecting the Intelligence Community too often caused, in my personal view, by insufficiency of personnel, capabilities, and resources.

Additionally, while serving as the HPSCI Chairman, I have made useful contacts and significant associations with various intelligence service professionals, heads of foreign intelligence services, and other foreign and domestic government officials engaged in national security and foreign policy work. These contacts and associations provided me a first hand acquaintance with the issues facing the US Intelligence Community. They have given me particular insights on the global complexity of intelligence and the necessity to ensure strong and enduring interpersonal and institutional relationships with the heads of our allied foreign liaison services and with the services themselves.

From the vantage point as Chairman, my appreciation for the value of congressional oversight has been reinforced. The mission of the Intelligence Community is better served, capabilities are enhanced, and resources are applied wisely when Congress is kept fully and timely informed of the successes, developments, compromises, and needs of the Community. When Congress is fully informed it can better perform its responsibilities and provide the people of the United States with a robust and capable Intelligence Community that can continue to sustain our freedoms.

Finally, my 15-plus years as a Member of the House of Representatives, my interaction with Members of the US Senate, and my interaction with senior officials of the executive branch of the US government on matters relating to intelligence, national security, and foreign policy, among many other issues, have given me a window to the inner workings of the government and how best to affect change. Similarly, these relationships underscore, in my view, that trust, candor, and integrity are critical to achieving agreements and working out difficult issues to a mutually satisfactory resolution in the best interests of the nation.

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):

Memberships:

- Republican Party of Florida
- NRCC
- Porter Goss Reelection Team
- Whip Team
- Republican Theme Team
- John Quincy Adams Society
- Republican Main Street Partnership

Political Contributions:

Most of my political contributions since 1988 were dispersed through my campaign (Porter Goss Re-election Team)

and filed with the FEC. To the best of my recollection the following are additional contributions that I made personally:

| | | | |
|----------------------------------|------|-------|------|
| George Pataki for Governor | (NY) | \$500 | 1994 |
| Jeb Bush for Governor | (FL) | \$500 | 1994 |
| Ron Machtley | (RI) | \$600 | 1994 |
| Almond for Governor | (RI) | \$100 | 1994 |
| Romney for Senate | (MA) | \$200 | 1994 |
| Abraham for Senate | (MI) | \$250 | 1994 |
| Lindsay Harrington for State Rep | (FL) | \$500 | 1996 |
| Richard Baker for Congress | (LA) | \$500 | 1999 |
| Jeb Bush for Governor | (FL) | \$500 | 2002 |
| McHenry for Congress | (NC) | \$50 | 2004 |

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

Sanibel City Council: 1974, 1976, 1981 (special election)
 Lee County Commission: appointed in 1983, ran for election 1984
 U.S. House of Representatives: 1988, 1990, 1992, 1994, 1996, 1998, 2000, 2002

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.)

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.

N/A

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.

See Ethics Agreement entered into with John A. Rizzo

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.

See Ethics Agreement entered into with John A. Rizzo

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.

See Ethics Agreement entered into with John A. Rizzo

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.

I have no such plans. There are no agreements or understandings with regard to employment after government service, nor are there any understandings or options to return to any of my previous positions.

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.

President and Managing Partner of Retreat Farm Produce Co. LLC which includes Retreat Farm Depot LLC since 2000. Not related to DCI.

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.

| <u>NAME OF ENTITY</u> | <u>POSITION</u> | <u>DATES HELD</u> | <u>SELF OR SPOUSE</u> |
|---|-----------------|-------------------|--|
| Porter J. Goss Qualified Personal Residence Trust | Trustee | 1995-present | Both |
| Porter J. Goss Revocable Trust | Trustee | 1978-present | Self |
| Mary R. Goss Revocable Trust | Trustee | 1984-present | Spouse |
| Mary R. Goss Qualified Personal Residence Trust | Trustee | 1995-present | Both |
| L.G. Trust/7/9/84 | Trustee | 1984-2004 | Letters of resignation have been signed by both to resign as trustees of these 3 trusts. |
| C.G. Trust/2/18/87 | Trustee | 1987-2004 | |
| G.G. Trust/10/05/91 | Trustee | 1991-2004 | |
| M.G. Trust/89 | Trustee | 1989-2001 | Resigned in 2001 |
| CIA Officers Memorial Foundation | Advisor/member | 2003-2004 | Self |

| | | | |
|---------------------------------|----------|--------------|------|
| Retreat Farm Produce Co. LLC | Officers | 2000-present | Both |
| Retreat Farm Village Depot, LLC | Officers | 2001-present | Both |

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.)

N/A
Full compliance with all House Gift Rules

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.)

| <u>DESCRIPTION OF PROPERTY</u> | <u>VALUE</u> | <u>METHOD OF VALUATION</u> |
|--------------------------------|--------------|----------------------------|
| See Schedule A of SF 278 | | |

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.)

| <u>NATURE OF OBLIGATION</u> | <u>NAME OF OBLIGEE</u> | <u>AMOUNT</u> |
|-----------------------------|------------------------|---------------|
| See Schedule C of SF 278 | | |

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.

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.)

| | 1999 | 2000 | 2001 | 2002 | 2003 |
|-----------|--------------------------------------|------|------|------|------|
| SALARIES | | | | | |
| FEES | **See attached Income Tax Returns*** | | | | |
| ROYALTIES | | | | | |
| DIVIDENDS | | | | | |
| INTEREST | | | | | |
| GIFTS | | | | | |
| RENTS | | | | | |
| OTHER | | | | | |
| 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. In fact, the past 5 years are attached

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

Florida, Louisiana, New York, 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.

1970 IRS inquiry about tax status of US personal residence while serving overseas -- resolved favorably with no penalty.

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

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. Oversight agreement with designated agency ethics official

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 financial disclosure forms

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.

Ethic complaints while in local government are as follows:

- 1977 Burt Jenks (Sanibel, Florida) made an ethics complaint against me with the Florida Ethics Commission. According to the General Counsel for the Florida Ethics Commission, the charge was investigated and dismissed for lack of probable cause.
- 1978 Steve Maxwell made an ethics complaint against me with the Florida Ethics Commission. According to the General Counsel for the Florida Ethics Commission, the charge was investigated and dismissed for lack of probable cause

While serving in local government (first as Mayor/Councilman for Sanibel, Florida and then as Lee County Commissioner) law suits were filed against the various entities and I as well as other members of the Board(s) were named. All this information is public record and can be accessed under the Clerk of the Courts for Lee County, Florida (www.leeclerk.org). The list is as follows:

- 1977 D. R. Chianelli vs. the City of Sanibel
- 1983 Punta Gorda Isles, Inc. vs. Lee County
- 1983 Robert G Cushman vs. Roland Eastwood (Commission Chair at the time) et al
- 1983 Peter R. Rosier Trustee vs. Lee County
- 1985 Tri-County Community Bank of Lee vs. Porter Goss (Commission Chair at the time) et al
- 1984 Marshall Ravich vs. Porter Goss (Commission Chair) et al

- 1984 First Federal Savings and Loan vs. Virginia Higgs (Lee Commission listed as one of defendants)
- 1985 Gulf Hydro Farms, Inc. vs. Lee County
- 1985 Lee County Florida (Plaintiff) vs. James E. Finn
- 1985 Brian Bevan vs. Lee county Canvassing Board
- 1985 Robert M. Duff vs. Lee County
- 1985 New Testament Baptist church vs. Lee County
- 1988 Monika Farmar vs. Lee County Canvassing Board, George Bush, Connie Mack, Jim Smith, Porter Goss et al

The following cases were brought forward during my service in the US House of Representatives:

- 10/17/91 Anthony Germano vs. Connie Mack et al (case dismissed)
- 12/16/92. Boehner vs. Anderson, et al., Summary Judgment granted in favor of defendants
Various Members of Congress (including myself) joined with other plaintiffs to file this lawsuit alleging that the automatic pay increases (COLAs) and the quadrennial pay increases for Members violated the 27th Amendment of the Constitution. The district court ruled that the pay increases were not unconstitutional, and therefore granted summary judgment in favor of the defendants.
- 5/26/00 Young v. Levin, et al., E.D. Mich. Dismissed
Numerous Members of Congress were sued because the plaintiff disliked bills they had sponsored.
- 8/27/02 FEC Complaint filed by judicial Watch and Larry Klayman against me, NRCC, Donna Anderson, Tom DeLay and Bill Thomas, alleging violations of the Campaign Act of 1971. The Commission closed the case finding no violation.
- 5/19/04 Covino v. Central Intelligence, et al., M.D. Fla. Dismissed
The plaintiff named me and many other federal and state officials as well as private individuals and businesses for a various allegations of a conspiracy against him. The Court dismissed the case sua sponte for lack of prosecution.
- Pending Orta-Rivera v. Congress of the USA, et al., D. P.R.,
A citizen of Puerto Rico has sued, among others, every Member of Congress, in an effort to obtain either statehood or independence for Puerto Rico. A motion to dismiss on behalf of the House defendants has been filed and the case is currently pending.
- Pending Broemer v. United States, et al., C.D. Cal.,
The pro se plaintiff has sued basically the entire Intelligence Community, and makes various allegations of harm done to him. Although he initially named all Members of HPSCI and SSCI as defendants, House Counsel was able to get him to drop all except Chairman Roberts and Chairman Goss.
- 4/7/04 Walden, et al. v. United States, et al., W.D. Mo., Dismissed
The pro se plaintiffs filed more than 20 virtually identical cases in which they alleged they were the object of a government conspiracy. The case was dismissed
- 1/27/04 Mawhirt v. Clinton, et al., M.D. Fl., Dismissed
The pro se plaintiff alleged that he was attacked by U.S. military weapons, specifically energy weapons that were deployed from an aircraft or satellite. As defendants, he named, among others, President Bush, Vice President Cheney, and all individual Members of Congress (House and Senate) going back to the 105th Congress. The Court dismissed the case sua sponte for lack of prosecution because the plaintiff did not serve the defendants.

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.

Pursuant to a referral letter to the Department of Justice, which was signed by the Chairs and Ranking Members of the Joint Intelligence Committees' Inquiry into the September 11, 2001, Terror Attacks Upon the United States, as a result of a potential unauthorized disclosure of classified information to the media in June 2002, myself and all Members of the House Permanent Select Committee on Intelligence and all Members of the Senate Select Committee on Intelligence and all staff of the two committees, were investigated by the Federal Bureau of Investigation as possible sources of the alleged leak of classified information.

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.

- Pending Civil dispute over property line at residence on Woodring Road, Sanibel, Florida. The title insurance company is defending though I am named as a defendant. The dispute has been on-going for several years with generally friendly neighbor because of differing engineering conclusions. Unresolved

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.

I was interviewed as a fact witness by the FBI in the matter of Boehner v. McDermott.

I was interviewed as a fact witness in the matter described above at question 39.

I was interviewed by both law enforcement and US Intelligence Community authorities as a fact witness relative to the suicide death of a former staff director in June 2000.

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.

PART F - SECURITY INFORMATION

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

No.

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

Yes. In conjunction with my employment as a clandestine services case officer with CIA (see question 8, above), I was required to sit for a polygraph examination as an incoming trainee. It is also possible that I sat for a polygraph examination as part of a routine background reinvestigation during my employment with CIA, although I have no specific recollection of a second polygraph examination having been performed.

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

No.

PART G - ADDITIONAL INFORMATION

47. 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 CENTRAL INTELLIGENCE, THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE, THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT, AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Congressional oversight of the US intelligence and intelligence-related activities is intended, in my view, to ensure that the people of the United States, through their elected representatives, have provided the Intelligence Community the necessary legal authorities and resources required to maintain their freedoms, to guarantee the continuity of our form of government, and to ensure that the Intelligence Community is in compliance with the laws of the United States and the intent of Congress.

Congress has an obligation to the people of the United States to make sure that the Intelligence Community is operating within the limits of the US Constitution and undertakes its activities pursuant to all relevant statutes and executive orders. The intelligence committees of the Senate and the House are central to the satisfaction of this obligation. Notwithstanding that much of the work of the Intelligence Community must be done in secret,

the people must still be assured that the Intelligence Community is, as the rest of the government, acting within the bounds of the law. Because we have a representational form of government, as opposed to a direct democracy, Congress is able to provide the people of the United States that assurance through the oversight work of the Senate and House intelligence committees.

The intelligence committees enjoy a special relationship with the Intelligence Community as a result of the provisions of the National Security Act of 1947, as amended, and therefore are provided significant insights on the inner workings of the Intelligence Community, to include source and method information. Each committee, therefore, has a fiduciary responsibility to its respective chamber to engage the Intelligence Community thoroughly to obtain information from the Intelligence Community and to review its activities to ensure compliance with the law. Similarly, the committees are obliged to advise their respective chambers when the legal authorities and resources available to the various elements of the Intelligence Community are inadequate to meet particular needs or to overcome the challenges and threats that the United States faces from its enemies and its adversaries.

The Director, the Deputy Director, and the Deputy Director for Community Management have an independent obligation to the intelligence committees to provide the information requested by the committees to ensure that the committees can conduct proper oversight, so that the committees are never ill-informed, and so that the committees can provide the authorities and resources required by the Intelligence Community to carry out its mission with the every available capability and to close any gaps and thereby reduce vulnerabilities.

The DCI, the DDCI, and the DDCI/CM are each obligated to initiate conversation with the committees, and to make certain that information is timely provided whenever information becomes known to them that can assist the committees in fulfilling their obligation to the people of the United States.

In order for the intelligence committees to succeed in their oversight role, and in order that the Intelligence Community is likewise successful in the conduct of its mission, the committees and the DCI, the DDCI, and the DDCI/CM must engage each other with all appropriate candor, with clarity, and with a basic understanding that before the citizens of the United States can increase their trust in the Intelligence Community, the DCI, the DDCI, and the DDCI/CM, and the people they manage, must develop a trusted working relationship with their congressional overseers. Simply put, good oversight should lead to good intelligence.

48. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

The DDCI/CM is responsible to the DCI, head of the Intelligence Community, as specified in the National Security Act of 1947, as amended, for managing the Intelligence Community consistent with the authorities granted the DCI and the DDCI/CM.

From my perspective as the former Chairman of the House Permanent Select Committee on Intelligence, the DDCI/CM can be instrumental for the integration of the Intelligence Community across agencies and across disciplines of intelligence. The DDCI/CM should be the principle officer responsible on a daily basis for ensuring compliance by the Intelligence Community elements with the DCI's strategic direction for the Community.

The DDCI/CM is the primary officer to whom the DCI should look for rationalization of resources across the Community, who ensures that the mission of each IC element can be accomplished, that the capabilities are available for each element to accomplish its mission, that adequate resources are sought and provided to each IC element to carry out its mission successfully, and that any gaps or vulnerabilities are addressed as rapidly as they become apparent. The DDCI/CM is responsible to the DCI for acquisition oversight and cost estimating across the IC, and the mechanics of programming and budgeting.

The DDCI/CM should be the officer who provides Program Managers clear DCI direction regarding Community collaboration and cooperation in targeting, tasking, collection, exploitation, analysis, and dissemination of intelligence.

As noted above, the DDCI/CM has an independent responsibility to keep the congressional oversight committees fully and currently informed of matters requiring the committees' attention.

49. DO YOU BELIEVE THAT A POSITION ENJOYS GREATER STATURE WITHIN THE INTELLIGENCE COMMUNITY WHEN IT REQUIRES SENATE CONFIRMATION? PLEASE EXPLAIN.

Senate confirmation does elevate an office, in terms of the degree of accountability and responsibility that is expected from the officer holder. The person in such a position will require and should obtain greater support for the work required of that officer. Nomination by the President and confirmation by the Senate is among the highest honors this government can bestow upon a government employee.

50. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR COLLECTION.

The ADCI/C is responsible to the DCI for ensuring that national intelligence collection meets the needs of the policymakers in an efficient and effective manner by tasking the various collection disciplines; overseeing and evaluating the acquisition of collection systems and their operations; and developing an integrated program for national intelligence collection. The ADCI/C is responsible to the DCI for ensuring that the collection capabilities are available to meet the mission of the various elements of the Intelligence Community and that any gaps in our collection posture are readily brought to the attention of the DCI.

The ADCI/C must understand our current collection posture and is responsible to the DCI for overseeing the IC's collection resources application to address most particularly the priority targets while maintaining an ability to collect globally. Similarly, the ADCI/C must assess and evaluate the capabilities and performance of current and future Community collection capabilities and systems, and make recommendations for collection funding and organization. It is through the ADCI/C's office that new and innovative collection approaches and capabilities are developed and enhanced. Likewise, the Community's collection capabilities and priorities are integrated most profoundly through this office. The ADCI/C has the authority, on behalf of the DCI, to lead cross-discipline collection capabilities and strategies to attack difficult collection issues. The position of the ADCI/C provides the Community, on behalf of the DCI, an integrated, prioritized, forward-looking collection program.

51. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR ANALYSIS AND PRODUCTION.

The ADCI/AP is responsible to the DCI for overseeing the analysis and production of intelligence, establishing standards and priorities for analysis and production, conducting independent evaluations of IC analysis and production capabilities, identifying and prioritizing intelligence requirements for the ADCI/C, monitoring the allocation of resources for analysis and production, and establish processes to augment IC analytic efforts with outside experts.

The ADCI/AP is responsible to the DCI for facilitating improvements in the IC's language capabilities, document exploitation, and analytic and collection posture relative to hard targets.

As the senior Intelligence Community official responsible to the DCI for analysis capability and depth of coverage, the ADCI/AP should develop processes to permit analytic requirements to drive collection, to ensure that Community elements have adequate resources to achieve their mission requirements, and to identify gaps and vulnerabilities in our analytic capabilities.

52. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR ADMINISTRATION.

The responsibilities of the ADCI/Administration as originally envisioned were to manage such activities relating to the administration of the Intelligence Community as the DCI might require.

This included Community wide personnel, resources, training, and security functions. The DCI is charged with providing and promoting common administrative practices and service of common concern in the Intelligence Community. As the Intelligence Community becomes more and more integrated, opportunities for common practices continue to develop. Indeed, with the President's recent amendments to executive order 12333, this position will become even more important during the time period that the President and the Congress work together to establish the office of the National Intelligence Director.

The ADCI/Administration would be the right officer to work with Community elements to develop Community-wide information sharing policies, security policies, logistics, and training programs.

53. DISCUSS HOW YOU INTEND TO UTILIZE THE ASSISTANT DIRECTORS TO FULFILL YOUR RESPONSIBILITIES SHOULD YOU BE CONFIRMED BY THE UNITED STATES SENATE.

With the new responsibilities recently placed upon the DCI by the President as a result of the executive orders he issued at the end of August, if confirmed I would expect to rely heavily upon the DDCI/CM, the Assistant Directors, and the Community Management Staff to help implement the necessary changes to the way in which the Intelligence Community operates as identified by the President, the 9-11 Commission Report, and the Congress.

The Assistant Directors were created to help look across programmatic boundaries. The full potential of these offices have not to date been fulfilled, in my experience, however.

The President expects the DCI to utilize fully all of the authorities provided under law and by executive order to integrate the functions of the various elements of the Intelligence Community in order to better protect our liberty and to safeguard the welfare of the people we serve. The DDCI/CM and the Assistant Directors can be instrumental in bringing about much needed collaboration, particularly on the terrorism and proliferation issue areas.

AFFIRMATION

Porter J. Goss DO SWEAR THAT THE ANSWERS I HAVE
PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

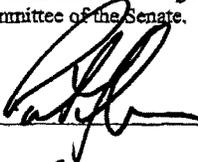
9/1/04
(Date)

Porter J. Goss
(Name)

(Notary)

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be DIRECTOR CENTRAL INTELLIGENCE
I hereby confirm that I will respond to requests to appear and testify before the
members, or professional staff designated by the Chairman, of any duly
constituted committee of the Senate.



Signature

Date: 1 Sept '04

The Honorable Pat Roberts
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510-6475

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Porter J. Goss, who has been nominated by President Bush for the position of Director of Central Intelligence.

We have reviewed the report and have also obtained advice from the Central Intelligence Agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is the nominee's commitment letter dated September 1, 2004, outlining the steps which Mr. Goss will take to avoid conflicts of interest. Unless a specific date has been agreed to, the nominee must fully comply within three months of his confirmation date with the actions he agreed to take in his ethics agreement.

Based thereon, we believe that Mr. Goss is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,



Marilyn L. Glynn
Acting Director

Enclosures

1 September 2004

John A. Rizzo
Designated Agency Ethics Official
Office of General Counsel
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Rizzo:

The purpose of this letter is to describe the steps that I intend to take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Director of Central 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 other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to Section 208 (b)(1), or qualify for a regulatory exemption, pursuant to Section 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse, minor children, or any 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.

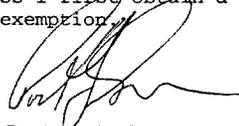
In order to avoid potential conflicts of interest under Section 208, I agree to divest my holdings in the companies listed on the attached pages within 90 days of my confirmation. My spouse also agrees to divest her holdings in the same entities. Further, to the extent these holdings are held in trusts in which I or my wife hold vested beneficial interests, the trustees for those trusts have agreed to divest those conflicting interests. I also agree to divest my holdings in Mellon Hedge Fund 1. Until these divestitures have been completed, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on those entities, unless I first obtain a written waiver or qualify for a regulatory exemption.

John A. Rizzo

Moreover, I pledge to inform you promptly, as the Designated Agency Ethics Official (DAEO), of any acquisitions or sales of securities or other interests by my wife or me after the filing of my nominee financial disclosure statement. I understand that in the event of a conflict of interest, I will disqualify myself, in writing, from taking any official action that would have a direct and predictable effect on the financial interests of that company or other entity. In addition, if you, as DAEO, determine that recusal and screening is not a viable option to preclude a conflict of interest under applicable Office of Government Ethics regulations, I will take the further steps you deem necessary to eliminate the conflicting interest, including divestiture if necessary and possible.

Upon confirmation, I will resign my position on the board of directors of the CIA Officers' Memorial Foundation. Pursuant to 5 C.F.R. § 2635.502, for a period of one year after the termination of this position, I will not participate in any particular matter involving specific parties in which this organization is a party or represents a party, unless I am authorized to participate pursuant to 502(d).

Upon confirmation, I will also resign my positions as Vice President and Secretary of both the Retreat Farm Village Depot LLC and the Retreat Farm Produce LLC. I will continue to serve as a trustee for my own revocable trust and for my and my wife's Qualified Personal Residential Trusts. I am aware of the restrictions on Presidentially Appointed Senate Confirmed personnel with respect to the receipt of earned income. Pursuant to 18 U.S.C. § 208, I will not participate personally and substantially in any particular matter that will have a direct and predictable effect on the financial interests of these organizations, unless I first obtain a written waiver or qualify for a regulatory exemption.



Porter J. Goss

Annex A

Entities with Unclassified Contracts

Abbott Laboratories Inc.
Agilent Tech Inc.
Alcoa Inc.
AT&T Corp.

Cisco Systems Inc.
Coca-Cola
Comcast Corporation

Dell Inc.

EMC Corp.
Exelon Corp.

Hewlett-Packard Co.
Home Depot Inc.
Honeywell Intl Inc.

IBM

Maxim Integrated Products
Medtronic Inc.
Microsoft Corp.
Motorola Inc.

Nextel Communications Inc.
Northrop Grumman Corp.
Nortel Networks Corp.

Oracle Corp.

Pepsi-Cola
Praxair Inc.

Qualcomm Inc.

Sprint Corp.
State Street Corp.

Target Corp.

Time Warner Inc.

Tyco Intl Ltd.

Verizon Communications Inc.

Wells Fargo & Co.

Wyeth

3M Company

Executive Branch Personnel Public Financial Disclosure Report

OMB No. 3207-0001

Form Approved

OMB No. 3207-0001

| | | | |
|--|---|---|--|
| <p>Place of Appointment, Charitable, Religious, or Educational Institution, etc.</p> | <p>Reporting Period: Calendar Year Covered by Report</p> | <p>Incumbent: <input type="checkbox"/> Filer: <input type="checkbox"/> New Director, Nominee, or Candidate: <input checked="" type="checkbox"/> Termination Date (if Applicable) (Month, Day, Year)</p> | <p>File, 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 more than 30 days after the filing extension period, shall be subject to a \$200 fee.</p> |
| <p>Reporting Individual's Name</p> | <p>Last Name: Gooss</p> | <p>First Name and Middle Initial: Porter</p> | <p>Reporting Periods: Incumbents: The reporting period is the preceding calendar year except Part II, Schedule D. Candidates: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Position for Which Filing</p> | <p>Title of Position: Director of Central Intelligence</p> | <p>Department or Agency (if Applicable): Central Intelligence Agency</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Location of Present Office (or forwarding address)</p> | <p>Address (Number, Street, City, State, and ZIP Code): 108 Cannon House Office Building, Washington, DC 20515</p> | <p>Telephone No. (Include Area Code): 202-225-2536</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Position Held with the Federal Government During the Preceding 12 Months (if not same as above)</p> | <p>Title of Position(s) and Date(s) Held: Congressman (Florida 14), U.S. House of Representatives</p> | <p>Do You Intend to Create a Qualified Divested Trust? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Presidential Nominee, Subject to Senate Confirmation</p> | <p>Name of Congressional Committee Considering Nomination: Select Committee on Intelligence</p> | <p>Signature of Reporting Individual: <i>[Signature]</i></p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Confirmation (IDENTIFY the statute(s) have been reviewed, the date of review, and the basis of any knowledge)</p> | <p>Signature of Other Reviewer: <i>[Signature]</i></p> | <p>Date (Month, Day, Year): 9/1/04</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Other Parties Involved (agency)</p> | <p>Signature of Other Reviewer: <i>[Signature]</i></p> | <p>Date (Month, Day, Year): 9/1/04</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Agency/Select Official's Opinion (On the basis of information contained in this report, I conclude that this is a complete and accurate disclosure of the information required to be disclosed by the law.)</p> | <p>Signature of Designated Agency Ethics Official/Reviewing Official: <i>[Signature]</i></p> | <p>Date (Month, Day, Year): 9/1/04</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Office of Government Ethics Use Only</p> | <p>Signature: <i>[Signature]</i></p> | <p>Date (Month, Day, Year): 9/1/04</p> | <p>Termination Filer: The reporting period begins at the end of the period covered by your previous filing and ends on the date of filing. Schedule D is not applicable.</p> |
| <p>Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)</p> | <p>(Check box if filing extension granted & indicate number of days _____) <input type="checkbox"/></p> <p>(Check box if comments are continued on the reverse side) <input type="checkbox"/></p> | | |

Supplement Prior Editions, Which Cannot Be Used. 2781U

NSM 7509-01-070-8444

GSF (with some) (1) (03/01)

SCHEDULE A continued
(Use only if needed)

Page Number: **3** of **34**

SP 278 (Rev. 02/2000)
U.S. Department of the Treasury
U.S. Office of Governmental Ethics

Reportee Individual's Name
Goes, Porter J

| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | | | | | | | | |
|---------------------------------------|---|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|-------------------|-------------------|----------------------------|---|---------------------------|-----------|--------------------|----------|---------------|---------------------------|-----------------|-------------------|-------------------|--------------------|---------------------|----------------------|-------------------------|-------------------|-------------------|------------------|--|--|--|
| | None (or less than \$101) | \$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* | Over \$1,000,000* | \$1,000,001 - \$25,000,000 | Over \$25,000,000 | None (or less than \$201) | Dividends | Rent and Royalties | Interest | Capital Gains | 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* | Over \$1,000,000* | Over \$5,000,000 | Other Income (Specify Type, Actual Amount) | Date (Mo., Day, Yr.) Only if Honoraria | |
| 1 - Kimberly-Clark Corp | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 - Wal-Mart Stores Inc. | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 - Exxon Mobil Corp | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 - Bank of America Corp | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 - HSBC Holdings PLC | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 - PNC Financial Services Group Inc. | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 - JP Morgan Chase & Co | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 - Stryker Corp | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 - Zimmer Holdings Inc | | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | |

* This category applies only if the asset/income is solely that of the filer or filer's spouse or dependent children. If the asset/income is either that of the filer or filer's held by the filer with the spouse or dependent children, mark the other higher category of value, as appropriate.

Print Editions Close #4 Used.

SF 278 (Rev. 03/7/00)
 U.S. Office of Government Ethics
 Reporting Individual's Name

Goos, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number **5** of **34**

| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | | | BLOCK C Income: Type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | | | |
|-------------------------------|---|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|-------------------|-------------------|---------------------------|----------------------------|-----------------------------|---|---------------------------|-----------------|-------------------|--------------------|---------------------|----------------------|-------------------------|-------------------|-------------------|-------------------|------------------|--------------------------------------|--|--|
| | BLOCK A | | | | | | | | | | | | BLOCK C | | | | | | | | | | | | | | |
| | Type | | | | | | | | | | | | Amount | | | | | | | | | | | | | | |
| | 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* | 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 | None (or less than \$201) | \$201 - \$1,500 | \$1,501 - \$5,000 | \$5,001 - \$25,000 | \$25,001 - \$50,000 | \$50,001 - \$100,000 | \$100,001 - \$1,000,000 | Over \$1,000,000* | Over \$1,000,000* | Over \$1,000,000* | Over \$5,000,000 | Other Income (Specify Type & Amount) | Date (Mo., Day, Yr.) Only if Honoraria | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 -Applied Materials Inc. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 -Intel Corp | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 -Oracle Corp | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 -Verizon Communications Inc | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 -U.S. Treasury Notes | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 -Fidelity Financial Corp | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 -Household International | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 -AT&T Corp | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 -AT&T Wireless Group | | | | | | | | | | | | | | | | | | | | | | | | | | | |

* This schedule reports only the assets/income in which the filer has a reportable interest. 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.

SP 278 (Rev. 03/7/2000)
 U.S. Department of the Treasury
 U.S. Office of Governmental Ethics

Reporting Individual's Name
 Goss, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number
 6 of 34

| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | | | | | | | | | |
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| | 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* | Over \$1,000,000* | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Over \$50,000,000 | 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* | Over \$1,000,000* | Over \$1,000,001 - \$5,000,000 | Over \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Other (Specify Type & Actual Amount) | Date (Month, Year) Only if Interest | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 - Agilent Technologies | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 - Del Monte Foods Co | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 - General Motors Corp | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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* This category applies only if the asset/income is an interest of the filer, 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 category of value, as appropriate.
 Prior Editions Cannot Be Used.

SCHEDULE A continued
(Use only if needed)

Page Number **7** of **34**

SP 278 (Rev. 01/2000)
U.S. Department of the Treasury
U.S. Office of Governmental Ethics

Reporting Individual's Name
Goes, Porter J

| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | |
|---|--|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|-------------------|----------------|-------------------------------|---|-------------------------------|--------------------|-------------------|-------------------------|---------------------------|----------------------------|-------------------|------------------|-------------------|-------------------|--------------------------------------|---------------------------------------|
| | 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* | Over \$500,000 | \$250,000.001 - \$500,000.000 | \$500,001 - \$250,000.000 | \$250,000.001 - \$500,000.000 | Over \$500,000.000 | Over \$1,000,000* | \$500,001 - \$1,000,000 | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$10,000,000 | Over \$10,000,000 | Over \$5,000,000 | Over \$10,000,000 | Over \$50,000,000 | Other Income (Specify Type & Amount) | Date (Mo., Day, Yr.) Only if Honorary |
| | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Retail Farm Produce Company LLC (working farm involving poultry, produce, cattle, and sheep) | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Retail Farm Depot LLC (retail outlet of farm products) | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Undeveloped NY real estate | | | | | | | | | | | | | | | | | | | | | | | |
| 4. Lee County Electric Co-Op (FL) | | | | | | | | | | | | | | | | | | | | | | | |
| 5. Fifth Third Bank common stock | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Fishers Island Utility Co | | | | | | | | | | | | | | | | | | | | | | | |
| 7. St. Paul's Travelers (CR) group; Whole Life policy | | | | | | | | | | | | | | | | | | | | | | | |
| 8. Lincoln National Life Insurance; Whole life policy | | | | | | | | | | | | | | | | | | | | | | | |

* This category includes only the assets of the filer or filer's 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.

After Edition: Cannot Be Used.

SF 778 (Rev. 07/2000)
 U.S. Office of Government Ethics
 U.S. Office of Government Ethics

Reporting Individual's Name
 Goes, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number
 8 of 34

| Assets and Income | BLOCK B | | BLOCK C | | Date (Mo., Day, Yr.) Only if Honoraria |
|--|--|---------------------------|---------|--|---|
| | Valuation of Assets at close of reporting period | Type | Amount | Other Income (Specify Type, Actual Amount) | |
| 1 Bank of the Islands, Office of the Edison National Bank checking account | None (or less than \$1,001) | Interest | | | |
| 2 Berkshire Life Insurance: fixed annuity | \$1,001 - \$15,000 | Dividends | | | |
| 3 National Life of Vermont: fixed annuity | \$15,001 - \$50,000 | Rent and Royalties | | | |
| | \$50,001 - \$100,000 | Capital Gains | | | |
| | \$100,001 - \$250,000 | None (or less than \$201) | | | |
| | \$250,001 - \$500,000 | Qualified Trust | | | |
| | \$500,001 - \$1,000,000 | Excepted Trust | | | |
| | \$1,000,000* | Excepted Investment Fund | | | |
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| | \$1,000,001 - \$5,000,000 | | | | |
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| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
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| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
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| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
| | \$5,000,001 - \$100,000 | | | | |
| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
| | \$5,000,001 - \$100,000 | | | | |
| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
| | \$5,000,001 - \$100,000 | | | | |
| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
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| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
| | \$5,000,001 - \$100,000 | | | | |
| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
| | \$5,000,001 - \$100,000 | | | | |
| | \$100,001 - \$500,000 | | | | |
| | \$500,001 - \$1,000,000 | | | | |
| | \$1,000,001 - \$5,000,000 | | | | |
| | \$5,000,001 - \$100,000 | | | | |
| | \$100,001 - \$500,000 | | | | |

SF 278 (Rev. 01/7/00)
 U.S. Department of the Treasury
 U.S. Office of Governmental Ethics

Reporting Individual's Name: **Goss, Porter J** Page Number: **9** of **34**

SCHEDULE A continued (Use only if needed)

| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: Type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | |
|-------------------|---|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|-------------------|---------------------------|------------------|---|-----------------|--------------------------------------|--|--------------------|---------------------|----------------------|-------------------------|-------------------|------------------|--|
| | 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 | Over \$5,000,000 | 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* | Over \$5,000,000 | |
| | BLOCK R | | | | | | | | | | Type | Amount | Other Income (Specify Type & Amount) | Date (Mo., Day, Yr.) Only if Honoraria | | | | | | | |
| 1 | | | | | | | | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | | | | | | |
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* This schedule applies only if the asset/interest is solely that of the filer's spouse or dependent children. If the asset/interest 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.

SP 278 (Rev. 01/7/06)
 U.S. Department of the Treasury
 U.S. Office of Governmental Ethics

Reporting Individual's Name
 Goss, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number
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| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | | | | |
|---|---|--------------------|---------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|----------------------------|-----------------------------|---|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---|---------------------------|---------------------------|---------------------------|---------------------------|--|
| | None (or less than \$201) | \$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 | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | \$25,000,001 - \$50,000,000 | Over \$50,000,000 | 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* | Over \$5,000,000 | Over \$1,000,000 | Over \$5,000,000 | | | |
| BLOCK A | Type | | | | | | | | | | Amount | | | | | | | | | | Date (Mo, Day, Yr.) Only if Honorary | | | | | |
| | Dividends | Interest | Capital Gains | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | | None (or less than \$201) | |
| 1 -Verizon Communications Inc | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 -Vodafone Group PLC | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 -El Paso Corp | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 -US Treasury Notes | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 -Overriding Royalty-LaFourche Jefferson, Lease #192 oil and gas lease | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | | | | | | | |
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* 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 category of value, as appropriate.

SF 278 (Rev. 03/2000)
 U.S. Department of the Treasury
 U.S. Office of Governmental Ethics

Reporting Individual's Name
 Goss, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number
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| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Amount | | | | | | | | | | | | | | |
|---|---|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|-------------------|-------------------|---------------------------|----------------------------|----------------------------------|-----------------------------------|------------------------------------|--------------------------------------|--|---|--|---|--|--|--|--|--|--|
| | 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* | Over \$1,000,000* | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Over \$50,000,001 - \$100,000,000 | Over \$100,000,001 - \$500,000,000 | Over \$500,000,001 - \$1,000,000,000 | Over \$1,000,000,001 - \$5,000,000,000 | Over \$5,000,000,001 - \$25,000,000,000 | Over \$25,000,000,001 - \$50,000,000,000 | Over \$50,000,000,001 - \$100,000,000,000 | Over \$100,000,000,001 - \$500,000,000,000 | Over \$500,000,000,001 - \$1,000,000,000,000 | Other Income (Specify Type and Amount) | Date (Mo., Day, Yr.) Only if Nonreciprocal | | |
| Type | BLOCK B | | | | | | | | | | BLOCK C | | | | | | | | | | | | | | |
| | 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* | Over \$1,000,000* | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Over \$50,000,001 - \$100,000,000 | Over \$100,000,001 - \$500,000,000 | Over \$500,000,001 - \$1,000,000,000 | Over \$1,000,000,001 - \$5,000,000,000 | Over \$5,000,000,001 - \$25,000,000,000 | Over \$25,000,000,001 - \$50,000,000,000 | Over \$50,000,000,001 - \$100,000,000,000 | Over \$100,000,000,001 - \$500,000,000,000 | Over \$500,000,000,001 - \$1,000,000,000,000 | | | | |
| 1 William C. Robinson, Jr. & Mary O. Robinson Trust | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 -Blackrock P/A Municipal Money Market Fund | X | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 -Yum Brands Inc | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 -Eld Bath and Beyond | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 -Pepsico Inc | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 -Wal-Mart Stores Inc | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 -Wachovia Corp | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 -JP Morgan Chase & Co | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 -Amgen Inc | | | | | | | | | | | | | | | | | | | | | | | | | |

* This section applies only if the asset/income is solely that of the filer, 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.

SCHEDULE A continued
(Use only if needed)

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SP 278 (Rev. 02/7/00)
U.S. Office of Government Ethics
Reporting Individual's Name
Goss, Porter J

| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$20)" is checked, no other entry is needed in block C for that item. | | | | | | | | | |
|---|--|--------------------|---------------------|----------------------|-----------------------|--------------------------|-------------------------|---------------------------|----------------------------|--------------------|--|----------------------|-------------------------|---------------------------|----------------------------|-----------------------------|------------------------|--------------------------|--------------------------------------|--|
| | 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 | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | Over \$25,000,000 | Over \$500,000,000 | Over \$1,000,000,000 | Over \$5,000,000,000 | Over \$10,000,000,000 | Over \$50,000,000,000 | Over \$100,000,000,000 | Over \$500,000,000,000 | Over \$1,000,000,000,000 | Other Income (Specify Type & Amount) | Date (Mo., Day, Yr.) Only if Honoraria |
| | Type | Dividends | Rent and Royalties | Interest | Capital Gains | None (or less than \$20) | \$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 | \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | \$25,000,001 - \$50,000,000 | Over \$50,000,000 | | | |
| 1 William C. Robinson, Jr. Trust | | | | | | | | | | | | | | | | | | | | |
| 2 Blackrock Funds- PA Municipal Money Market Fund | | | | | | | | | | | | | | | | | | | | |
| 3 Coca Cola Co | | | | | | | | | | | | | | | | | | | | |
| 4 BP PLC | | | | | | | | | | | | | | | | | | | | |
| 5 Zimmer Holdings Inc | | | | | | | | | | | | | | | | | | | | |
| 6 Bristol Myers Squibb Co | | | | | | | | | | | | | | | | | | | | |
| 7 General Electric Co. | | | | | | | | | | | | | | | | | | | | |
| 8 Norfolk Southern Corp. | | | | | | | | | | | | | | | | | | | | |
| 9 Air Products & Chemicals Inc | | | | | | | | | | | | | | | | | | | | |

* This summary 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.

Print Electronic Form 278, if filed.

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 U.S. Department of the Treasury
 U.S. Office of Government Ethics

Reporting Individual's Name
 Coos, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number
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| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-----------------------------|--------------------|---------------------|----------------------|-----------------------|-----------------------|-------------------------|-------------------|--------------------------------|---|----------------------------------|-------------------|-----------|--------------------|----------|---------------|---------------------------|-----------------|-------------------|-------------------|--------------------|---------------------|----------------------|-------------------------|-------------------|--------------------------------|---------------------------------|----------------------------------|-------------------|--------------------------------------|--|--|--|--|
| | BLOCK A | | | | | | | | | | BLOCK C | | | | | | | | | | | | | | | | | | | | | | | | |
| | Type | 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* | Over \$1,000,001 - \$5,000,000 | Over \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Over \$50,000,000 | Dividends | Rent and Royalties | Interest | Capital Gains | 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* | Over \$1,000,001 - \$5,000,000 | Over \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Over \$50,000,000 | Other Income (Specify Type & Amount) | Date (Mo., Day, Yr.) Only if Itemization | | | |
| 1 - Blackrock Funds Select Equity Portfolio | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 - Blackrock Funds- PA Tax Free Income Portfolio | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

* This category applies only if the asset/income is not in one of the filer's primary 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.

SF 278 (Rev. 02/2000)
 U.S. Office of Governmental Ethics

Reporting Individual's Name
 Gosw, Porter J

SCHEDULE A continued
 (Use only if needed)

Page Number
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| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None or less than \$201" is checked, no other entry is needed in block C for that item. | | | | | | | | | | |
|---|--|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------------------------|----------------------------|---|-----------------------------------|------------------------------------|--------------------------------------|--|---|--|---|--|--|--|
| | 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* | Over \$1,000,001 - \$5,000,000 | \$5,000,001 - \$25,000,000 | Over \$25,000,001 - \$50,000,000 | Over \$50,000,001 - \$100,000,000 | Over \$100,000,001 - \$500,000,000 | Over \$500,000,001 - \$1,000,000,000 | Over \$1,000,000,001 - \$5,000,000,000 | Over \$5,000,000,001 - \$10,000,000,000 | Over \$10,000,000,001 - \$50,000,000,000 | Over \$50,000,000,001 - \$100,000,000,000 | Over \$100,000,000,001 - \$500,000,000,000 | Over \$500,000,000,001 - \$1,000,000,000,000 | |
| Type | BLOCK B | | | | | | | | | | BLOCK C | | | | | | | | | | |
| | None (or less than \$201) | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | |
| Amount | BLOCK B | | | | | | | | | | BLOCK C | | | | | | | | | | |
| | None (or less than \$201) | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | |
| Date (Mo., Day, Yr.) Only if Honorary | BLOCK B | | | | | | | | | | BLOCK C | | | | | | | | | | |
| | None (or less than \$201) | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | None or less than \$201 | |
| 1 -Pfizer Inc | | | | | | | | | | | | | | | | | | | | | |
| 2 -United Health Group Inc | | | | | | | | | | | | | | | | | | | | | |
| 3 -Wyeth | | | | | | | | | | | | | | | | | | | | | |
| 4 -Bed Bath & Beyond Inc | | | | | | | | | | | | | | | | | | | | | |
| 5 -Disney Walt Co. | | | | | | | | | | | | | | | | | | | | | |
| 6 -Home Depot Inc | | | | | | | | | | | | | | | | | | | | | |
| 7 -International Game Technology | | | | | | | | | | | | | | | | | | | | | |
| 8 -Mc Donald's Corporation | | | | | | | | | | | | | | | | | | | | | |
| 9 -News Corp Ltd ADR New | | | | | | | | | | | | | | | | | | | | | |

* This category applies only if the asset/income is solely that of the filer or 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.

Filer Ethics Cannot Be Used.

SF 278 (Rev. 03/7/2000)
U.S. Office of Government Ethics

Reporting Individual's Name
Cocis, Porter J

SCHEDULE A continued
(Use only if needed)

Page Number
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| Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | | | | | | | | | BLOCK C Income: type and amount. If "None (or less than \$20)" is checked, no other entry is needed in Block C for that item. | | | | | | | | | | | | |
|---|---|--------------------|---------------------|----------------------|-----------------------|--------------------------|-------------------------|-------------------|-------------------|-----------------------------|--|--------------------------|-------------------------|-------------------|-------------------|--|----------------------|----------------------|-------------------------|-------------------|------------------|--|--|
| | 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* | Over \$500,000 | \$25,000,001 - \$50,000,000 | Over \$50,000,000 | None (or less than \$20) | \$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* | Over \$5,000,000 | | |
| BLOCK A | BLOCK B | | | | | | | | | | BLOCK C | | | | | | | | | | | | |
| | Type | Dividends | Rent and Royalties | Interest | Capital Gains | None (or less than \$20) | \$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* | Over \$5,000,000 | Other Income (Specify Type and Amount) | Date (Mo., Day, Yr.) | Only if Honoraria | | | | | |
| 1 -Mellon Small Cap Stock Fund | | | | | | | | | | | | | | | | | | | | | | | |
| 2 -Mellon International Fund Class M Shares | | | | | | | | | | | | | | | | | | | | | | | |
| 3 -Mellon Emerging Markets Fund | | | | | | | | | | | | | | | | | | | | | | | |
| 4 -SBC Communications Account | | | | | | | | | | | | | | | | | | | | | | | |
| 5 -Mellon Money Market Demand Account | | | | | | | | | | | | | | | | | | | | | | | |
| 6 -Apache Corp | | | | | | | | | | | | | | | | | | | | | | | |
| 7 -Bank of America | | | | | | | | | | | | | | | | | | | | | | | |
| 8 -Mellon Hedge Fund 1 | | | | | | | | | | | | | | | | | | | | | | | |
| 9 -Candlewood QP Fund | | | | | | | | | | | | | | | | | | | | | | | |

* 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 category of value, as appropriate.

SCHEDULE A continued
(Use only if needed)

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SP-278 (Rev. 01/2000)
U.S. Department of the Treasury
U.S. Office of Governmental Ethics

Reporting Individual's Name
Goss, Porter J

| | BLOCK A Assets and Income | BLOCK B Valuation of Assets at close of reporting period | | BLOCK C Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item. | | Date (Mo., Day, Yr.) Only if Honorary |
|---|--|--|--------------------|--|--------|---|
| | | None (or less than \$1,001) | \$1,001 - \$50,000 | Type | Amount | |
| 1 | -Clovis Capital Management, LP | | | | | |
| 2 | -Delta Institutional, LP | | | | | |
| 3 | -Gondite Capital Opportunity Fund II, LP | | | | | |
| 4 | -Hunter Global Investors, LP | | | | | |
| 5 | -Javelin Opportunities Fund, LP | | | | | |
| 6 | -Karsch Capital, LP | | | | | |
| 7 | -Lee Murder Investment Partners, LP | | | | | |
| 8 | -North Sound Legacy Institutional Fund, LLC | | | | | |
| 9 | -Platinum Master Portfolio | | | | | |

* This information applies only if the asset/asset is solely that of the filer's spouse or dependent children. If the asset/moment is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher category of value, as appropriate.

Prior Editions Cancelled. No Used.

SCHEDULE A continued
(Use only if needed)

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U.S. Office of Government Ethics
Reporting Individual's Name
Goss, Porter J

| Assets and Income | BLOCK B | | BLOCK C | | Date (Mo., Day, Yr.) Only if itemized |
|-------------------|--|--------------------------------|--------------------------------------|--------------------------------------|--|
| | Valuation of Assets at close of reporting period | Amount | Type | Other Income (Specify Type & Amount) | |
| | None (or less than \$1,001) | None (or less than \$201) | None (or less than \$201) | None (or less than \$201) | |
| | \$1,001 - \$15,000 | \$1,001 - \$15,000 | Dividends | \$1,001 - \$15,000 | |
| | \$15,001 - \$50,000 | \$15,001 - \$50,000 | Qualified Trust | \$15,001 - \$50,000 | |
| | \$50,001 - \$100,000 | \$50,001 - \$100,000 | Excepted Trust | \$50,001 - \$100,000 | |
| | \$100,001 - \$250,000 | \$100,001 - \$250,000 | Capital Gains | \$100,001 - \$250,000 | |
| | \$250,001 - \$500,000 | \$250,001 - \$500,000 | Interest | \$250,001 - \$500,000 | |
| | \$500,001 - \$1,000,000 | \$500,001 - \$1,000,000 | Rent and Royalties | \$500,001 - \$1,000,000 | |
| | Over \$1,000,000* | Over \$1,000,000* | Dividends | Over \$1,000,000* | |
| | | Over \$1,000,001 - \$5,000,000 | Qualified Trust | Over \$1,000,001 - \$5,000,000 | |
| | | \$5,000,001 - \$25,000,000 | Excepted Trust | \$5,000,001 - \$25,000,000 | |
| | | Over \$25,000,001 | Capital Gains | Over \$25,000,001 | |
| | | Over \$50,000,000 | Interest | Over \$50,000,000 | |
| | | | Rent and Royalties | | |
| | | | Dividends | | |
| | | | Other Income (Specify Type & Amount) | | |

1 --Raptor Global
2 --Red Sky Outlook Fund, LP
3 --Shoshone Partners, LP
4 --SLS Investors
5 --Thruway Partners, QP

* This category applies only if the asset/income is held by the filer, 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 Cancelled 3/4/04

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U.S. Office of Government Ethics

Reporting Individual's Name: **Goss, Peter J** Page Number: **33** of **34**

SCHEDULE D

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether or not the 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, fraternal, or political entities and those solely of an honorary nature. Exclude positions with religious, educational, or institutional affiliation. Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

| Line | Organization (Name and Address) | Type of Organization | Position Held | From (Mo./Yr.) | To (Mo./Yr.) | None |
|------|--|---|------------------------------|----------------|--------------|--------------------------|
| 1 | Example: Dept. of Justice, Washington, DC | Non-profit/education/Law firm | President | 07/91 | 1/00 | <input type="checkbox"/> |
| 2 | Example: CIA Officers Memorial Foundation | Non-profit | Board of Advisors | 11/03 | present | <input type="checkbox"/> |
| 3 | Retreat Farm Produce Co, LLC | Working farm involving poultry, produce, cattle and sheep | Vice President and Secretary | 09/00 | present | <input type="checkbox"/> |
| 4 | Retreat Farm Village Depot, LLC | Retail outlet of farm products | Vice President and Secretary | 02/01 | present | <input type="checkbox"/> |
| 5 | Peter J. Goss revocable trust | Trust | Trustee | 10/78 | present | <input type="checkbox"/> |
| 6 | Peter J. Goss qualified personal residence trust | Trust | Trustee | 12/95 | present | <input type="checkbox"/> |

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 spouse during the reporting period. This includes the names of clients and customers of your business enterprise, or any other source, if the source is a corporation, firm, partnership, or other business enterprise, or any other non-profit organization when the compensation is for services exceeding a fee or payment of more than \$5,000. You need not report the U.S. Government as a source.

| Line | Source (Name and Address) | Kind/Description of Duties |
|------|---|--|
| 1 | Example: Dept. of Justice, Washington, DC | Legal services |
| 2 | Example: Peter J. Goss, revocable trust | Legal services in connection with university communication |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |

Peter Effilioni Cannot Be Used.

SF 274 (Rev. 03/2009)
U.S. Office of Governmental Ethics

Reporting Individual's Name: **Goss, Porter J** Page Number: **34** of **34**

SCHEDULE D

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether paid 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. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

| Line | Name and Address of Organization (Name and Address) | Position Held | From (Mo, Yr) | | To (Mo, Yr) | None <input type="checkbox"/> |
|------|--|---------------|---------------|-------------|-------------|-------------------------------|
| | | | From (Mo, Yr) | To (Mo, Yr) | | |
| 1 | Mary H. Goss qualified personal residence trust New Adm. of local collector, RT, NY Doe Jones & Smith, Hometown, State | Trustee | 12/95 | 12/95 | present | |
| 2 | Trust D0710-07/89/1884 | Trustee | 07/84 | 07/84 | 8/04 | |
| 3 | Trust D0710-02/18/1887 | Trustee | 02/87 | 02/87 | 8/04 | |
| 4 | Trust D0710-10/85/1991 | Trustee | 10/91 | 10/91 | 8/04 | |
| 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 spouse during the reporting period. Do not report compensation received from a non-profit organization when you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate. Do not report compensation received from a source providing a fee or payment of more than \$5,000. You need not report the U.S. Government as a source.

| Line | Source (Name and Address) | Legal Service | Brief Description of Duties | None <input checked="" type="checkbox"/> |
|------|---|----------------|---|--|
| | | | | |
| 1 | Mary University (John & Sarah), Hometown, State | Legal services | Legal services in connection with university construction | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |

Printed Edition: Cannot be Used.

SSCI# 2004 - 3916

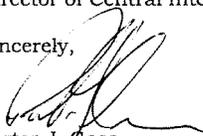
September 20, 2004

The Honorable Richard J. Durbin
Senator
United States Senate
Select Committee on Intelligence
SH 211
Washington, DC 20510

Dear Senator Durbin:

I transmit herewith responses to the questions for the record you submitted following the Senate Select Committee on Intelligence's hearing of September 14, 2004 on the President's nomination of me to be Director of Central Intelligence.

Sincerely,


Porter J. Goss

RESPONSES TO

QUESTIONS FOR THE RECORD

BY SENATOR RICHARD DURBIN OF THE

SENATE SELECT COMMITTEE ON

INTELLIGENCE

OF

DIRECTOR OF CENTRAL INTELLIGENCE

NOMINEE

THE HONORABLE PORTER J. GOSS

Responses to Questions for the Record

Your Understanding of the President's Expectations

1a) When President Bush asked you to serve as the next Director of Central Intelligence, specifically what did he tell you about his vision for that role?

President Bush expressed clear requirements for the leadership of the Intelligence Community, including:

- Better intelligence,
- Improved product,
- More capability, and
- Accountable management.

b) What is he expecting of you as his senior intelligence advisor?

If confirmed as Director of Central Intelligence, I will provide the President clear, precise, unbiased intelligence. This is a baseline requirement for any DCI, or NID, if Congress creates that office. I will demand that the culture fully embrace the concept of articulating what we know, what we do not know, and providing precise caveats and competitive analysis.

c) Did you discuss the importance of giving him information based solely on an analysis of facts—and not to simply support a policy advocated by the President and other policy makers?

I understand the distinction between providing information to inform the policy making process, and formulating the policies themselves.

d) Did White House officials consult with you in any way regarding the preparation of the recent Executive Orders the President has signed regarding intelligence oversight?

I was not consulted on the substance of the Executive Orders recently signed by the President relating to the Intelligence Community. After they were issued, I was provided a copy and an explanation paper on the orders.

Oversight Accomplishments as Chairman of the House Intelligence Committee

2) In the almost 30 year history of the House intelligence oversight committee, you have served almost eight years as the Chairman of the Committee—the second longest in that position. As is true of all Committee Chairman, the Chairman of the intelligence oversight committee is responsible for setting the committee’s agenda, deciding what hearings to conduct and not conduct and determining what oversight issues to address and not address.

a) In your lengthy tenure as Chairman of the House intelligence committee, what would you say are your three most significant intelligence oversight accomplishments?

First, I am proud of the fact that seven of eight annual authorization acts were reported out of committee unanimously.

Additionally, on a bipartisan basis the Committee worked to repeal the so-called Deutch guidelines, which was a critical reform for the CIA in its CT efforts.

Third, I am very proud of the bipartisan work we accomplished together with the Senate in the Joint Inquiry.

I would add that language in our Intelligence Authorization bills and actions over the years have in fact improved the transparency and working of the intelligence community. For example the Intelligence Community Whistleblower Protection Act, was something I authorized to further insulate IC whistleblowers from retribution.

b) In the House intelligence committee's report after its mark of the FY 2005 Intelligence Authorization Act (filed on June 21 of this year), you and your Republican colleagues stated in your Committee's report [page 17]: "Intelligence has been rightly recognized as a critical weapon in the GWOT [Global War on Terrorism]. Resources for—and demands on—the U.S. Intelligence Community have increased dramatically in the two and three-quarters years since the attacks of September 11, 2001. This increase is even more dramatic when one takes into consideration the depth of the cutbacks, underinvestment, and the near fatal loss of political support for the IC [Intelligence Community] in the last administration." What did you and your Majority colleagues on the HPSCI mean by that last statement?

Resources in the mid-1990's were in fact reduced. Investment in the IC did not keep up with operational requirements. The IC did not enjoy, in our view, sufficient access to the White House. After 9-11, all of this changed. Resources have increased dramatically, the DCI sees the President 6 days per week. Congressional support for the IC has grown, as well.

c) In your almost 5 years as Committee Chairman prior to September 11, 2001, what specifically did you do to enhance the Intelligence Community's counterterrorism

capabilities? And in your almost 3 years as Committee chairman since September 11, 2001, what specifically have you done to enhance the Intelligence Community's counterterrorism capabilities – particularly in implementing the December 2002 Joint Inquiry's recommendations to improve the Intelligence Community?

Under my chairmanship, the HPSCI was proactive in pressing for changes in the IC relative to counterterrorism capabilities. Specifically:

- * In January 2001, the HPSCI created a Working Group on Terrorism and Homeland Security, to study the counterterrorism and homeland security resource needs and capabilities of the IC and to review the organization of Congress to ascertain whether Congress was organized in a manner that provided the most efficient method of oversight for these issues.
- * In FY 2001, the HPSCI noted with concern the slow pace of information sharing reform and information technology collaboration. The Committee directed funds to address this issue.
- * The HPSCI, year after year, under my chairmanship, engaged in a dedicated effort to improve the CT capabilities for the IC, both in the HUMINT and analytical capabilities areas, particularly beginning in FY 1998. In that year, the Committee noted its concern about the lack of linguistic and analytical expertise and took budgetary action to support its position. Likewise, the Committee called on the IC analytical cadre to restore long term predictive analysis and warning capabilities.
- * In the FY 2000 Intelligence Authorization Act, the HPSCI, and agreed to by the conferees in the conference report accompanying that bill, gave the DCI enhanced NFIP transfer authority by elevating the level for objection to such transfers. This is something that the 9/11 Commission specifically has endorsed in its recommendations.
- * In the FY 2000 bill, the HPSCI raised its concern about a potential increase in “groupthink” and highlighted the need for “competitive analysis” and “contrary thinking” to avoid such.
- * On July 15, 2002, our Subcommittee on Terrorism and Homeland Security, then chaired by Saxby Chambliss, issued the first official U.S. government report on 9/11.
 - o This report was a mostly classified, very substantive critique of the counterterrorism capabilities of the CIA, NSA, and FBI in the years leading up to the 9/11 attacks. It informed significantly the Joint Inquiry's own review.
 - o The report made a series of very important recommendations for IC reform, along with suggestions on how Congressional oversight might be improved.

- o While other more comprehensive studies of 9/11 have been done, I remain convinced that the findings of HPSCI's Chambliss-Harman report were very useful in spurring the reform debate. Their findings have been in fact validated by subsequent studies.

- * HPSCI continued, through its authorization process and its continuous communication with IC leaders, to:
 - o Press for enhanced IC language capabilities;
 - o Remove bureaucratic obstacles to the conduct of HUMINT operations;
 - o Direct more resources to the field for HUMINT;
 - o Insist on more analytic resources targeted at longer-term, strategic, predictive intelligence, where the CIA's Directorate of Intelligence (DI) has a competitive advantage, and not focus exclusively on current, crisis reporting.

- * The HPSCI's Intelligence Authorization Act of FY 2005 addresses the need for better and more rationalized information management systems by establishing an Assistant Director of Central Intelligence for Information Management to serve as the CIO for the whole IC. (H.R. 4548, Sec. 303)

- * The bill also substantially increases funding for the National Flagship Language Initiative - itself established by the Intelligence Authorization Act of FY 2003 - to enhance IC language capabilities. It establishes an Assistant Director of Central Intelligence for Language and Education to direct language-related initiatives across the IC. (H.R. 4548, title VI)

- * In addition, the bill adds substantial resources to the CIA for HUMINT and HUMINT enabling/support activities targeting specific proactive capabilities.

- * HPSCI's Intelligence Authorization Act of FY 2004 addressed the issue of information sharing by directing the Undersecretary for Information Analysis at the Department of Homeland Security and Terrorist Threat Integration Center (TTIC) to collaborate on a pilot project to encourage state and local officials to collect and share relevant information.

- * The HPSCI's Intelligence Authorization Act for FY 2004 also established a Bureau for Intelligence "and Enforcement within the Treasury Department, headed by a Presidentially-nominated and Congressionally approved Assistant Secretary. Given the findings of the 9/11 Joint Inquiry, the Committee created this office to ensure that there would be full and timely sharing of information and analysis within the U.S. Government concerning the financial networks associated with international terrorism." (Sec. 105)

- * HPSCI's Intelligence Authorization Act of FY 2003 rescinded the restrictive internal CIA guidelines for handling HUMINT cases involving foreign assets or sources with human rights concerns.

- o The guidelines stayed in place until the day after Senator - then Congressman Saxby Chambliss and his ranking Democrat, Jane Harman, on the House Subcommittee on Terrorism and Homeland Security issued their 9/11 report in July 2002 and both publicly condemned the guidelines in a joint press conference.
- o It is my continued belief that this bipartisan action significantly freed the hands of our clandestine operatives to more aggressively pursue the terrorist target, thereby reducing the risks of future intelligence failures by giving us a better chance to access the plans and intentions of our adversaries.

Funding Intelligence Community Counterterrorism Efforts Through Supplemental Funding

3) Counterterrorism funding for the Intelligence Community has increased significantly in the wake of the September 11, 2001 terrorist attacks against the U.S. However, a significant amount of intelligence funding for counterterrorism is provided, not through the President's annual budget request, but through the Administration's supplemental funding requests to the Congress. Intelligence Community officials have told the oversight committee that reliance on supplemental funding makes program and operational planning extremely difficult, forcing them to borrow resources from funded intelligence programs until the supplemental funds arrive – putting counterterrorism operations at risk.

a. *To what extent do you consider this a problem?*

I believe this practice needs to change. It is not the most productive way to do business.

b. *As Chairman of the HPSCI, what specifically have you done to address this problem?*

During my tenure as Chairman of the House Intelligence Committee, this issue was raised routinely with Executive Branch officials.

The stance we took, as a Committee, was that we understood *why* supplemental funding was required to, at first, begin to re-build certain intelligence capabilities, and then to fund the tremendous upsurge in activity in the Global War on Terrorism. We recognized, however, that funding critical intelligence capabilities through supplemental appropriations can be an uncertain bet - you just cannot be certain that you will end up with the funds you need when you go this route.

So, on a bipartisan basis, we engaged in constructive criticism of this practice with appropriate officials and raised the matter at every opportunity.

c. *If you are confirmed as DCI, what will you do to diminish the Intelligence Community's reliance on supplemental funding to finance our counterterrorism efforts?*

If confirmed, I will continue to raise my concern of this practice to the highest levels. I assure you that my management practice would not be based on supplementals. I like to do more comprehensive planning. I understand that the operations tempo is going to continue, but I think that you have a better chance of getting your resources in the right place, in the right time, when you can plan.

Are We Ready to Deal with the Renewed al-Qa'ida Threat?

4) The Secretary for Homeland Security Tom Ridge last month elevated the terrorism threat level for financial institution buildings in Washington, D.C., New York City and northern New Jersey – and there are continuing concerns about an al-Qa'ida attack against the U.S. homeland prior to our forthcoming national election.

- a. In your opinion, since 9/11, how much more prepared are we to deal with a possible al-Qa'ida attack against the U.S. homeland now than we were a year ago?*

We have made considerable improvements to our security posture. To quote the 9/11 Commission, “we are safer, but we are not safe.” For example, the US has created the Department of Homeland Security and the Terrorist Threat Integration Center. Both are designed to refocus Government on the terrorist threat and to facilitate the flow of information. The President has directed the creation of the National Counterterrorism Center, to build on the success of the TTIC. JTTFs have been expanded and are a central line to our information sharing network with state and local law enforcement. It is vital that we identify systemic challenges and vulnerabilities associated with the terrorist threat and correct them. We have more work to do.

- b. To what extent, if any, is there room for improvement in our ability to detect, monitor and disrupt terrorist threats to the U.S. – both at home and overseas? Please elaborate.*

There must always be room for improvement. We cannot ever become complacent.

Another area that the United States continues to work on strengthening is bridging the foreign and domestic intelligence divide. The terrorists use our open society and democratic principles to hide, raise funds, and assess targets. We, as a nation, need to remain vigilant and to understand that the terrorist threat is something that we must consistently fight on an aggressive footing.

In this regard, acquiring intelligence on terrorists is essential. This will require greater resources to rebuilding our nation's human intelligence capability. The US needs more eyes and ears on the ground, with the right language skills, and greatly improved analytical capabilities to get the job done.

Record of Non-Partisan Intelligence Oversight

5a) Do you agree that intelligence oversight, like the work of the Intelligence Community, should be non-partisan?

Yes, without doubt.

b) How would you characterize your record of non-partisanship in your stewardship of the House intelligence committee over the last almost eight years that you have served as Chairman?

I have striven throughout my career, and particularly in my role on the intelligence committee, to execute my duties in a non-partisan fashion. Many across the political aisle can attest to that, and some already have in various public statements, including former SSCI Chairman Bob Graham, Senator Bill Nelson, House Minority Leader Nancy Pelosi, and my former ranking members, as well as former Attorney General Janet Reno..

Non-partisanship on intelligence matters is critical. I feel very strongly about this and have done my best to abide by this principle. I have not always agreed with my distinguished colleagues across the aisle, and have said so. I have always tried, however, to treat them and their views with respect and to give them every opportunity to fully participate in the process of the Committee's work. For example, all but one of the Committee's eight annual intelligence authorization bills under my chairmanship were reported out successfully and in a bi-partisan manner. This year's bill, although reported out of Committee with out bipartisan support, did it garner substantial bipartisan support on final passage when considered by the House. In fact, 5 of the 8 HPSCI Democrats who voted against the bill in Committee eventually supported the bill on the floor.

c) What bipartisan reports and investigations on the House intelligence committee can you point to since the Joint Inquiry report was issued in December 2002?

It has been my general practice to conduct oversight of the Intelligence Community through a combination of hearings, briefings, member and staff field visits, personal observations and conversations, bi-partisan staff inquiries, and through both informal and formal investigations. These do not always result in a report, but have nearly always resulted in some appropriate form of constructive action, be it by way of correspondence, authorization language, or budget action. This oversight work has largely been conducted behind closed doors and has, in my opinion, often been flexible to meet the particular situation, and very effective.

I would note the following bipartisan activities since December 2002:

- The 2004 HPSCI Intelligence Community language capabilities enhancement bill introduced by HPSCI Vice-Chairman Doug Bereuter with bi-partisan support and co-sponsorship;
- The bi-partisan FY 2004 HPSCI Intelligence Authorization committee report, along with bi-partisan committee reports from the six preceding years under my chairmanship;
- In July 2002, with my support and guidance the HPSCI Subcommittee on Terrorism and Homeland Security, under the bi-partisan leadership of then-Chairman Saxby Chambliss and his ranking member, Jane Harman, released the first U.S. government report on Intelligence Community deficiencies on counterterrorism in the years leading up to 9/11.
- In the HPSCI's FY 2002 Intelligence Authorization Act, then-DCI George Tenet was directed to repeal the restrictive internal CIA guidelines that dealt with the approval process for recruiting sources that had human rights concerns.
- In the HPSCI's FY 2002 Intelligence Authorization Act, significant funds were fenced following the conclusion of an extensive 6 month bi-partisan staff inquiry of a serious compromise of classified information. During the course of the inquiry, Majority and Minority staff traveled together to five countries and extensively interviewed numerous witnesses. The Committee's effective oversight of this serious breach in security resulted in bipartisan support for directive action relating to field security practices. The specific detail of this matter is classified.
- In January 2001, the HPSCI established, with the bi-partisan support of the Speaker and Minority Leader, a Working Group on Terrorism and Homeland Security to examine the counterterrorism capabilities of the Intelligence Community, the nation's homeland security apparatus, and Congressional oversight of the aforementioned to determine how improvements could be made. Immediately following the 9/11 attacks, this bi-partisan Working Group was converted into a full HPSCI subcommittee. It issued a bi-partisan report on July 15, 2002 after holding dozens of closed and open hearings, briefings, as noted above.
- In FY 2000, the HPSCI established a bi-partisan panel consisting of one senior Majority professional staff member and one senior Minority professional staff member under the leadership of retired CIA Counterintelligence Chief Paul Redmond to investigate and report on the state of counterintelligence at DOE Headquarters and at DOE's three key nuclear weapons laboratories, at Los Alamos, Sandia, and Lawrence Livermore respectively. The HPSCI investigation was prompted by serious concerns of various compromises of highly classified nuclear weapons-related information. The Committee panel issued a bi-partisan report on its findings that led to significant counterintelligence-related reforms at

DOE, Los Alamos, Sandia, and Lawrence Livermore, and the creation of the National Nuclear Security Administration.

- The HPSCI's intelligence authorization record over the past eight years is replete with examples of bi-partisan work on matters ranging from budget action to prevent agencies from over-funding certain projects to ensure that funds would be available for subsequent reprogramming actions, to direction that specific steps be taken to better secure classified material throughout the IC.

Porter Goss' Intelligence Reform Proposal to Give the DCI Internal Security Authorities

6) On June 16 of this year, you introduced H.R. 4584, legislation to reform the U.S. Intelligence Community. Section 102(c)(1) of your bill would repeal the current prohibition related to the Director of Central Intelligence exercising internal security functions. Essentially, it would give the President new authority to direct CIA agents to exercise police, subpoena and law enforcement powers within the United States.

a) Why do you wish to give the DCI the power to investigate and arrest U.S. citizens?

This is not my position. I do not wish to give the DCI the power to investigate or arrest U.S. persons. I stated at the hearing on September 13, 2004, the CIA should have no arrest powers in the United States of America. Nor do I believe that CIA should have general arrest or subpoena powers.

b) What is your rationale for making this proposal?

The purpose of Section 102(c)(1) of H.R. 4584 was to provide the opportunity to engage in a debate that is of critical importance to the Nation. This provision was included with the understanding that the 9/11 Commission likely was going to include a recommendation that for the first time called for a blurring of the line between foreign and domestic intelligence. (See page 415 of the 9-11 Commission Report)

This issue deserves, in my view, a full, rigorous debate and the full attention of the Congress. It is imperative that we safeguard the privacy rights and guaranteed liberties of our citizens while at the same time protecting the homeland from attack. This is a serious issue requiring serious consideration and significant deliberation by Congress.

Was the Recent Iraq War a Mistake?

7) *On October 2, 2003, Dr. David Kay briefed you and your House intelligence committee colleagues on the status of his efforts to find weapons of mass destruction (WMD) in Iraq. After that briefing, you issued a press release stating that "[t]he information provided by Kay underscores more forcefully two important points. First, that the policy of the U.S., since 1998, to seek regime change in Iraq was the right one. And, second, that President Bush's decision to enforce that decision and actually remove Saddam from power was even more correct. From the information uncovered to date, it is clear that the threat Saddam presented to the region and to the world was real, growing, and grave."*

Republican Congressman Doug Bereuter of Nebraska – a long-time colleague of yours on the House intelligence committee who has recently retired from the House – has indicated in a letter to constituents that the recent preemptive war against Iraq was a mistake because of a failure in intelligence. In his letter, Mr. Bereuter wrote: "I've reached the conclusion, retrospectively, now that the inadequate intelligence and faulty conclusions are being revealed, that all things being considered, it was a mistake to launch that military action, especially without a broad and engaged international coalition."

- a) *Do you still agree with your statement from last October, or do you agree with Mr. Bereuter's assessment? Please elaborate.*

I respectfully disagree with my former colleague's assessment. While I am not in a position to discuss elements of policy decisions, our intelligence was faulty on Iraq. I believe that the analysts and collectors worked with the best information they had at the time, but that information failed them. It was known that Iraq had weapons of mass destruction and that Saddam Hussein had used them on his own people. It appears he had the capacity and intent to use them again. It is crucial to our national security to determine where the WMD have gone.

- b) *How important is accurate intelligence to a policy of preemption?*

It is vital to a policy of preemption.

- c) *From an intelligence perspective, what lessons are to be learned regarding the recent Iraq experience?*

Among the issues I believe need to be evaluated for change on the analytic side are improvements in cross-talk and coordination between IC elements. They also need improved technology to do that more effectively. I also believe the analysts need greater insight into the source information for intelligence reporting. Finally, we need to rebuild our HUMINT collection and the capabilities to penetrate hard targets such as Iraq, so that our analysts are not left relying only on outdated reporting and technical collection to

produce current assessments. We must routinely challenge our standing assessments in order to avoid “groupthink.”

d) What is the status of the HPSCI's bipartisan investigation into prewar intelligence related to Iraq?

I understand that the Committee Staff is in the drafting stages for that report. It is my understanding that they are doing so in a bipartisan manner.

Restricted Notifications to the Intelligence Oversight Committees

8) *As you know, the Administration has an obligation to keep the intelligence oversight committees "fully and currently informed" about intelligence matters. However, the Administration on occasion restricts intelligence notifications to the Congress to a relative handful of Members of the Congress—the Chairman and Ranking Members of the House and Senate intelligence oversight committees, the Speaker of the House, the House Minority leader and the Majority and Minority Leaders of the Senate—the so-called, "Gang of Eight." I have become increasingly concerned, particularly under this Administration, that more Congressional notifications are being limited—seriously constricting the ability of the oversight committees to conduct the thorough, in-depth oversight that such sensitive oversight matters require.*

At a hearing of the House intelligence committee on August 4 of this year, Ranking Member Jane Harman stated that the practice of restricted notifications should be changed "and all the hard-working members of this committee who are capable of keeping our nation's secrets should be included in that kind of work."

a) *Do you agree with Congresswoman Harman? Why or why not?*

In my former role as Chairman of HPSCI, there were occasions where I felt that information that was originally provided to the Committee in a restricted format needed to be shared with the full membership. In these instances where the restrictions were rightfully challenged, I have found that the necessary information has been shared. I do believe this is an appropriate area for continued discussion between the two branches.

b) *What should be the criteria for limiting notification to the intelligence oversight committees?*

Again, as the former Chairman of the House Permanent Select Committee on Intelligence, I believe wholeheartedly in the importance of keeping the congressional intelligence oversight committees fully and currently informed. For oversight to work effectively, the committee members and the committee staffs must have access to the relevant information.

When the oversight committees were originally established, the idea of sharing sensitive intelligence information with more than a handful of Members of Congress was a very new concept. I think that, under all subsequent administrations, decisions about what sensitive information needs to be restricted to the so-called "gang of eight" have involved a delicate balancing act between the oversight committees' need to know on the one hand, and the very real need to protect the existence – and sometimes the very lives – of sensitive intelligence sources and operations. All Administrations have tried to utilize this procedure in a reasonable fashion.

I am of the view that the criteria for limiting notification is typically based on the need to protect very sensitive sources, where lives are at risk; or operations or investigations that are on-going or about to get underway.

c) What is your opinion of this subject?

This is an issue, perhaps during the debate on IC reorganization, that deserves to be reviewed and resolved.

d) As DCI, will you advocate to the White House that more such notifications be made available to the entire membership of the intelligence oversight committees and not restricted to Congressional leadership?

As chairman, I have advocated for more full disclosure. If confirmed as Director of Central Intelligence, I would expect that I would likewise advocate that the members of intelligence oversight committees get as full and complete a picture as possible in order to carry out their oversight responsibilities. Nonetheless, I recognize that there will continue to be very sensitive matters where notifications will need to be limited, just as particularly sensitive matters are compartmented inside the Executive branch.

“Dysfunction” Congressional Oversight of the Intelligence Community

9) *The 9/11 Commission, citing that “the House and Senate intelligence committees lack the power, influence, and sustained capability to meet this challenge” and characterized Congressional oversight of intelligence as “dysfunctional.”*

a) *Do you share this view?*

The system of oversight in Congress is perhaps not the most efficient and may not produce the best results. In this way I believe the system is “dysfunctional.” Both Governor Kean and Congressman Hamilton concur in this assessment. (See HPSCI transcript of August 11, 2004 hearing on 9-11 Recommendations; Kean @ pp. 11-12; Hamilton @ pp. 23-24, 46).

b) *If so, if you were to attribute this dysfunction to one primary reason, what would it be?*

Jurisdictional issues.

c) *In your opinion, what would be the best way to strengthen Congressional oversight?*

Some have asserted that streamlining the process would be both beneficial to the Intelligence Community and improve congressional oversight. In the past, I have suggested that a Joint House and Senate Intelligence Committee should be considered. This is an issue that is best left to the wisdom of the respective Chambers to resolve.

d) *Specifically, what did you do to strengthen intelligence oversight in your almost 8 years as Chairman of the HPSCI?*

I have tried in my years as Chairman to get Members engaged in Intelligence matters and for them to learn the issues, and then followed their progress. I held hearings and briefings on various matters and encouraged staff – largely derived from the Intelligence Community, itself – to engage the IC on complex and technical issues. Likewise, I worked with the House Rules Committee to clarify the HPSCI’s jurisdictional mandate and to lengthen the terms for Members. Finally, I insisted that the IC conform to requirements of section 504 of the National Security Act.

The DCI's Relationship with the Secretary of Defense

10) Traditionally, the most challenging relationship for the DCI has been his relationship with the Secretary of Defense—who controls roughly 80% of the intelligence budget and is therefore a serious competitor for control of the intelligence Community. In May of 2001, you were quoted as saying of secretary of Defense Don Rumsfeld, “[h]e is a hard-nosed guy who is not a pushover. I don’t expect him to win a whole lot of friends.” [The New York Times, May 18, 2001]

a) If you are confirmed as DCI, what sort of relationship do you anticipate having with Secretary of Defense Rumsfeld?

If confirmed, I can assure you that I plan to have an open, honest, close, and collaborative relationship with the Secretary of Defense. The Nation’s security requires this. A relationship based on candor and frankness will serve to create the best balance between intelligence needs on both the national and tactical levels.

b) What do you think is the appropriate relationship between the Director of Central Intelligence and the Secretary of Defense?

They need to be collaborative, equal partners in our national security.

c) Should the DCI have complete control over the Intelligence Community’s budget and senior personnel including that of the DoD components?

There is much ongoing debate as to what the proper construct will be for sharing budgetary and operational control between the Secretary of Defense and the Director of Central Intelligence, or NID. The relationship described above will help during this transition period, should Congress enact reform legislation.

The President supports full budget authority over the NFIP for the NID, and has called for all NFIP funds to be provided to the NID. Under the President’s plan the JMIP and TIARA would be appropriated and controlled by the Secretary of Defense.

The NID, under the President’s plan would play a significant role in the appointment of the heads of DoD NFIP intelligence elements.

These are policy matters, the resolution of which is best left to the wisdom of Congress and the President.

Congressional Oversight of Iraqi Prison Issue

11) In an interview with the Associated Press in May of this year, you were quoted as stating the following of the various prison abuse investigations being conducted in Congress: "we've got the circus in the Senate, which is always the likely place to look for the circus. Even though I say that lightheartedly, I do honestly question whether or not they have balance over there on this issue."

a) Could you elaborate on what you meant by these comments?

As stated on Tuesday, September, 13, 2004, I do not believe that the Senate or the oversight committee is a circus. This was a light-hearted comment arising out of my concern over the degree of sensationalism of the issue in the media. The point I ultimately made to the reporter was that I was concerned that the reaction to the extraordinary abuses that were going on could inhibit our ability to conduct good professional, lawful interrogations, which are a critical tool in the war on terror.

c) Do you believe that the Abu Ghraib matter, particularly from the perspective of possible Intelligence Community involvement, warranted congressional investigation?

As to the investigation of Abu Ghraib, Congress absolutely needed to investigate. When I was Chairman of the Committee, we did indeed investigate the prisoner abuse issue to determine the facts of that situation and to determine whether there was IC involvement. We held 7 full committee hearings or briefings on this very question.

d) Do you believe that the Iraqi prison scandal was limited to just a few low-level MPs?

Numerous investigations within the government are ongoing, and I believe the record to date establishes that it was not just limited to a few low level MPs. In fact, it is my understanding that senior military personnel have been implicated and that in fact disciplinary actions have been taken against a number of these individuals.

d) What will you do to ensure that the Intelligence Community does not abuse detainees under your leadership?

If confirmed, I will ensure that people have a clear understanding of the rules, guidelines, and procedures for handling detainees. As DCI, if confirmed, I will hold accountable those people who violate the rules.

e) Will you adopt a policy that the Intelligence Community will not engage in torture or cruel, inhuman or degrading treatment in any circumstances, as required by U.S. law?

Torture is a violation of U.S. law. The President has said that the United States will not tolerate torture. U.S. policy is to investigate and prosecute all acts of torture and undertake to

prevent other cruel and unusual punishment in all territory under our jurisdiction, consistent with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. American personnel are required to comply with all U.S. laws, including the United States Constitution, Federal statutes, and our treaty. If confirmed as DCI, I will abide by the Constitution, statutes, and other law and applicable treaty obligations.

f) What are your views on the possible use of assassination by the U.S. government?

Executive Order 12333 states that “no person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.” I recall that the Joint Inquiry examined the scope of this prohibition in some detail. It is my understanding that the prohibition would not bar the use of lethal force in self-defense, for example, in appropriate cases against members of al-Qaida planning attacks against the United States. You may rest assured, that if confirmed as DCI, I will abide by the prohibition in Executive Order 12333 and any other applicable laws.

“Cleaning House” in the Intelligence Community?

12. In a July 14, 2004 editorial in *The New York Times*, former DCI Stansfield Turner noted the problems in the Intelligence Community analysis that were cited in the Senate intelligence committee's recent report on prewar intelligence on Iraq. Admiral Turner stated that the Senate report indicates that “major changes in personnel at the CIA are urgent and necessary from a purely professional standpoint” and that “a thorough house cleaning is in order.”

a. Do you agree with Admiral Turner's assessment? Why or why not?

It is very clear that there have been breakdowns in the system, and in management of the processes throughout the IC. We can all agree that challenges abound and need to be addressed. It is essential to the success of the mission of the IC that we get this right. If confirmed as DCI, I will make my own assessment of these problems and will hold those responsible accountable for any failures or shortcomings. If confirmed, I will engage all previous DCIs who are willing to discuss this issue with me because it is critical that we do better, and provide a better product for our policy makers.

b. What, if any, changes do you believe need to be made in the Intelligence Community's senior management?

We need more capabilities, improved competence, and increased cohesion across the senior management of the Intelligence Community. Currently, there are several vacancies that do need to be filled, and it is of the highest priority that this be done. I look forward to hearing from Congress as to any proposals regarding reform and the restructuring of the Intelligence Community. If confirmed as DCI, I pledge to implement these changes to the best of my ability.

Adequacy of Information Sharing

13. One of the primary lessons drawn by many investigators of the September 11 terrorist attacks was that law enforcement and foreign intelligence information was not shared especially at the level of working analysts. Some statutory barriers to the sharing of information have been removed by the USA PATRIOT Act, and Intelligence Authorization legislation, and TTIC and the Homeland Security intelligence shop were created to enhance information sharing.

- a) What is your assessment of how effectively information is being shared by components of the Intelligence Community and other elements of the U.S. government today?*

The Intelligence Community's information sharing has improved significantly since September 11, 2001 but we remain far from our goal of seamless and rapid exchange of information, both horizontally and vertically. There are three distinct reasons for this. First, the government needs to improve their technology – specifically I would encourage the development of an IC-wide, as well as a government – wide, Enterprise Architecture with a planned integration or interoperability outlet for law enforcement. The second area is bridging the increasingly blurry lines between domestic and foreign intelligence. Finally, there is a legitimate need to protect sensitive information, and how to do so has not been fully resolved.

- b) What specific actions would you propose to enhance information sharing?*

To be effective against a terrorist threat that transcends both our foreign intelligence and domestic law enforcement systems, we must make improvements to our policies and operating procedures. Part of this and Congress has a key role to play, will be a public dialogue on balancing privacy rights and security needs. The consideration of USA Patriot Act extension will provide this opportunity.

As noted, the creation and development of an IC-wide Enterprise Architecture, should be the first order of business in this regard. As discussed earlier, the HPSCI's Intelligence Authorization Act for FY 2005 included a provision to establish an Assistant Director of Central Intelligence for Information Management (Section 303). This official would be responsible to the DCI for the development of an IC Enterprise Architecture, and establish standards for information sharing and security protocols across the IC.

Should the DCI Play a Role in Managing Tactical Military Intelligence?

14. What, if any, role should the DCI play in managing or coordinating tactical military intelligence? Or is this an area of intelligence management that should be left exclusively to the Secretary of Defense?

This is and will remain a complex question. Reforms to the Intelligence Community will need to examine and clarify. Thus, the exact role that the DCI, or an NID, has in managing and coordinating tactical intelligence will be determined by the Congress together with the President. It is vital that the Intelligence Community and the Defense Department are in synch with each other's needs.

When creating any new structures, flexibility and agility should be preserved. Mechanisms to accommodate the diverse activities of the various intelligence agencies by giving direct responsibility and control of the primary intelligence disciplines—collection, analysis, and research and the acquisition, must be put in place. Finally, the corresponding agencies that are in charge of those disciplines and resources need to be truly empowered, but guided and obligated to implement the program laid out by the DCI, or the NID – if created.

The DCI should coordinate with the Secretary of Defense on tactical military intelligence. Likewise, the Secretary of Defense should coordinate with the DCI and implement fully on behalf of the DCI, the DoD aspects of the NFIP. Similarly the tactical military intelligence activities should be consistent with the DCI's guidance.

The DCI's Relationship with the FBI Director

15a) Could you describe your view of the relationship between the FBI Director and the Director of Central Intelligence as head of the Intelligence Community under current law?

Currently, the DCI and FBI Director enjoy a very close, professional, and necessarily symbiotic relationship. It is important to have this relationship formalized and institutionalized at lower levels of the respective organizations. Progress continues in this regard.

b) What, if any, supervisory authority does the DCI have over the FBI Director?

None. The DCI and the FBI Director work within a collaborative framework under the direction of the President and the NSC.

c) What, if any, concerns do you have with the nature of the relationship between the FBI Director and the DCI?

Greater, institutionalized relationships need to develop at the working level between people in the various departments, and that there needs to be a continued focus on thwarting the terrorist threat. We are not safe if the CIA and FBI are pitted against each other. This is well understood within both organizations. CIA and FBI need to work closely, too, with other elements of the IC such as IAIP in DHS to ensure information flows up, down, and across the entire USG, as well as to state, local and private sector elements.

**NOMINATION OF THE HONORABLE
PORTER J. GOSS TO BE DIRECTOR OF
THE CENTRAL INTELLIGENCE AGENCY**

MONDAY, SEPTEMBER 20, 2004

SENATE OF THE UNITED STATES,
SENATE SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Select Committee met, pursuant to notice, at 9:31 a.m., in Room SH-216, Hart Senate Office Building, the Honorable Pat Roberts, (Chairman of the Committee), presiding.

Committee Members Present: Senators Roberts, Hatch, DeWine, Hagel, Rockefeller, Levin and Wyden.

**OPENING STATEMENT OF THE HONORABLE PAT ROBERTS,
CHAIRMAN**

Chairman ROBERTS: The Select Committee will come to order.

The Senate Select Committee on Intelligence meets today to continue considering the nomination of the Honorable Porter J. Goss to be Director of the Central Intelligence Agency. Congressman, thank you for returning to make a second appearance before the Committee after 5½ hours as of last week.

I have one or two additional questions for the nominee, but before I get to them, I would have recognized the distinguished Vice Chairman for any remarks he might wish to make. We will recognize him just as soon as he attends the session.

Congressman Goss, often we hear concerns about policymakers and intelligence, and the politics of same. Rarely, however, do we hear concerns about the flip side of the coin—the intelligence community efforts to shape or influence policy. The latter is a very real and very unwise phenomenon. The intelligence community should provide the facts, let the policymaker simply sort them out.

How will you ensure that the intelligence community does not cross the line into policymaking?

**TESTIMONY OF THE HONORABLE PORTER J. GOSS, NOMINEE
TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY**

Mr. GOSS: Thank you, Mr. Chairman.

As I stated last time, I feel very strongly that it destroys the credibility of the intelligence if it is thought to be contaminated by the policymaking process. I believe it is the DCI's responsibility to make sure that that does not happen in all the product, that the product has to be vetted and considered pure by the DCI before it is given to the policymakers.

I think that that process can be worked out very well in a management form, and I would foresee no problems at all conveying that understanding to the people who are involved in the intelligence community.

And I would have to point out, I think that understanding is pretty well there. There is a very strong line among the people who work in the community between those who are in the process of taking the product and analyzing, and taking information and analyzing it and delivering a finished product and those who are policy who are not part of that. Intelligence is to inform policy. And I think that the professionals do understand that, but I think that they have to be continually monitored and there have to be safeguards put into the system.

If I am confirmed, I will certainly consider that a critical job, because it has been one that has caused the intelligence community a good deal of consternation in the past couple of years.

Chairman ROBERTS: I appreciate that strong statement.

Should the intelligence community have a voice and a vote at the interagency table on questions that first and foremost are policy decisions?

Mr. GOSS: Absolutely not, sir.

Chairman ROBERTS: Congressman, as you know, the President did direct the CIA and the FBI to co-locate their operational and their analytical counterterrorism components at the new TTIC facility. The FBI's Counterterrorism Division just finished moving into that facility. It's my understanding that almost all of the CIA's Counterterrorism Center is still at Langley.

Do I have your absolute commitment that when you are confirmed you will take immediate steps to ensure that all of the operational and the analytical components of the CIA's Counterterrorism Center will be co-located with their FBI counterparts at the new TTIC facility?

Mr. GOSS: Yes, sir.

Chairman ROBERTS: Senator Wyden.

Senator WYDEN: Thank you, Mr. Chairman.

Congressman Goss, as you and I talked about in the office, what I am most troubled about is your willingness to be a change agent at the CIA.

I think that we discussed over the course of the last week the matter of being partisan, the question of being objective, those kinds of issues. And my sense is I can give somebody the benefit of the doubt on those kinds of issues, but I have scoured your record and I just don't see any real evidence of your willingness to push for intelligence reform and be a true change agent.

And it is heavy lifting; nobody underestimates that. But I think we saw with Tom Kean that it can be done. I mean, he went into that 9/11 Commission project. He had to take on the White House. They were reluctant to cooperate. He handled it in a thoughtful way and he was able to get a lot of the information that was needed.

What in your record shows that you're willing to be serious about pushing for intelligence reform, and particularly doing what Tom Kean did, which is to stand up to your Administration, stand up to a President of your party?

Mr. GOSS: Senator, as I said last week, I believe it is the intelligence community's job to provide the best product to any Administration. It's not a partisan question at all.

And as I explained last week, I well understand that I am leaving one arena and, if confirmed, heading to another arena that operates completely differently where partisan politics are not part of the job. In fact, I take that so seriously, I have made a down payment on that pledge: You have not heard a word from me publicly in any partisan possible way since the President nominated me.

So I assure you that I understand that the product of the community is for the Administration that is running the country, whatever the voters choose on that.

Now, with regard to your questions on what have I done, I did appreciate our conversation very much and I appreciate you taking the time last week to speak to me, especially on that. And I have compiled some information, which I hope will be persuasive to you, that we have not been just idling our time away in the past several years under my chairmanship. If you wish, I would start back a few years and give you some examples.

Senator WYDEN: You can certainly do that, but I would like an answer to the question I asked. Tom Kean showed that he would stand up to the Administration of his party and that he would take them on in the name of intelligence reform. I'd like to have even one or two concrete examples of where you are willing to stand up to the Administration of your party to try to bring about intelligence reform.

Mr. GOSS: Senator, again, without regard to the question of the partisanship or the party, which I believe is not appropriate, as I also said last week, even in the construct of the Oversight Committees that we have on intelligence, so I tried to practice, as I said, nonpartisanship. I didn't always succeed, but I tried to practice it, and I think seven out of the eight bills I pushed through came through on a bipartisan basis.

I did find it necessary to push very hard on the Administration on some issues with regard to reform. One of them surely has to be the area of classification and declassification. We had quite an arm-wrestling discussion with the Executive Branch about that system, which I said last week is a broken system. It is a broken system.

I tried very hard to do some reform with it, actually worked with Senator Moynihan. We did pass a bill, bicameral, bipartisan—a first step. It wasn't as much as either of us wanted, but it was a good step, and it is the law, and it has made it easier now in the declassification process.

A second area that I think is critically important to remind ourselves of is that the Joint inquiry did turn out a report and it had a number of recommendations—19 to be exact—and a good number of those have been enacted by the Executive Branch at this time. So we have made some strong progress.

Now, the major one was the question of the Director of National Intelligence, or the National Intelligence Director. I don't want to get mixed up in the alphabet soup, but the kingpin, as it were, the coordinator, the person with the overall accountability for the

whole community, which is a huge issue as we talk about stitching together a network.

I think we did put out a good report, and I think that the fact today that the work we did in that Joint Inquiry is out there and is being so thoroughly addressed on the Hill and downtown now is a sign of success. I consider it a victory.

We have gotten to a place where we had not gotten to, despite even the good efforts of the Aspin-Brown and other commissions like that, which pointed out pretty much the same thing. Maybe we ought to consider this sort of stuff. So I think we have rolled the ball pretty well, sir.

Senator WYDEN: The only thing about your answer is that you're essentially citing—you said, for example, the Executive Branch made some changes after 9/11. Of course. No one disputes that.

But after 9/11, and you served on a commission, you could have introduced a piece of legislation that would have pushed us further and faster. It would have meant you would have had to take them on, and you didn't do it.

But let me move on to the question of Iraq, and obviously on the basis of the pessimistic NIE that was reported in the press last week. And you obviously are not up on this and these are just press reports: You can't get into all of the details there. But I'd like to ask you, with respect to Iraq, about your ability to brief the President objectively on the Iraq issue.

As you know, you voted in support of the President's decision to go to war in Iraq. The conflict continues. Obviously, there are a variety of different perspectives on the current situation and, of course, also what the future portends for that troubled part of the world.

As part of the CIA Director's job, you're going to have to brief the President and the Cabinet on the situation in Iraq and how well or how poorly his policies are doing there, and whether the Administration's goals are going to be achieved or not. Yet as a policymaker, as a Member of the Congress, your decision to invade Iraq was a policy that you yourself supported and voted for. You voted for the policy to go into Iraq.

How are you going to handle matters regarding Iraq and other foreign policy matters that you supported while in the Congress? It's pretty hard for a CIA Director to recuse himself, but how can you tell us, given your past history, that you're going to give the President unvarnished truth, despite having a stake in policies you voted for?

Mr. GOSS: Senator, last week I said, and I will repeat again, I understand the difference in the jobs. My responsibilities as an elected Member of Congress on behalf of the people of Southwest Florida, Florida's 14th District, require one set of activities. This job, if I am confirmed, very clearly requires a very different set. And as I have explained, I totally understand the difference.

What I am going to do is try and improve the product that the policymakers get, so that the policy is as best-informed as it can be by an unvarnished, straightforward intelligence product. That's my goal if I am confirmed to do that.

Now, in answer to the Chairman's questions when we started out, I pointed out that I do believe the DCI, or whatever the equiv-

alent role would be, who is speaking to the President, has that responsibility to be the bearer of all news, not good news or bad news, that comes legitimately out as a proper, professional job of creating intelligence product throughout the intelligence community.

Obviously, there will be dissents. Obviously, there will be different views. And I think all of the issues of the formula of what do we know, what don't we know, and what would we like to know need to be clearly presented to the policymakers so that they can be well informed not only for the policy, but the tasking that inevitably the community will be asked to do.

Senator WYDEN: Well, what is your reaction to these press reports last week with respect to the bleak assessment in Iraq? You obviously can't get into all of the details, but I would like to know, do you think, on the basis of the information that you now have, which, of course, is not what's in an NIE, that these bleak reports are warranted?

Mr. GOSS: Which? I'm sorry?

Senator WYDEN: The reports about the NIE last week and the situation in Iraq were pretty bleak. I mean, they painted a gloomy picture.

Mr. GOSS: I'm sorry. I didn't understand.

Senator WYDEN: You can't get into all of the details on something like that, but based on what you know, do you have any reason to question that NIE?

Mr. GOSS: Senator, obviously I'm not going to comment on a product I haven't seen. I don't know anything about it and, frankly, I read some of the press reports and have heard some commentary on it, some opining about it. I would like to reserve judgment on that until I have a chance to see it myself.

What my interest would be in it is, have we got the information we need for the policymakers? And if we haven't got the kind of information we need, how do we go about getting it for them? That's the job of the intelligence community.

Senator WYDEN: My time has expired, but do you know anything that would indicate that that NIE of last week that painted a gloomy picture is off base?

Mr. GOSS: Senator, as I said, I don't know anything about that NIE. I read in the papers that there was one; I haven't seen it.

Senator WYDEN: Thank you, Mr. Chairman.

Chairman ROBERTS: I would now like to recognize the distinguished Vice Chairman for any comments he might wish to make.

Vice Chairman ROCKEFELLER: Thank you, Mr. Chairman.

Good morning, Congressman Goss.

I want to continue a little bit on Ron Wyden's theme.

Chairman ROBERTS: It's 10 minutes, sir. You can have a Rockefeller theme or a Wyden theme, either one.

Vice Chairman ROCKEFELLER: There was some of this questioning last week, and there was this question of "My record is my record." And I think that you could tell that stirred up a sense of incompleteness, or unforthcomingness, which was not inaccurate in the sense of "My record is my record," but we were looking for something more.

And as I think I also pointed out, independence—which to me is the most important part of all of this—it’s not how much does Porter Goss know? That’s a lot. What kind of man is Porter Goss? He’s a good man. Does he have experience with the CIA? Surely he does. It just comes down to telling truth to power, the independence. You indicated that you can separate your past life from your present life.

I think you and I, in private conversations, have indicated neither of us are particularly political, but I’m not sure it’s as easy as that. I’ve two volumes here that my staff collected, going back over 10 years, of statements. I mean, they’re thick. They’re all political. They’re not all about intelligence. They go back to some other things too, but most of them are about intelligence.

And I’m trying to get into your mind a little bit about how it’s so easy for you, in a position where you have, let’s say, a powerful Vice President, a powerful Secretary of Defense, a powerful political adviser to the President, powerful people around him who are accustomed to exercising their power in powerful ways, that you just suddenly become a different person. And I need to understand that.

I’ve never been in that position, where I’ve gone from I am who I am and I can sort of say that because my life has had a kind of continuum to it, but yours is now potentially probably going to change quite radically, and so I need to know how you do that.

Now, for example, in the case of Mohammed Atta and the famed nontrip to Prague, which the Vice President is still referring to and talking about, “proving,” therefore, relationship between 9/11 and the Twin Towers, that’s stunning to me, shocking to me. I mean, I don’t know why he says that, how he says that. It’s not responsible.

Now, you’re the head of the CIA, and he says that, but he says it publicly, as he does. What do you do about that? You can answer, “Well, that’s a policymaking question and not a matter for me.” On the other hand, you are the head of the CIA, and he is misusing intelligence. He is misleading the American people, in my view, in this Senator’s view, about an incident which didn’t happen, which the FBI, the intelligence communities can prove, and which I believe you know also.

What do you do with that? Do you go to him? Do you just leave it lie there?

Mr. GOSS: Senator, you’ve asked a lot of questions, and very good ones, and they are very hard ones. I will try, if I can answer them very shortly.

I think very definitely, at any time that anybody with responsibility for delivering product to people in high places is concerned that that message is fully understood or what that product says, if there’s doubt in their minds, that it’s incumbent upon that person in the intelligence community—whether it’s the DCI or the NID or the DNI or whatever it might be—to go to the customer and say, “I want to make sure you understand that this is the range of what we know. This is the range of what we don’t know. This is the amount of credibility we give this.” And put in the caveats, if there’s any doubt, if there’s a need to go back and do that. I think that’s appropriate.

I do not think it's appropriate for the DCI or the NID or anybody else in that kind of a position to go and tell a policymaker how to use product. That would scare me a lot. If you had a very strong intelligence network with an intelligence person at the top who controlled the whole community, who was trying to say, "this is our product and this is how you must use it," I think that would be a breach of the faith that we have in how the system is supposed to work.

There has to be a clear delineation between delivering unvarnished product and allowing policymakers to do their job in the way they see fit, because, as I have been told many, many times, policymakers do not make their decisions just based on the input from the intelligence top person alone, that they get their information from a number of sources and they have a number of reasons for making judgments that quite often go beyond intelligence. And I would not want to try and affect that.

Vice Chairman ROCKEFELLER: This isn't a question which would go beyond intelligence, would it? I mean, if the FBI and the CIA make their investigations, they look at ticket stubs and where people were, in a sense, it really does come down to you as head of the CIA as opposed to what the Vice President is saying to the Nation.

Now, you're not making policy if you go to them and you say, "Mr. Vice President, I just want you to know, as your Director of the CIA, that what you are saying is not backed up by intelligence." That's not making policy. It's simply saying to him, that as the person in intelligence and Director of Intelligence, that you think he's wrong.

Mr. GOSS: Senator, if I am confirmed and I am the person responsible for the intelligence product of the United States of America, all of those thousands of men and women doing all of that hard work, all of that investment of the taxpayers' money, all of the total machine, which is huge, and you bring that out, and I am the point of fusion to the decisionmakers, I can assure you I am going to defend that the product is pure and that the understanding is absolutely clear about that.

And if there is a misunderstanding or if there's a question about that, I would be very quick to point it out. And if there were no intelligence—

Vice Chairman ROCKEFELLER: To the Vice President?

Mr. GOSS: To anybody, sir.

If there were no—if I had never myself or caused to have the community present intelligence to anybody and somebody went out, no matter who, and said, "This is what our intelligence community said," I would certainly find out and advise that person very quickly that that was not this intelligence community.

Vice Chairman ROCKEFELLER: Would you correct the public record on the matter?

Mr. GOSS: I would certainly judge the situation at the time. I am not going to let the credibility of our intelligence community be in any way affected by the battles that swirl around on the question of the use of intelligence.

Vice Chairman ROCKEFELLER: But then wouldn't that be the only way to make sure that that would happen, is by correcting the public record?

Mr. GOSS: It would certainly be one of the ways. I am not sure public is the only way. Sometimes private words work. Sometimes other approaches work. I think power of persuasion sometimes is a good thing. Sometimes there's just plain misunderstanding.

I don't believe that something as important and sensitive as intelligence can be, and the machinery we put into it, that the first thing to do is to go public. I think the first thing to do is to understand, are we damaging in any way our capabilities on how we handle this. And I always want to pay attention to the capabilities and how we handle any problem like that.

But I agree, if somebody is abusing the product, I think it is important that the person who is in charge of that product, which would be the DCI or the subsequent equivalent of that, has a reason to go forward and say, "That's not what we said."

Vice Chairman ROCKEFELLER: Congressman Goss, you indicated in our last meeting—and there were a number of statements given that you had made with respect to the Democrats are damaging intelligence. I think you recall my question about John Kerry, what you said about John Kerry, the article that you wrote about John Kerry.

Just help me understand how 10 years—this is 10 years of statements, which are partisan—I think this is honest questioning, Porter Goss. I really do. I really do. It gets to the core of what the CIA has to be.

How does one simply become a different person?

Mr. GOSS: Mr. Vice Chairman, I think I got through my adult life without giving a partisan speech until about 1988 or 1989. I was forced to chose a party in order to run under the system we have in this country, and I was very comfortable with it. Before then, for the great majority of my life, I don't believe I had made a single partisan speech.

Of course, there have been times on partisan issues—I've been on the Rules Committee, as you very well know. We have a lot of partisan votes, and I had to support those partisan votes in the Rules Committee.

But on the things that count, the things that are not just the interplay between the two agendas of the two parties, there's only one flag in the room, and it's that flag back there, and we all know that.

National security is one of those areas. I am very proud that for every year I brought my bill in on a bipartisan basis. Even this year, even though we did not vote it out of committee on a bipartisan basis, we got, I think, five out of eight of the Minority party voted for it on the floor. So I have worked very hard in that direction.

I have not always succeeded. As you know, in this town, there tends to be an outside atmosphere that tries to crowd in and affect these things.

If I didn't think I could do this and give up public speaking—which I would be happy to do, frankly, and have enjoyed the past

few weeks immensely by not doing that—I wouldn't be sitting before you, because I feel just as strongly as you do about it, Senator.

Vice Chairman ROCKEFELLER: Thank you, sir. My time is up.

Chairman ROBERTS: I think that I have about 8 minutes remaining, or maybe 7, and then I will be more than happy to recognize Senator DeWine.

In response to Senator Wyden's comments, I know that Governor Kean apparently, in your words, stood up to the President in regards to his efforts, or at least in your opinion, on the 9/11 Commission. But basically the Administration, in considering that, I think, has taken many forward steps in response to that. I am not sure that that was the result of Governor Kean.

I would point out that I think the 9/11 Commission took 10 days to make 41 recommendations. The 41 recommendations were there encapsulated in a bill introduced by Senator McCain and Senator Lieberman. It was a marker bill. But basically, it was simply recommendations. It was like the Nike ad: Just do it.

And so, you'd have the recommendations, and if Congressman Goss would be the National Intelligence Director, it would simply be, "Here, Porter, here's the baby: You rock it," because it isn't a comprehensive bill. Right now, the Government Affairs Committee has that jurisdiction in writing a bill; we have some suggestions for that bill.

I would say that if there's an example that Members of this Committee wish to take to stand up to the President, or for that matter anybody in their party, in terms of leadership, they should get on the bill that I've introduced along with seven other Members. That is real reform. That is standing up.

Now, that bill has been described as everything from bold and far-reaching to nutty and radical. So in that regard I'm not sure that that comparison is really the best one.

Let me just say that in asking staff—I have not asked the witness for this, but in terms of what the Congressman has done, in September, he and Representative Harman noted that the House Committee on Intelligence has held no less than 62 hearings on reform just this year alone. Even before 9/11, he was thinking ahead on the key issues like biological warfare threats, the Department of Energy, counterintelligence, the NSA, legal authorities.

On Iraq, he has also been an informed and often a very cautious voice, as I have been, by the way. In September of last year—and many Members of this Committee—Mr. Goss and Ms. Harman also laid out their concerns and suggested improvements needed for better intelligence collection.

I know that change comes in various forms, but I would think a step-by-step process, well thought out, would be the form I would prefer, at least in regards to change in the intelligence community, as opposed to 41 recommendations that came out of a 10-day deliberation.

And I am not trying to perjure that effort. I think it's a great effort and has given us catalyst for reform.

I just happen to have here the Joint Inquiry recommendations. That was the investigation conducted by this Committee and the House Committee, and really was the blueprint or the foundation given to the 9/11 Commission. And there are somewhere in the

neighborhood here—I have 19 recommendations—one annual report, four one-time reports, three proposed reports, it seemed to me there was 21 long-range reports.

That was in conjunction with Congresswoman Pelosi and the Chairman of this Committee at that time, Senator Graham, who is no shrinking violet in regards to recommending reform.

I suggested at the time that they consider all these—by the way, these reports, some about, I don't know, 12 of them, mandatory reports, had to be done by June, and Congressman Goss signed onto those. We had some discussions about that.

I said, you know, how in the world can anybody at Langley find any time to do anything if they had to do all of these 19 recommendations and 21 long-term steps and 12 mandatory reports by June?

And he indicated that something must be done, and so basically, he is the godfather, if you will, along with three others, Senator Shelby and Congresswoman Pelosi and also Senator Graham, of the basic foundations of the 9/11 Report. So to say that he is not an agent of change or is against reform, I think, is a misnomer.

Let me say that in terms of the use of intelligence, we had hoped to get to that in terms of phase two, but we find ourselves in the middle of 9/11 reform and we find ourselves in this nomination, which we are very pleased to do.

And one of the things that I want to do very badly, along with the Vice Chairman, is the intelligence on postwar Iraq. Obviously, we are in the middle of an insurgency. You can call that a war if you want to. We have not had time to do that, but that would be the appropriate place to take a look, and we will look, at the National Intelligence Estimate that has been brought up by Senator Wyden, and we intend to be very aggressive.

I don't know if raising issues of partisanship subject to opinion over 10 years is not being partisan as well. I hope to heck nobody in 10 years takes all the stuff that comes out of my mouth in regards to whether it's partisan.

I have a reputation around this place of being somewhat obstreperous. I think that *Congressional Quarterly*, came down and said I'm pleasantly irascible. Well, I have been 2 hours in traffic this morning and I am very irascible.

And so, consequently, if they took everything that I have said over 20 years of service and put it in context and said, Roberts is this partisan—I remember standing up, shaking a finger at Tip O'Neill in regards to the Speaker of the House; he told me to take off my "Thou shalt not steal" button when we thought that the other side had stolen an election. Was that partisan? You're darn right.

If people don't understand that this is a partisan outfit in the Congress, they're either very naive or very disingenuous or have their head lodged firmly where there is no sun or light.

And so, consequently, I hope to heck that after 10 years somebody could make a statement and then not pick and choose and say, that's partisan.

Is that partisan? I think it's partisan from the other side, and I think it's time we quit this.

The gentleman has indicated he is independent, he will be non-partisan and he will be aggressive. I think sometimes you have to take a man at his word. Does this mean that no Member of the Senate or House in terms of 10 years going back over statements can serve in any kind of duty in this place?

I'm sorry, my time's not up.

[Laughter.]

Chairman ROBERTS: But at any rate, I can name you 10 people in the House, probably 25 people in the House—I had the privilege of serving there for 16 years with this gentleman—who are very partisan. I can name you people in the Senate who I think are very partisan.

This man is not part of that posse. He doesn't ride with the partisan posse. That's my considered opinion after knowing him for 16 years and working with him on a weekly basis ever since I have had the privilege of being on this Committee.

Senator DeWine.

Senator DEWINE: Well, I get to follow up on that. Good.

[Laughter.]

Senator DEWINE: Congressman Goss, good to see you again.

Mr. GOSS: Good morning, Senator.

Senator DEWINE: Good to be back.

For the record, I might add that you and I had the privilege of working on a bill, which was certainly not a partisan bill at all, and that was the Ricky Ray bill, where we, I think, did some good for some folks who had been hurt by the government and certainly had been hurt, who acquired AIDS because of the blood supply.

And I certainly enjoyed working with you on that, and that certainly was an issue that had nothing to do with politics at all, but certainly had everything to do about trying to help people. And you were able to lead the charge on that and I thank you and salute you for that.

Mr. GOSS: Thank you, sir.

Senator DEWINE: Let me ask this question. Those of us on this Committee and you on the House Committee really are consumers of intelligence, as is the Executive Branch.

It strikes me that we are many times in the position of wanting to have a consensus from the intelligence community, but it seems to me also that we also have the need to see where the dissent is coming from in the intelligence community, if there is dissent.

And I bring this up because we have in front of us a number of proposals that seem to consolidate the power, and I wonder if there might be a tendency, if these proposals, any of these proposals are adopted, for the dissent to be stifled or at least for the ultimate consumer never to see the dissent.

For example, INR, I've noticed, a few times has had a different opinion. At least on one occasion I've noticed they were right. Everybody else seemed to be wrong.

Do you want to comment on that, and how we make sure that as we do these reforms that we make sure that the consumer—the President, the Congress—at least make sure when we see the consensus that we at least make sure that we still have somebody out there who is independent and getting an alternative view, and that we also see that alternative view?

Mr. GOSS: Yes, sir, I agree with that very much.

I think that there is a system in place now that has not worked as well as it should have or perhaps as it could have. I don't know the answer, whether it's a should or could, but it has not worked as well.

I believe that the dissent is a critical part of the process. You want the differing opinions. You want the competitive analysis. You want to avoid group-think, things that you've pointed out very well in this Committee study, I think now recognized by the DI, in a paper that I understand you all are going to get. I mentioned it last week. It's a study that's worth taking a quick look at.

I do believe that it's very important to have in the reorganization, however it is done, the understanding that the 15 elements within the intelligence community operate as elements but also as part of a larger whole, and that they have a responsibility not only unto themselves, to their own agencies—the FBI, INR, whatever it may be—but to participate into the network as a whole. That means we're going to have to take some mechanical steps like collocation and things like that.

We've had some recent disputes. They are continuing to happen. This process is not going as well as I would like it to go. There is room for improvement, I will certainly say that. And part of the reorganization that you all decide is going to color very much what it looks like. But I think we all understand we have to do it.

I think when you have dissent, you have to understand why the opposing opinions or views were rejected. I think it's not just simply it was a vote of 3-2. I think it's, this is because. When we added the pluses and minuses on the yellow sheet, we got three pluses and two minuses, and these were the pluses and these were the minuses, but what we don't know is this, and if we knew that, that might tip it.

I think that enrichment process is very important.

Now, not every customer is going to want to know that, but every customer needs to be able to get to that if they do want to know it. So I would suggest that it will work two ways.

If you, as a customer on this Committee, want to go behind what the finished product is that you read, or what the daily SEIB is, or anything else, and want to get into that, then I suggest you have the right to do that and should do that, and the community has the responsibility to come forward and say, look, this is how we weigh it.

Senator DEWINE: It seems also to me, though, that as a report is prepared, there is some responsibility in the intelligence community to give us that alternative view, even if we don't ask for it, because many times, we don't know the question to ask sometimes. You don't know if there was a minority view unless someone says it.

Mr. GOSS: That's absolutely correct, sir.

One of the problems that we have is a system now of trying to protect our sources and methods in sensitive matters where we use a system that doesn't work very well. It's, you know, how much credibility can we give this? Do we have high confidence in it?

Well, what does "high confidence" mean? If you say "high confidence" 4 times and it's only right 3 times, it turns out to be right

only 3 times, then the next time you hear “high confidence,” it’s not quite that high.

So I think we do need a different way of telling our consumers—and I agree that those dissents are important to point out. I mean, some people say footnotes do it. Actually footnotes don’t do it. Most people don’t have the time.

Senator DEWINE: Let me ask another question, somewhat related to this, and that is a problem that we have seen, and that is when the analysts are so separated from their sources that they do not have the ability—and we have seen this, in some cases were mistakes were made—they don’t have the full ability to analyze or to judge how good the sources are. And we’ve seen several specific cases where they did not really know that, and there was this wall.

Now, I understand sometimes why there is a wall there; you have to protect your sources. How do you deal with that problem? How do you protect the source but at the same time make sure the analyst, who is going to ultimately be giving us the information or the President of the United States the information, can make a fair judgment about how good the quality of the source is so he or she can make that good opinion to us?

Mr. GOSS: Senator, you’ve correctly described a problem which we obviously need to fix rather quickly. And there’ve been efforts in the past to try and get the DI and the DO, to use one agency’s area, working more closely together. There is an esprit de corps in both of those elements, and it’s a good thing to have, but it’s got to work more closely.

There are a number of ways that have been suggested. The white paper that the DI has put out talks about a number of things. If there were resources, we would like to put some of our analysts out in the field, working with some of the case officers so that they can understand better what the problems are out there, and so the case officer can understand better what it is the analyst absolutely needs.

But unfortunately, it’s not just—the problem doesn’t just lie there. It goes beyond that, that we do not have analysts talking to analysts as opposed to analysts talking to collectors. We find analysts in one agency not talking to analysts in another agency.

Now, hopefully TTIC, in terms of terrorism, is going to deal with that, but that’s only terrorism. There are other problems out there. There’s WMD problems, there’s narcotrafficking problems, there’s racketeering problems, there’s political intelligence, all of those things that you need to deal with which aren’t covered in the TTIC, necessarily.

So I think the area you have focused on is the area that is broken in the analytical part, and that it does need attention, and we have some ideas. And the people involved in that are aware that we are looking for ideas. So I think we have a will to do a correction, and I believe you will see progress. And if I am confirmed, I assure you, you have my word on that.

Senator DEWINE: As you’re aware, we passed a few years ago the Nazi war crimes bill, which called on the CIA to provide additional new information, to go back in their files, open up the files. That has worked fairly well. I don’t want to get into great detail about this today, but there is still information that needs to come out,

and I would just like your assurance today that—I was the author of that bill here in the Senate—I would like your assurance today that you will continue to work with us on that.

Mr. GOSS: Yes, sir, of course I will continue to work on that if I am confirmed.

Senator DEWINE: I appreciate that. Thank you.

Thank you, Mr. Chairman.

Chairman ROBERTS: Senator Hagel.

Senator HAGEL: Mr. Chairman, thank you. I have no questions for Mr. Goss. I will just add one comment.

I think the President has chosen wisely in his nomination of Mr. Goss. But more to the point, I think he has placed a very appropriate amount of confidence and trust in Mr. Goss. I enthusiastically support Mr. Goss's nomination and look forward to our vote and getting him to the floor of the Senate and getting him to work.

Mr. Goss, thank you.

Mr. GOSS: Thank you, Senator. I appreciate that very much.

Chairman ROBERTS: Senator Hatch.

Senator HATCH: Mr. Chairman, I echo those sentiments. I feel exactly the same. I've watched Congressman Goss for years. I'm aware of how much he did in a bipartisan way to make the Committee work well over in the House.

And I'll reserve the balance of my time.

Mr. GOSS: Thank you, Senator.

Chairman ROBERTS: Senator Levin.

Senator LEVIN: Thank you, Mr. Chairman.

I think the most important quality that I'm looking for in a Director of Central Intelligence is somebody who will reliably provide objective intelligence assessments that are independent of the policy and the political agenda of the White House. Frankly, we haven't had that lately in George Tenet. Too often his public statements were exaggerated, shaded, distorted to support policy positions of the White House.

Whether you agree with that or not, there's a 500-page report of this Committee that identifies the errors, omissions, exaggerations of the CIA.

Phase two will get to the question as to what the impact of those were on policymakers and the policymakers' statements themselves, but I think even you agree that there were significant failures in the area of intelligence prior to both Iraq and to 9/11. Although you've hesitated to use the word "failure" in the past repeatedly, I think that at the last hearing, you were willing to acknowledge that there were significant failures—intelligence failures.

Is that a fair statement?

Mr. GOSS: Senator, I said in response to your question—I believe it was your question—that I agree that there are failures involved in intelligence and that require fixing, and that is one of the reasons why I seek your confirmation, sir.

Senator LEVIN: And that these significant failures that you are referring to were failures prior to Iraq and 9/11?

Mr. GOSS: Yes, sir. There are shortcomings, very definitely, in both areas. And as I said last week, I believe your report on weapons of mass destruction, your 500-some-page report—much of

which, sadly, was redacted—was extremely helpful and very informative to me.

Senator LEVIN: Was it troubling to you?

Mr. GOSS: Yes, sir, in the sense that the depth of some of the analytical problems is as great. I agree with your group-think. And I would point out, again—

Senator LEVIN: You agree with our group-thinking?

Mr. GOSS: Your group-think. Well, sir, you did have a consensus product, which I am pleased that the Chairman was able to deliver, but I don't suggest that you were the one doing group-think. I suggest that the group-think problem, the failure of competitive analysis—Ms. Harman and I actually wrote a letter in September of 2003, I think—which I'm sure you have; about four pages or so—which is pretty tough, and it went to some of the same areas.

So I feel that the work that you've done and, frankly, the work that I hope the HPSCI is going to continue to do—and I have every reason to believe they will deliver a report—will follow up on the interim letter that Ms. Harman and I wrote with regard to WMD.

Senator LEVIN: One part of that letter said something similar to what you said this morning, which is that, "Where public officials cite intelligence incorrectly, the intelligence community has a responsibility to go back to that policymaker and make clear that the public statement mischaracterized the available intelligence."

In your conversation with Senator Rockefeller, you seemed to avoid committing yourself to correcting public misstatements by public officials relative to intelligence in a public way so that the public misinformation could be corrected. You seemed to avoid saying that public corrections were appropriate. You say you'd like other approaches first. You want to personally talk to that person and so forth.

And when there are very public misstatements about what the intelligence provides, it's the public that's been misinformed, and a private comment to a policymaker doesn't correct that public misinformation, of which there was a vast amount prior to the Iraq war.

But let me ask you this specific question: Can you give us some examples of where, in your judgment, policymakers prior to the Iraq war mischaracterized the available intelligence? For instance, were the Atta comments, the meeting in Prague comments, or the comments relative to uranium, or the comments relative to the use of aluminum tubes, the vast number of comments characterizing intelligence that were made by public officials, which went beyond the intelligence, can you give us an example where you believed that the public statements of policymakers mischaracterized the available intelligence prior to the Iraq war?

Mr. GOSS: Senator, I don't believe any public official in a position of responsibility has deliberately mischaracterized or misled anybody in the United States or anyplace else.

Senator LEVIN: That wasn't my question.

Mr. GOSS: You asked me if I could give you an example.

Senator LEVIN: I didn't use the word "deliberately" or "intentionally" or "purposefully" or "willfully." I just simply said "mischaracterized the intelligence."

Mr. GOSS: I don't believe—

Senator LEVIN: I mean, we're looking for independence here.

Mr. GOSS: Well, I understand.

Senator LEVIN: We've got a lot of examples where intelligence was mischaracterized, not necessarily intentionally—that's a very difficult thing to assess—but where it was exaggerated. There's many examples which have been out there in the public, and I am going to go through a few of them with you if you would like.

I just wanted to know whether you're willing to acknowledge that intelligence—can you give us any examples where in your opinion, this Administration or any of our policymakers mischaracterized, exaggerated the underlying intelligence?

I'm looking for independence. Can you give us an example to show that you are willing to challenge the policymakers, that you are willing to speak truth to power?

Mr. GOSS: Senator, I've been a policymaker for the past several years. I don't know all the intricacies of how the decisions have been made in the Executive Branch. I have had a perch, from the Oversight Committee of HPSCI, to look at intelligence.

The intelligence problems that we have looked at lead to questions about, have there been sufficient caveats to warn the users of the product? That was a question that Ms. Harman and I had a disagreement on. It's certainly a question this Committee has studied very intently and has come up with conclusions about the difference between the NIE and the white paper and why those caveats were dropped.

It is very clear that there are different needs to present intelligence scenarios, which are admittedly scenarios. They are best estimates. They are not hard fact.

If you are a warfighter, you want a worst-case scenario. You want to know what is the worst to expect, to protect your troops. If you are, perhaps, in the diplomatic corps, you do not necessarily want the worst-case scenario. So if you're asking me if I know of anybody who has deliberately mischaracterized or exaggerated intelligence, I don't believe that's the case.

Senator LEVIN: That's not what I asked you. You are, again, responding to a question that wasn't asked.

Let me give you an example. December 9, 2001, Vice President Cheney said that, "It's been pretty well confirmed that 9/11 al-Qa'ida hijacker Mohammed Atta did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack." Now, that went significantly beyond what the underlying intelligence said.

Do you agree that went beyond the underlying intelligence? It's all been declassified now.

Mr. GOSS: Senator, I don't believe it all has been declassified now.

Senator LEVIN: Well, let me read you the declassification, that "no credible information that the meeting occurred." That's declassified.

Mr. GOSS: That's declassified, yes, sir. And I have no reason to question that summation. What I don't know is what is behind it.

The classified—

Senator LEVIN: You've read—haven't you read the material on the Atta meeting as Chairman of the Intelligence Committee?

Mr. GOSS: Yes, sir, I have.

Senator LEVIN: I'm just asking you a very simple question: Do you believe the statement that was made on December 9th, 2001, by Vice President Cheney, that it's been pretty well confirmed that that meeting took place, was an accurate reflection of intelligence that existed at the time, that it's been pretty well confirmed? I'm just asking you a direct question.

Mr. GOSS: Is the statement itself that it was pretty well confirmed? If that's your question, I don't think it was as well confirmed perhaps as the Vice President thought. But I don't know what was in the Vice President's mind. And I've certainly never talked with him about this. So I don't know how he came to that conclusion.

Senator LEVIN: Is that a kind of statement that's worthy of correction when it's made publicly?

Mr. GOSS: I would suggest that it probably is something—in that case, it's a hypothetical, but if I were confronted with that kind of a hypothetical, where I felt that a policymaker was getting beyond what the intelligence said, I think I would advise the person involved. I do believe that would be a case that would put me into action if I were confirmed. Yes, sir.

Senator LEVIN: Thank you, Mr. Chairman.

Chairman ROBERTS: Senator Rockefeller.

Oh, I'm sorry. Well, I had you first and then Senator Wyden. But we can reverse that.

Senator Wyden.

Senator WYDEN: Thank you.

Congressman Goss, in your view, what was the most important recommendation of the Congressional Joint Inquiry on 9/11?

Mr. GOSS: The most important was probably the first one, sir, to get on with the job of trying to find a way to create a better management of the intelligence community. We suggest it through a DNI.

Senator WYDEN: Through the DNI?

Mr. GOSS: Yes, sir.

Senator WYDEN: And did you introduce a piece of legislation to do that?

Mr. GOSS: Directly, I don't believe I did, sir.

Senator WYDEN: Well, I guess it makes my point. That would be an area where somebody could aggressively push for change and aggressively be a change agent, and you passed on it. I was frankly—if I can finish. I want to give you another chance to answer it.

I was going to be charitable and say, all right, the Congressional Joint Inquiry is completed in December of 2002. You put in your bill in 2004. It didn't really do what the 9/11 Commission talked about, but at least I think you were moving in that direction. So it took you a year-and-a-half to really do anything on the subject.

So how does someone like myself, who, A: likes you personally; B: I'm willing to give you the benefit of the doubt on the question of partisanship and objectivity—but I'm still looking for somebody who is aggressively going to be a change agent.

And here's an example where you had an opportunity to do it, and you are the Chairman, and it just doesn't seem to be done. So, if you could, respond to me on that.

Mr. GOSS: Senator, you asked me if I had directly put in a piece of legislation related to the number one recommendation of the Joint Inquiry. The answer is, I did not put in directly, as I said. As you did properly point out, I did work to try and find the right moment, the right way, the right combination to go forward to get that job done in another bill, which I did, as you properly pointed out, introduce in our reform bill, which was an announced work product of the HPSCI for this year.

That statement was made, I believe, probably at the end of 2003, sir. I am not sure exactly. It would be in the HPSCI records. But it was an organized way to go after a problem.

And I did this, frankly, after consulting with this Committee, too, the leadership of this Committee, about how we were going to proceed, and with the former Chairman, Chairman Graham, Senator Graham. And we did sort of take stock. At one point we had a meeting to discuss where we were on the 9/11 recommendations.

It was my judgment—and I think it's been borne out—that having the horsepower and the additional awareness and understanding of the work product of the 9/11 Commission, that we did set up and there was specific action taken by me and our Committee in the intelligence authorization, of which I am very proud, to come up with a good Committee, the Hamilton-Kean Committee and the people who served on it, the commissioners who served on it, who have done a fabulous job of keeping the issue of reorganization before the public, before the Hill, before the Administration, before the world, I guess.

And I think that was a pretty good way to proceed. And in the annals of getting things done around here, speaking as a Congressman, I tend to feel moving in a year-and-a-half to get where we have gotten is pretty good speed.

I am committed to reorganization. We are going to have it. Once that reorganization is in place, sir, then it will be a little easier to do some of the reform you are asking me to commit to. I commit to improving the product. That is going to take reform.

It's a little hard for me to be specific about what precisely I am going to do if I don't know exactly what the blueprints are of the network.

So I am asking, if I am confirmed, for a close working cooperation, positive leaning forward, complementary efforts by the oversight committees and the community to make the reform happen and to make the reorganization happen.

Senator WYDEN: I am going to move on, Congressman, but my concern remains because I have asked you for example after example. And the very first question at the first hearing you said, "Well, gosh, there wasn't a constituency for the subject. It was hard to get attention." And I said, "Well, you are the Chairman. You have the bully pulpit."

And so, in example after example, I will tell you I remain concerned about your willingness to lead, and I am going to ask you about some other areas where, again, I think you will have an opportunity to lead if you are so inclined.

The President's proposal to restructure the intelligence community includes a provision that wasn't recommended by the commission, and I am not sure many people are aware of it. It seeks to

give the President an exemption from some existing laws on oversight of the intelligence community. And these are the laws requiring that the Congress be kept—and I will quote here—“fully and currently informed, especially about covert action operations.”

The President is proposing explicit language that takes the carefully worked out limitations and oversight requirements and only applies them to the extent consistent with the constitutional authority of the President.

Now, given the very broad interpretation of the President’s authority that we saw in these memos with respect to torture, the torture memos that finally came to light this summer in which the Justice Department lawyers argued, in effect, that the President didn’t really have to comply with the torture laws, what assurance does this Committee have that language like that advocated by the President wouldn’t be used to undermine the congressional oversight that the 9/11 Commission says needs to be strengthened?

Mr. GOSS: Senator, is that the amendment to 12333 you are speaking to?

Senator WYDEN: I am talking about the language that the President has proposed to give the Administration exemptions from the laws with respect to informing the Congress.

Mr. GOSS: Is that a law that is—

Senator WYDEN: It’s the draft reform bill.

Mr. GOSS: It’s the draft reform bill.

Senator WYDEN: Right.

Mr. GOSS: Senator, that’s going to be your decision on how that goes, how you want to handle that.

Senator WYDEN: But I want to know if you are for that, because it seems to me this puts in a huge loophole and a loophole that goes in the exact opposite direction of what the 9/11 Commission called for. They want Congress to do a better job of oversight. The President in his draft bill has now proposed going the other way and giving Congress fewer tools.

Mr. GOSS: I believe very strongly, Senator, that there should be strong congressional oversight. I have actually had a hearing at the point of my transition out of the Committee. I did get instructive testimony from Governor Kean and from Congressman Hamilton on that subject, and it’s actually very important.

And I am very glad you asked the question, because their comment went very much to the issue of the dysfunction of oversight as it is now and the need to fix it, and they both went to some pains to say they were not picking on your Committee, on this Committee, or on HPSCI, on our Committee, and they were not comments about us. They were comments about the system, basically the jurisdictional problem.

And I think that the thing I take away from that, in supporting the 9/11 recommendations for strong oversight, is that Congressman Hamilton made it very clear, and I think his words to me were, look, if you don’t get the oversight piece done, if Congress—this was when I was a congressman—if you don’t get the oversight piece done, none of the rest of it’s going to work either.

And that’s why I make the strong statement about a forward, willing, complementary relationship between the Director of National Intelligence and the Oversight Committees. I certainly be-

lieve that we need to have the safeguard for the American people of strong oversight, and I do not believe it should be nullified by any shortcuts that have not passed muster with the Congress.

Senator WYDEN: Could you envision any situation that justifies withholding oversight information from this Committee for an indefinite period of time?

Mr. GOSS: I don't believe I can think of any right now, but I would point out that there needs to be work on the statutory requirement when you say this Committee, on the statutory requirement on the gang of eight and which gang of eight are we talking about.

It turns out there are more than one gang of eight, as I think you know, which has confounded us a number of times. But there is one statute, and that would, therefore, preclude some types of information being shared, under the notification process, with all Members of the Committee. So I don't want to mislead you in any way on that.

Senator WYDEN: Just so we are clear—because you mentioned Governor Kean—Governor Kean did not make any recommendation at all with respect to congressional oversight along the lines of what's in the President's draft bill, and that's why I am so troubled by it.

Let me, if I might, turn to the question of the PATRIOT Act, with you. As you know, it will be expiring in December of 2005. Do you support the PATRIOT Act in its current form? Senator Murkowski and I have introduced a bipartisan bill to make changes in this area. And I would like to know your position generally with respect to the PATRIOT Act. And then I have a couple of specific questions about it.

Mr. GOSS: Senator, when I was a Member of Congress, and the PATRIOT Act was before us, I supported it. And I stated my reasons in the record for doing that. I think it has been useful. I think we have testimony in this report about the breaking down of the wall and in other areas.

You asked me about the future legislation or pending legislation. Obviously I'm going to respectfully demure from that. The job I seek has no business making comment on legislation that you all might be considering, in my view, if it comes to policy. And I don't think I want to be trying to wear two hats at the same time, sir.

Senator WYDEN: Mr. Chairman, can I ask one additional question on this point? I will be very brief.

Chairman ROBERTS: Certainly.

Senator WYDEN: Thank you, Mr. Chairman.

Do you know of instances, Congressman Goss, where the Agency needed the library lending records provision? This has been very controversial, as you know, librarians up in arms about this across the country. Do you know instances where the Agency needed that provision in its current form?

Mr. GOSS: Senator, we are in open hearing, and I can tell you that the answer is yes.

Senator WYDEN: Are you open—the Chairman has been very gracious. Are you open to working with myself and Senator Murkowski—as I say we have had a bipartisan bill—on looking at changes to parts of the PATRIOT Act?

Mr. GOSS: Yes, sir, of course, if confirmed, in the appropriate role of the DCI, not as a Member of Congress.

Senator WYDEN: Mr. Chairman, you have been very kind. I would like the nominee, either when we are in closed session or in another arrangement that you and Senator Rockefeller could put together, to have him furnish to us the matter that he felt needed to be kept secret this morning with respect to the library lending records.

Chairman ROBERTS: I think we can do that without having a closed hearing, and I will be more than happy to address the Senator's request. Has the Senator concluded?

Senator WYDEN: My time has expired. And you have been very gracious.

Chairman ROBERTS: Senator Rockefeller.

Vice Chairman ROCKEFELLER: Thank you, Mr. Chairman.

Congressman GOSS, you discussed your intelligence community reform proposal at our last meeting. I didn't visit that with you. But there's one particular provision that troubles me, and perhaps you can lift me from those troubles. Your June bill, as I understand it, would amend the current ban against the CIA exercising police subpoena or law enforcement powers inside the United States by adding the language "except as otherwise permitted by law, or as directed by the President."

I don't have any problem, obviously, with the first part, but the second phrase, "or as directed by the President," has been of concern to me and to some others, who believe it would give the President the power to issue secret findings to the CIA, which would then direct the CIA to conduct covert operations inside the United States, something which you know is currently prohibited.

Did I get that wrong? Does your legislation place any limitations on what the President could do to direct the CIA to do intelligence gathering inside the United States that is traditionally an FBI thing? Under your proposal, what guidelines would the CIA have with respect to that matter? Lift that burden from me, if you can, sir.

Mr. GOSS: Mr. Vice Chairman, you did not get it wrong.

The reason, as I stated last week, that that provision is in that bill is because we need to address the issue of the PATRIOT Act and the whole question of the balance between protection and privacy in this country. This report and others, and a lot of the conversation that's going on now and a lot of the proposals that are out there for consideration legislatively, tend to blur, some more than others, the line between the national foreign—and I emphasize "foreign"—intelligence program, which is what the 1947 Act, as you very well know, sets up, and it precludes domestic spying. Americans don't spy on Americans; it's sort of that area.

We are now for the first time blurring that line, and talking about, because the terrorist beds are thought to be here, nests of them and so forth, ways to find those people without spying on Americans or guests in this country. And so we need to craft some clarity for what is replacing the blurred line.

I put that provision in there in order to encourage that debate. I gave a number of options that might want to be considered. You have named them properly. I have never suggested that there

should be any absence of oversight in that whatsoever. I'm not in any way suggesting change in oversight, so I'm not saying the President could do something unilaterally.

What I am saying is we need to understand at what levels we're going to allow things to happen in the United States, who's going to be in charge, who's going to be accountable. And I think that's very important, not only from the point of view of the efficiency of getting the terrorists who are here and disrupting them before they can do dangerous things, but just plain for the whole question of the protection of our operatives in the field, who are charged to do this work, so they don't find themselves with some huge liability because they violated a civil liberties provision at the same time they've stopped a terrible thing from happening.

I think that's the responsibility of the Legislative Branch of government to deal with, and that's why that issue is there. There is nothing sinister in it.

As I said last week, I totally believe the Central intelligence Agency should not—repeat “not”—have arrest power in the United States. I have argued that for years. It would ruin the ability of this country to have a CIA if it did have arrest powers, in my view. That's one of the things that distinguishes this democracy from any other in the world.

Vice Chairman ROCKEFELLER: And it's interesting, because that does somewhat help me, because the 9/11 Commission does suggest an approach which I think will cause certain controversies, but with which I agree—that there needs to be a kind of transnational approach to a lot of things, including intelligence, on our part.

And so what you are saying is that you just simply did that so you would get that debate going?

Mr. GOSS: Yes, sir. I truly hope that debate is enjoined.

Vice Chairman ROCKEFELLER: On October 2, 2003, the House Intelligence Committee received a highly classified briefing from David Kay, who was the special adviser to the DCI in Iraq on weapons of mass destruction, as you know, and he updated your Committee on the progress of the Iraq Survey Group's search for evidence of weapons of mass destruction in Iraq.

Following the briefing, you issued a press statement that stated, “From the information uncovered to date”—that's to be noted—“it is clear that the threat Saddam presented to the region and to the world was real, growing, and grave. Further, the brief highlights the fact that the intelligence regarding Iraq's WMD was properly used and is being properly used today. There continues to be no indication that anyone was misled by the intelligence analysis.”

That's the end of your quote. The Senate Intelligence Committee received the same briefing from Dr. Kay as your Committee did.

And I'm puzzled about the basis for your public statements. And I come back, therefore, to information uncovered to date by the Iraq Survey Group that made it clear that Saddam Hussein represented a real, grave, growing threat to the United States and the rest of the world. I do not recall Dr. Kay's briefing in that highlight, and I would be interested if you could give me your reading on that.

Mr. GOSS: Senator, I think it's pretty simply that Dr. Kay said this is unfinished business. We don't know where we're going. We do know for sure that we need to keep looking.

I believe Dr. Kay said the right decision was made to go to war. I believe that Dr. Kay said that Saddam was a very dangerous person. I believe Dr. Kay said we don't know what happened to the weapons. And I believe that our concern about the gravity of the problem is we still don't know what happened about the weapons. I think that's generally the context in which I made those remarks.

Vice Chairman ROCKEFELLER: But you're suggesting that he at some point suggested that he was on the trail of something?

Mr. GOSS: No, sir. He was doing an investigation. In fact, it got turned over to Mr. Duelfer. And as I understand, Mr. Duelfer is going to be making a report soon.

That, frankly, was one of the things we wished to include in our WMD report on the HPSCI side, which I no longer can speak for, obviously, but we had hoped to have not only the work of the Commission and your work but the work of Mr. Duelfer to add to try and give a more accurate and up-to-date snapshot this fall of where we actually were on the review of the WMD matter.

Vice Chairman ROCKEFELLER: Just one final question for me, and I asked you this at our last meeting, and that was about the HPSCI report, which did not actually come forth. And we discussed what we called the collection, the analysis, the production, the dissemination of intelligence.

And then I think—and I may be wrong, in which case you need to correct me—that we also talked about use of, or misuse of, whatever, and in the Senate rules about our Committee, that is a part of what we studied, and it goes across all of government. There's no part of government which is untouched by that.

And for a particular set of reasons we didn't do that. And as the Chairman has indicated, we're going to go ahead and do that, and I hope we will because I think it's, kind of, the ball game.

But you indicated that the House rules did not have that flexibility. We looked at them and couldn't find that. And, therefore, I'm wondering as to whether or not you discussed that at all, whether you ever planned to discuss that. We didn't, because of a particular reason, but I'm not sure if that applies to you.

Mr. GOSS: Sir, actually we did rewrite the rules of the House a couple of years ago. What we tried to do was point out where the jurisdiction of the HPSCI was in the House. And it was basically anything to do with intelligence, with the intelligence community, the process of how it works, and those types of things. And it stopped very abruptly at that point. We have other committees of jurisdiction who wanted to be clear where that line was, and I think we came up with a rule in the House that worked pretty well.

So I was pretty careful about observing that we not get into other people's business on that. And it didn't go entirely smoothly. There were a lot of people who came to our Committee who felt that there were things that they needed to know that we claimed was intelligence and part of the intelligence community product, but it's worked pretty well.

Now, within the Committee itself you are asking me, did we have some conversation about this? The answer is, yes, sir. I have got to be very candid and say that I'm not entitled to talk about what goes on in a closed session with my other colleagues, who would rightfully be upset if I did.

I can simply say what I said to you last week in the hearing, which I think is not violating any confidences of the Committee work. And that is, as the Chairman, I made the judgment that we were responsible for the product, not the use of the product. But I did clarify and say if I felt the product had been misunderstood or there were needs for the people who delivered the product to have further conversation for the users of the product, that should happen.

But we didn't go that way in our WMD. We went to the question of sufficiency, because we knew you were going that way here. I made the point to the Committee—and they seemed to agree with it, at least some Members did, because this is what we did—that we would study the sufficiency, that when you asked the question of why we didn't know this, and you got the answer there weren't enough collectors, and then you ask the next question of why there weren't enough collectors, well, because there wasn't enough money. Well, why wasn't there enough money?

When you start asking those why questions and peeling back this onion, you come to some bedrock sufficiency questions, and those are the questions which I hope the HPSCI report on WMD will take up.

Again, I can no longer speak for them, but that would be my hope, as the former Chairman.

Vice Chairman ROCKEFELLER: If the Chairman will indulge me to just read this particular part of what governs HPSCI: "the collection, analysis, production, dissemination, or use of information that relates to a foreign country, a government," et cetera, et cetera, et cetera, et cetera. So it doesn't appear, again, to be precluded. It was just that you were going to wait upon what we did?

Mr. GOSS: Senator, primarily I interpreted the HPSCI role to be a capabilities committee. It's a permanent select committee in the House, as you know. It is a capabilities committee. It is not a policy committee. International Relations does that over there. I tried to stay out of there.

Now, obviously, we bridged two other committees to expedite our jurisdictional problems. I would agree that there's no prohibition against it in that language, but I can tell you from the practice and from my own design, I don't believe that once we build the car and deliver it, we should be telling the operator exactly where and how to drive it, for a very simple reason: I think it's a little scary if the person in charge of intelligence is trying to inform policy by telling the policymakers, this is—

Vice Chairman ROCKEFELLER: This question is not you as CIA Director, let's say. This is an oversight function.

Mr. GOSS: Yes, sir. It is an oversight function.

Vice Chairman ROCKEFELLER: The use of intelligence would seem to me to be highly relevant with respect to the build-up of this Iraq war.

Mr. GOSS: I would interpret that to mean having the ability to provide intelligence for use, for our policymakers. I believe the insufficiency of intelligence has been a big problem, as you have heard me say a number of times.

Vice Chairman ROCKEFELLER: Thank you.

My time is up.

Chairman ROBERTS: Senator Hatch.

Senator HATCH: I'll reserve the balance of my time. Hopefully this is the last round.

Chairman ROBERTS: I think you have 8 minutes from the previous round, and now 10 minutes, so you have 18 minutes that has been reserved.

Senator HATCH: I'll reserve it.

Chairman ROBERTS: Senator Levin.

Senator LEVIN: Thank you, Mr. Chairman.

Congressman Goss, I sent you some documents over the weekend relative to the operations of the Office of Under Secretary of Defense for Policy, Doug Feith. And I don't know whether you have had an opportunity to read those documents or not. Did you receive them and did you have the opportunity to read them?

Mr. GOSS: Senator, thank you. I did receive the documents over the weekend, with one exception, and I did review them. Some I read very closely, extremely closely, in fact.

One I did not receive, and it was just because it's a classified document. I got it over the weekend. I have no storage facilities. And it was the letter, sir, that was referred to on that footnote. And perhaps we can talk around that.

Senator LEVIN: All right. Relative to that letter, by the way, it's an extremely disturbing letter because of the factual inaccuracies, the factual misrepresentations which were made to this Committee by Secretary Feith. But since you haven't had an opportunity to read it, I'd just simply urge you to read that. And we will lay out for you in the next 24 hours those misrepresentations for you to comment on for the record, if you would.

Mr. GOSS: Senator, of course. The letter is a letter from CIA to Defense, was it?

Senator LEVIN: Yes. And the misrepresentations were what Mr. Feith represented to the Senate as to what was in that letter, until we saw it for the first time when it was referred to in that footnote that is in the 9/11 Report. So what we will provide to you in a classified basis will be what he represented was in that letter to—what he represented to the Senate was in that letter, comparing it to what was in that letter, and to ask for your comments for the record on that.

Mr. GOSS: Senator, you will have those, of course, and I promise you I will tend to that as quickly as I can get to the place where I can read a classified memo.

Senator LEVIN: Thank you. I appreciate that.

And relative to the materials you did receive, was there anything in there that troubled you about the operations of the Feith policy office?

Mr. GOSS: Obviously there is a lot of material, and it looks like to me like your Committee did an extraordinary job of going over

the material. And I am very well aware there were dissenting opinions to the unanimous Committee conclusions on the issues.

There were some things that I, if I am confirmed in this position, want to be very much on guard about, and that would be the kinds of concerns about policy sliding into the production of intelligence. I think you do have to make sure that the watchdogs are watching on that.

On the other hand, I don't want to discourage dissent. I do want to have dissent, and I think that's extremely important.

And one other area that came to my mind is that I hope that we will have some guidance. And, frankly, I speak as an American citizen. I hope the Nation will have guidance from the Hill on how we are going to deal with the relationship between the Secretary of Defense and the National Intelligence Director, or whatever the position is. Because it strikes me that the informal program that we've had over the years that's worked fairly well perhaps does not provide quite the scope in what I will call informal meetings to get to some of the issues that are discussed in the packet that you provided me.

I do believe that that's not just a throw-away comment. Senator Wyden asked me if I had done anything. One of the things that we did do a couple of years ago, which I am very pleased with, is we raised the level of intention to some issues that needed to be adjudicated between the Secretary of Defense and now the DCI, but whatever the position will be. That is an area that has troubled me for some time.

Senator LEVIN: Thank you.

To be more specific about some of the matters in those documents, the Senate Intelligence Committee report that you referred to describes a DOD e-mail that recounts that Deputy Secretary of Defense Wolfowitz wanted the Department to, quote: "prepare an intel briefing on Iraq and links to al-Qa'ida for the SecDef and that he was not to tell anyone about it."

The same e-mail referred—the writer in that e-mail, who was quoting Wolfowitz—referred to the "Iraq intelligence cell inside the Office of the Under Secretary of Defense for Policy," which is Doug Feith's office.

Now, that intel briefing was given to the Secretary of Defense and then to the DCI. A modified version was given directly to the staffs of the Office of the Vice President and the National Security Council with material that the DCI had never seen, including a chart that was highly critical of the intelligence community for the fundamental problems with its analysis of the Iraq-al-Qa'ida relationship. It promoted a view of a very close relationship between Iraq and al-Qa'ida and cooperation in a slide that talked about "known contacts between Iraq and al-Qa'ida," including a meeting between Atta and the Iraqi intelligence officer in Prague. That was called "a known meeting."

I thought it was very different from the CIA view.

Now, that varied significantly with the intelligence community's assessment, but was presented to the White House Office of the Vice President and to the National Security folks.

Now, my first question to you is whether or not—one final point before my question, which is that DCI Tenet told us in an open

hearing, in response to my question, that he was not aware of the briefing to the Office of the Vice President or the NSC staffs until just a few weeks before when I brought it to his attention and that he had never had a chance to review the contents before it was provided.

Do you believe it's appropriate for such rogue intelligence to be hot-wired directly to the White House without the knowledge of the DCI and without the opportunity for review by the intelligence community?

I am not asking you whether the dissenting views are appropriate; we obviously want dissenting views. That's not the issue. We want alternative views. The question is, when there is a formal briefing that is made, an intelligence briefing, an assessment, an analysis of the kind that you are now familiar with and that was in this report, when that is being presented to the Office of the Vice President and to the National Security Council, do you think it is appropriate that the DCI not even be informed of that so he could have an opportunity to comment on it?

Mr. GOSS: If appropriate—and this is your question, Senator—I think it's appropriate that DCI should always be informed about anything that is coming from the intelligence community that purports to be intelligence product.

There is a problem here, and it's one that I hope the reorganization is going to address rather directly. That is, we've got 15 agencies. Some of them have Cabinet-level Secretaries that have different discourses with the White House or the National Security Council on different levels. It is very hard to suggest that everything that everybody has when they go to a meeting is or is not from the intelligence community. And so I don't want to try and sit here and tell you that there's a hard and fast line somewhere.

I certainly believe that any Administration has the right to go to its secretaries, the right to go to its agencies in the Executive Branch, and deal with it as it should. But is it appropriate, if we are going to have a coordinated intelligence network, to keep the top man on the intelligence community involved if it's something that purports to be intelligence? The answer, sir, is yes.

Senator LEVIN: That's what George Tenet, when he found out about it, said was unusual.

Mr. GOSS: I did read the packet, sir.

Senator LEVIN: Do you agree with him?

Mr. GOSS: I agree with him that—

Senator LEVIN: That that was an unusual thing and he was going to talk to the folks at the—

Mr. GOSS: Sir, I don't know if it was an unusual point, because I've never been DCI.

Senator LEVIN: All right. All right. Now, there's another aspect to this as well, and that is that *The Weekly Standard* published excerpts from an alleged classified document that was prepared by Under Secretary Feith.

And the article in *The Weekly Standard* alleged an operational relationship between Iraq and al-Qa'ida. In the words of the author, "The picture that emerges is one of a history of collaboration between two of America's most determined enemies." And the arti-

cle flat out says that Usama and Hussein had an operational relationship.

Now, Tenet said at that hearing I referred to that the CIA did not clear that document and did not agree with the way the data was characterized in that document. It was apparently leaked to *The Weekly Standard*.

Nonetheless, the Vice President referred to *The Weekly Standard* article, saying that it was based on a Defense Department study that was sent to the Senate Intelligence Committee, and called it "the best source of information" on that issue, being the relationship between al-Qa'ida and Saddam.

Do you believe it is appropriate for a senior Administration official to refer to a leaked classified document, publicly, as the "best source of information on the subject"?

Mr. GOSS: Senator, I have absolutely no way of knowing what was behind that comment. And I, therefore, can't shed any light on it.

Senator LEVIN: You don't know what was behind it. So that if there is a highly classified document that is referred to in public, and it is validated by being called the best source, you are not troubled by that?

Mr. GOSS: If there is a classified document that is released in public, I am troubled by it.

Senator LEVIN: My time is up. Thank you.

Chairman ROBERTS: Senator Wyden.

Senator WYDEN: Mr. Chairman, I have only one other question. Let me also say to you, Mr. Chairman, I want to thank you for the time that you've given. I think this is probably going on my fifth round, and I appreciate it.

Congressman Goss, the last question I had for you is, in your judgment, what went wrong on the matter of the Iraqi nuclear threat? As you know, we documented at some length in our Committee the matter of the aluminum tubes. The President of the United States in his address talked about a mushroom cloud. I would be interested in your judgment on what went wrong with respect to how the matter of the Iraqi nuclear threat was handled.

Mr. GOSS: There are several threads, Senator. I think that the first one is the atmosphere that the subject of the nuclear threat was brought up. I believe that the lesson we learned early in the 1990s when we got into Iraq, discovered that they were much closer to the capability for nuclear weapons than anybody had estimated, that they were perhaps within two years if I'm not mistaken. I want to be careful about what's classified and what's not here.

I think that the pendulum swing from, oh, my gosh, we didn't get that one right and that was dangerous led us to look at the worst-case scenario properly, as we did with the other WMD, the chem-bio, that we were convinced that if our troops went in there, they'd have to have special protective equipment, which they did, which, of course, is extremely unpleasant in the circumstances there. So I think there was an abundance of caution.

Now, there are some other problems, as well, that are very clear. I think that there was the problem of conventional wisdom, that when we started getting some of the people who were involved in

the nuclear program—you've asked me to talk—their credibility, unless they picked up on where we thought the thread had gone, where the analysts had thought the thread had likely gone given Saddam's continued intent and desires and public statements about rewarding his nuclear people and so forth that were out there, I believe that there was some dismissal of the statements that were out of line with what we expected to hear in the analysts' terms.

I think that's a mistake, and I think it's been well pointed out in the problems of conventional wisdom in the work that's been done by your Committee and others.

I think that there was some intentional denial and deception by Saddam. I think that the public statements and the accolades—and I don't remember whether he gave ribbons or medals or just words of encouragement, but it did hint the international media to the wonderful work being done.

So I think he was trying to at least convince us that he had the nukes. And we had been convinced before, having been slow before to get our guard up.

Then there were specific bits of information, which I will not speak of publicly, but I can tell you, I think this Committee is fully aware of them, as was ours. There were things that were dug up, as it were. There were materials that indicated very clearly that as soon as the watchdogs get out of here, we're ready to go back to work in the nuclear area.

I think that, given the threat and given the war on terrorism and the statements by the fundamentalist leaders that they wanted to get weapons of mass destruction and deliver them to this country, seemed to me to be the kind of thing that we should be focusing attention on. And I think we did. And I think it was an area that we should have pursued.

Senator WYDEN: Thank you, Mr. Chairman.

Chairman ROBERTS: Senator Rockefeller.

Vice Chairman ROCKEFELLER: Thank you, Mr. Chairman. I will have just one more question.

The predicate again, Congressman Goss, of all of this is not about you as a person. It's not about you as somebody who knows the business. We haven't gotten into the business of management of a large agency, which you haven't done, but I don't choose to do that. It is about the question of independence and I think there's sort of two approaches to take to that.

One which has been mentioned here this morning is that we're being political. And the other is that it might be that we're genuinely concerned, because we're the only ones who can, in a sense, on behalf of the Senate other than the final vote, is to vet you.

And the questions virtually all have been in the same line—the independence of you. There has been, as far as I know, one other—at the very beginning, as you know, I said, and we talked about it in my office, that nobody who has been in politics, particularly recently, should do this. And looking back, I think that the President's father, obviously, for I don't think quite a year, but he was head of the CIA

Mr. GOSS: Yes, he was.

Vice Chairman ROCKEFELLER: One could argue about Bill Casey because he wasn't in the Congress, but he had worked with the RNC and that kind of thing.

But, for the most part, people have not come from that arena. And I think that's a fairly genuine basis from which to ask the kinds of questions that we're asking.

And so, let me just ask one final thing. During the kind of hearings which we had some of and need to have more of about pressure on analysts in the Central intelligence Agency, it was quite interesting. There was Richard Kerr, who had been a former Deputy Director. And he had some things to say.

And then there was, for me more interestingly, the CIA ombudsman who indicated that the pressure on the analyst to come up with certain kinds of products—this is outside. This is across the great divide. You know, we don't want to go one way from analysis to policy. Well, then, we don't want to go the other way from policy to analysis. And that's a fair trade.

And he said that in his 32 years in his position he had never seen so much hammering on the part of the Administration on analysts. That's a severe statement. I don't happen to know him, so I can't judge whether he would make a statement which was off-base, but I don't think he would have that position.

George Tenet himself indicated that there were people who came to him with these concerns. So the question I guess I would like to ask you is, what would you do as CIA Director? How would you go about the business, to whatever extent you could, of protecting your analysts from pressure, from whatever kind of Administration on whatever kind of subject in the business of intelligence, which is more delicate, more sacred. Because it's so secret, it's also so much more volatile.

Mr. GOSS: The, by analysts, Senator, I'm going to take your question to mean across the community.

Vice Chairman ROCKEFELLER: Yes.

Mr. GOSS: Because we're talking generically, I believe. It's not just the Agency you're talking about.

Vice Chairman ROCKEFELLER: Yes. The Agency is what I'm talking about.

Mr. GOSS: Okay, I'll answer for both if I can.

What I would try and do, in fact what I would do if confirmed, is to set up a very clear direct line between the analysts' management and the top office, which would presumably be whatever the top office running CIA for them, or the top office of any of the other agencies that have analytical capability where they fall in line to the overall Director of National Intelligence or whatever we're going to call that person. So there are two stops at least other than the normal management.

And anybody who feels pressed as an analyst—whether it's the pressure of the time, it's the pressure of the questions, it's the complexity of the problem, it's the pressure of not having enough information, whatever it is, those pressures need to be understood in the product itself and undue outside influence has got to be kept out of it; there's no question about it.

I believe we have a system like that that can be used and enforced.

I've read very carefully what Senator Levin sent over. I read the deliberations of this Committee, which were pretty exhaustive, on the subject. I read the dissenting views, which raised the concern which you have echoed. I agree it is an area for watchdogs. It is an area where you'll have to have clear access to the top.

And let me tell you how personally I feel about that, if I may, very briefly. That is, if I am confirmed, I do not want to be the person standing in front of the President of the United States or anybody even close to that rank with information that I do not have full confidence in. And I am not going to have full confidence in information that has been contaminated by policymaking.

So I think I have a double reason to do it—one, because of the community; and the other because I don't want to be put in a position of not delivering the product I say I've got.

Vice Chairman ROCKEFELLER: And I understand that statement. I think it's a very good one.

Mr. GOSS: Thank you.

Vice Chairman ROCKEFELLER: My question was: How would you set about to try to—I mean, obviously, what has worked up to this point has not quite, at least in recent years, worked sufficiently.

Mr. GOSS: Sir, you can't isolate the analysts. There has to be some kind of co-location. There has to be some type of interface with, as we've pointed out, with the collectors. So you run the risk, at any point, that you start getting product that's as pure as you can get it, but getting it as good as you can get it, of drawing that line.

And all I can suggest is that you put on the door the sign that says if you think you're being pressured or somebody's interfering with your product unduly, you are invited to call your friendly director.

And I don't mean that flippantly. I think it's that kind of level. It's a little bit like our whistle-blower law or our 1-800 number we use. If you've got a problem with this, call your Intelligence Committee. That's our job to oversee this. If there's an abuse we want to know it.

I've made that work fairly successfully as the Chairman of HPSCI, actually.

Vice Chairman ROCKEFELLER: Thank you, Congressman Goss.

Thank you, Mr. Chairman.

Mr. GOSS: Thank you very much, Vice Chairman.

Chairman ROBERTS: During our two days of open hearings, all Members have had an ample opportunity to ask questions. The nominee has been, I think, very forthcoming and very generous with his time, as have Members. We are about at the 8th hour—3 hours by the current three Members, plus private meetings. We have created a thorough record here, it seems to me. And we have expressed our concerns to Mr. Goss, and he has given us important commitments.

The intelligence community needs leadership, and the need is now. It seems to me it's time to move the nomination. In that regard, we have noticed a business meeting for tomorrow for this purpose. I look forward to a good turnout.

Will the nominee make himself available today if any Member would like a private meeting?

Mr. GOSS: Yes, sir, of course.

Chairman ROBERTS: Mr. Goss, to refer back briefly to a question from Senator Wyden, I ask you now, would you support any effort on the part of anybody in the Executive, or for that matter—and I can't imagine this, in the intelligence community—of weakening the congressional oversight of the intelligence community or activity?

Mr. GOSS: No, sir.

Chairman ROBERTS: I have a note here that Senator Levin wants to ask an additional question. I will recognize him for that purpose.

Senator LEVIN: Thank you very much, Mr. Chairman.

Congressman Goss, as reported by the Senate Intelligence Committee Report, the intelligence community report or assessment relative to the question of whether or not Saddam Hussein had trained al-Qa'ida operatives in chemical and biological warfare, said, in the classified form, that the sources relative to that were of varying reliability and sometimes contradictory. The National Security Adviser said that "we know that there was training of al-Qa'ida in chemical and perhaps biological warfare."

Would you agree that that statement, that we know that there was training of al-Qa'ida in chemical and perhaps biological warfare, goes beyond the intelligence which said that reports thereof come from sources of varying reliability and are sometimes contradictory? Would you just agree that that statement of the National Security Adviser did not reflect the underlying intelligence?

Mr. GOSS: Sir, if that were the totality of the issue or the picture, I would feel obliged, I think, if I were confirmed as DCI, to ask the National Security Adviser what exactly was the basis for the statement.

Senator LEVIN: If that were the totality?

Mr. GOSS: If that were. I'm not sure that is the totality, because I will tell you, totally honestly, I'm not sure right now what's what with the training, but I honestly believe there was training. Again, this is getting into classified stuff. And I'll be happy to talk to you privately about why I believe that.

Senator LEVIN: I understand that.

My question is, whether or not if that were the totality, that the underlying intelligence said—if—I'm giving you this question—it says that the report of training was based on sources of varying reliability, which are sometimes contradictory, if that's the underlying intelligence, and if the statement made by the policymaker, as we know there was training, would that be a fair characterization of the underlying intelligence, if that's the totality?

Mr. GOSS: I would say that the source description of that situation that you've outlined, the totality is we're not sure of our sources, would not qualify me to say, as the DCI, that we know. I would qualify it and caveat it.

Senator LEVIN: All right. Now, in your judgment, when the National Security Adviser said, on September 8, 2002, that, "We do know that there have been shipments going into Iraq of aluminum tubes that are really only suited for nuclear weapons programs, centrifuge programs"—and that is an exact quote—did that accurately reflect the underlying intelligence?

Mr. GOSS: Senator, I have no idea what intelligence the National Security Adviser had received.

Senator LEVIN: You know what the estimates were. I'm asking you, from what you know of the intelligence relative to that issue, did that statement, in your judgment, reflect the underlying intelligence accurately? That's all I'm asking you.

Mr. GOSS: On September 8 of 2002, I don't honestly remember. I do know that my assessment of the question of the suitability of those tubes for anything other than a devilish nuclear purpose has changed as information has changed. I can't tell you the exact time line.

And I do know there were dissenting opinions. What I can't tell you is when I knew there were dissenting opinions. So, I'm trying to answer your question faithfully and say that I just don't know when that cognizance came to me. But if I knew that there were other possibilities for dual-use equipment, I would say so, yes. I would certainly say so.

Senator LEVIN: And if at the time the intelligence indicated that there were other uses that were possible, that then to state that we know that they are really only suited for nuclear purposes would be an exaggeration in your judgment?

Mr. GOSS: Sir, in a hypothetical sense, that would be an exaggeration if that were the totality. But in a specific case, in the past, I simply do not know what people knew or what other information they had.

Senator LEVIN: All right.

You've indicated, Congressman Goss, that national security is one area where bipartisanship is essential. And I think you include in that intelligence estimates. And I couldn't agree with you more. We just unveiled a portrait of Arthur Vandenberg from my home State of Michigan who surely led the way in that regard.

We've seen over the decades too many instances where intelligence has been manipulated or politicized. Secretary of Defense McNamara used classified communication intercepts to push for passage of a Gulf of Tonkin resolution, which was then used by President Johnson as the legislative foundation to expand the war in Vietnam.

Bill Casey as CIA Director—and here George Shultz's book just lays out what really amounts to an indictment but, in any event, a case that during the Iran-Contra period, the CIA Director, and here I'm quoting from the Iran-Contra Report in this case, not from Secretary Shultz's book, but from the Iran-Contra Report, a bipartisan report, said that that Director Casey "misrepresented or selectively used available intelligence to support the policy that he was promoting."

We saw much too much shaping and exaggeration of intelligence prior to the Iraq war. And we've got to do everything we can, in my judgment, to try to prevent that from happening. There's been too much of it in the past. It's not limited to Republican or Democratic Administrations. And I'm just wondering if you would comment on that.

Mr. GOSS: Sir, I agree with you on that. And I'm guilty, too, as I have said, of slipping into some partisan comments in areas of national security. And I'm sorry that I have.

And it's usually because I've had to respond to a question or a situation which I considered provocative in order to defend what I think needed to be defended on behalf of national security.

My judgment's not perfect. I've been wrong, and certainly I regret sometimes being sucked into those things. I do understand the need to get out of the debate. And I do understand the need, if I'm confirmed, to get into the management business. And I do understand the need to make sure that there's not only no partisanship, but that we keep the politics out of it.

Senator LEVIN: Thank you.

Thank you very much, Mr. Chairman.

Thank you very much, Congressman.

Chairman ROBERTS: Are there any other questions by the Members?

Not wanting to beat a dead horse, or split the shingle—I'm not referring to you, sir—did numerous statements by Members of this Committee, or the House Committee, or any other Member of Congress, just as declarative, just as aggressive, in regards to those concerns that have been raised here today by Members of Congress, without the benefit of the WMD report that was done by this Committee, did that represent an exaggeration of the use of intelligence?

Mr. GOSS: Sir, I think that the WMD report done by this Committee, the conclusions you've received, were the right conclusions. I would have supported those conclusions, had I been on this Committee.

Chairman ROBERTS: Well, I think the conclusions represented a shotgun—no, a flashlight of truth, if you will, that spread a broad light not only on those in the Executive, but those in the Legislative. And I can cite you statements made by myself and others on this Committee and the House Committee, and by many Members of Congress that were very declarative, very assertive, very aggressive, and all pertaining to the concerns that have been raised here. And we were wrong.

Now, I didn't exaggerate it. I stated what I thought to be true. But the intelligence that was provided was not accurate. And so, consequently, when we get to the use of intelligence, as to whether it's exaggerated or not, or whether I felt pressured or whatever—and I'm not going to get into all that again—I think that's a consideration.

I'm not sure that you as the CIA Director or the National Intelligence Director would feel comfortable, however, if somebody made the statement on the floor of the House or the Senate or in public or on television that you would immediately feel an obligation to come to them and say, "Senator Roberts, I think you're wrong." You may feel that way, but you wouldn't have any time to do anything if you were trying to correct Members of Congress when perhaps they exaggerated anything.

With that, this hearing is concluded. I thank all Members for their participation, and I thank the witness for his patience and perseverance.

Mr. GOSS: Thank you for your consideration, Mr. Chairman, Mr. Vice Chairman.

[Whereupon, at 11:28 a.m., the hearing adjourned.]

