

SELECT COMMITTEE ON  
INTELLIGENCE  
UNITED STATES SENATE



**Prehearing Questions  
For  
Stephanie O'Sullivan**

**Upon her Nomination to be  
Principal Deputy  
Director of National Intelligence**

**Office of Director of National Intelligence**

**Responsibilities of the Principal Deputy Director of National Intelligence**

**QUESTION 1:**

- A. Explain your understanding of the responsibility of the Principal Deputy Director of National Intelligence (PDDNI):
- To assist the Director of National Intelligence (DNI) in carrying out the DNI's duties and responsibilities; and
  - To act in the DNI's place in the DNI's absence.

If you believe that the PDDNI has any additional responsibilities, please describe them.

**ANSWER:** Pursuant to the National Security Act of 1947, as amended, the Principal Deputy Director of National Intelligence shall assist the Director of National Intelligence in carrying out the duties and responsibilities of the DNI. The PDDNI shall also act and exercise the powers of the DNI upon the absence or disability of the DNI. The DNI has delegated to the PDDNI all authorities of the DNI that may be legally delegated. Thus, the core responsibilities of the PDDNI are:

- **Integrating Intelligence:** Ensure that the Intelligence Community has access to and shares the greatest amount of information, consistent with the protection of sources and methods, to enable the Intelligence Community to provide consumers and partners with objective, high-quality intelligence information and analysis based on all available expertise and sources of information.
  - **Leading U.S. Intelligence:** Managing the U.S. Intelligence Community by setting priorities so that existing collection and analytic capabilities and investments to improve collection and analysis are optimized.
  - **Protecting U.S. National Security:** Help to keep the United States safe and further the US national security interests by bringing to bear the full capabilities of the U.S. Intelligence Community to detect, warn of, and prevent attack; and to provide timely, objective and accurate intelligence to inform national policy-makers and military leaders.
- B. Is it your understanding that you and the DNI will divide responsibilities and that you will have a specific portfolio as PDDNI? If so, please describe this portfolio as you understand it. If not, please describe what you believe your primary responsibilities and activities will be, and on what areas you will concentrate.

**ANSWER:** If confirmed, I will support the DNI and his policies in whatever tasks he wishes me to undertake. I anticipate that I will serve a role similar to that of a Chief Operating Officer and my initial focus areas will be the operations of the DNI's office, Intelligence Community coordination, and information sharing. If confirmed, I anticipate

that I will reinforce the DNI's intelligence integration initiatives and focus on IC resource challenges.

- C. What do you expect to be your specific management responsibilities within the ODNI? Is it your understanding that anyone will report to you directly if you are confirmed?

**ANSWER:** If confirmed, my responsibilities would likely center around the day-to-day activities within the IC and I would be the one to ensure the ODNI remains responsive to the various elements of the IC. I anticipate that ODNI management and oversight offices would report to the PDDNI.

- D. What will your role and responsibilities be in relation to the Deputy Director of National Intelligence for Information Integration (DDNI/II) and the officials who report to him?

**ANSWER:** If confirmed as PDDNI, I would oversee the ODNI staff and interactions with the 16 IC elements. The DDNI/II is responsible for the integration of intelligence across the Intelligence Community. The PDDNI is responsible for ensuring the adequate and appropriate resources, policies, and process to maximize intelligence integration.

## QUESTION 2:

- A. Explain your understanding of the role of the DNI in overseeing elements of the Intelligence Community (IC) that reside within various departments of the federal government, and for elements that are not housed within other departments.

**ANSWER:** The DNI plays a critical role in overseeing the performance of each element of the Intelligence Community and its contribution to the national intelligence effort. Constructive oversight is essential to ensuring that the intelligence elements and the wider community work together to meet mission objectives.

It is my view, and one shared by Director Clapper, that the DNI should focus principally on improving efficiency and effectiveness across the enterprise, not on critiquing the day-to-day operations of the IC elements. To be an effective leader on key, cross-cutting issues, however, the DNI must be equipped with a thorough understanding of the roles, capabilities and activities of each IC element. For this reason, my knowledge of the CIA and its unique attributes and challenges, as well as my experience working with intelligence community partners, will effectively complement Director Clapper's extensive background in defense intelligence.

- B. What issues have you become aware of through your general observation, professional experience, or through your preparation for your confirmation, with respect to the role of the DNI in overseeing the Central Intelligence Agency (CIA)? What is your understanding of these issues?

**ANSWER:** The DNI's role in overseeing the CIA has been a subject of much attention and debate since the DNI's inception. Nonetheless, the DNI has clear authority under the National Security Act to direct the CIA to perform such functions and duties related to intelligence affecting the national security as may be required, direct the allocation of NIP appropriations to the CIA, ensure CIA compliance with the law and recommend to the President a nominee for CIA Director (with the advice and consent of the Senate).

In my current position, I have engaged with the ODNI on a number of issues and found that ODNI and CIA share the same views on commitment to protecting our Nation, to our Nation's values, and to public service. Director Clapper's clarity regarding our common mission and the ODNI's oversight and integration objectives are fully supported within CIA's management team.

- C. What issues have you become aware of through your general observation, professional experience, or through your preparation for your confirmation, with respect to the role of the DNI in overseeing intelligence elements of the Department of Defense (DoD)? What is your understanding of these issues?

**ANSWER:** The DNI plays an important role in overseeing intelligence elements of the Department of Defense, ensuring that the appropriate balance is struck between their defense and national missions, and ensuring compliance with the Constitution and laws. Additionally, the DNI must ensure that the activities of the other intelligence elements support the needs and complement the activities of our armed forces.

I have worked with DoD extensively in joint organizations, in shared development programs, and as partners in operations. Although there are differences in culture and roles, I have always found that the whole is greater than the sum of its parts.

- D. What issues have you become aware of through your general observation, professional experience, or through your preparation for your confirmation, with respect to the role of the DNI in overseeing intelligence elements of other departments of the United States government? What is your understanding of these issues?

**ANSWER:** The DNI guides and oversees elements of the IC that reside in other government departments through the exercise of specific statutory authority to provide budget guidance to those elements, approve and present the NIP budget to the Congress, approve the transfer and reprogramming of funds, and, under certain circumstances, transfer personnel among the intelligence agencies.

The contributions of the IC elements that reside outside of the DoD and CIA are critical to the success of the larger enterprise. These elements bring both unique insights and unique mission needs. Continuing integration of these organizations into the IC will entail security, counterintelligence, and information assurance steps that will continue to demonstrate that, as a community, we can accomplish the integration to great effect.

- E. Do you believe additional legislation is needed to clarify or strengthen the authorities and responsibilities of the DNI with respect to the IC?

**ANSWER:** I do not believe that additional legislation is needed to strengthen DNI authorities at this time. I share Director Clapper's view that the strength of the DNI's relationship to the White House and to key Intelligence Community entities, including the Director of the CIA, is perhaps the most important determinant of the DNI's success in leading and managing the IC. As a veteran of the CIA, I bring strong relationships with CIA leadership that are founded on mutual trust and respect. If confirmed, I will build upon these relationships to forge a stronger bond and reinforce the sense of common purpose between the two organizations.

I also believe that by focusing on mission integration and issues of common concern, developing a workforce with increased community experience, and coordinating and managing the needs and requirements of the IC agencies through budget development and resource allocation, the DNI can leverage his existing statutory authorities with maximum effect.

### **QUESTION 3:**

- A. Explain your understanding of the obligations of the DNI under Sections 502 and 503 of the National Security Act of 1947.

**ANSWER:** Section 502 of the National Security Act requires that the DNI and the heads of all departments and agencies involved in intelligence activities keep the congressional intelligence committees fully and currently informed of all intelligence activities. This requirement includes any significant anticipated intelligence activity and any significant intelligence failure. The congressional intelligence committees must be provided with information or material concerning these intelligence activities that is requested by the committees, and the recently enacted Intelligence Authorization Act for Fiscal Year 2010 also now requires that the legal basis under which the activity is being conducted be provided to the committees. Such notifications are to be made to the extent consistent with due regard for the protection of sensitive intelligence sources and methods.

Section 503 of the National Security Act requires that the congressional intelligence committees be kept currently and fully informed of all covert actions. The intelligence committees must be provided with information or material concerning such covert actions upon request from either of the intelligence committees, and the FY 2010 Intelligence Authorization Act also now requires that this include the legal basis under which the covert action is being conducted. In extraordinary circumstances notification of a covert action can be limited to the Speaker and Minority Leader of the House, the Majority and Minority Leaders of the Senate, and the Chair and Vice Chair/Ranking Member of the Senate and House Intelligence Committees and such other members of the Congressional leadership included by the President. The FY 2010 Intelligence

Authorization Act now requires that when access to a covert action finding or notification is limited to the Members of Congress named above, that within 180 days all Members of the intelligence committees be provided access to the finding or notification, or that a statement of the reasons it is necessary to continue to limit access be provided. Additionally, in the event that access to a covert action finding or notification is limited, all other members of the Intelligence Oversight committees shall be provided with a general description of the finding or notification.

- B. Does the PDDNI have any responsibility to ensure that all departments, agencies, and other entities of the United States Government involved in intelligence activities in general, and covert action in particular, comply with the reporting requirements in Sections 502 and 503 of the National Security Act of 1947?

**ANSWER:** The PDDNI assists the DNI in carrying out his statutory authorities under the National Security Act, which includes ensuring compliance with the Constitution and laws of the United States. Soon after enactment of the FY 2010 Intelligence Authorization Act, Director Clapper issued a memorandum to the heads of all IC components describing the new congressional notification requirements and asking the head of each element to review its internal procedures to ensure that each IC element is in full compliance with the letter and the spirit of the law. If confirmed, I will assist the DNI in the very important responsibility of ensuring that all IC elements are in full compliance with the requirements of Sections 502 and 503.

- C. What lessons do you believe should be learned from the experiences of the last several years concerning the implementation of Sections 502 and 503, including the decisions not to brief the entire membership of the congressional intelligence committees on significant intelligence programs at their inception such as the Central Intelligence Agency (CIA) detention, interrogation and rendition program and the National Security Agency (NSA) electronic communications surveillance program (often referred to as the "Terrorist Surveillance Program" or "TSP")? With the benefit of hindsight, do you believe these decisions were wise?

**ANSWER:** I am aware that in past years notification to Congress of certain sensitive intelligence programs was limited to the Gang of 8. Although the National Security Act permits limited notification in extraordinary circumstances, I agree with Director Clapper that limited notification should be, and are, exceedingly rare. Oversight by the congressional intelligence committees is vital and helps to ensure that intelligence activities are effective and efficient, have solid legal foundations, and protect the privacy and civil liberties of our citizens.

- D. Under what circumstances, if any, do you believe notification should be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees?

**ANSWER:** Sections 502 and 503 provide that congressional notification must be made to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters. However, this is not a limit on whether the intelligence committees must be kept informed about intelligence matters but rather provides flexibility on how and when to bring extremely sensitive matters to the committees' attention. In addition, Section 503 permits the President to limit access to a Covert Action finding or notification to meet extraordinary circumstances affecting the vital interests of the U.S. I agree with Director Clapper that limited notification should be extremely rare and should be done only in the most exceptional circumstances.

### **National Security Threats**

#### **QUESTION 4:**

- A. What do you view as the principal threats to national security with which the IC must concern itself in the coming years? Please explain the basis for your views.

**ANSWER:** The vast array of interlocking national security threats points to an increasingly complex international security environment. While the United States is not faced by any one dominant military threat, the multiplicity of potential threats and actors behind them - both state and non state - constitute a bigger challenge. The principal threats to U.S. national security—drawn from the DNI's annual threat testimony—demonstrate the extent of the breadth and depth of these threats.

Terrorism will remain at the forefront of our national security threats over the coming year. Al-Qa'ida's (AQ) core in Pakistan continues to represent the most significant threat to US and allied interests worldwide. AQ in Pakistan remains intent on attacking the West and continues to prize attacks against the US homeland and our European allies above all else. We are also witnessing the expansion of the threat AQ affiliates pose to the homeland.

AQ in the Arabian Peninsula followed last year's failed 25 December homeland attack with an attempt in October to send explosives via cargo shipments. AQ ally Tehrik-i-Taliban Pakistan was responsible for the 1 May failed Times Square bombing, exemplifying the threat this AQ ally poses to the homeland. AQ is persistently seeking, training, and deploying operatives to advance attacks against targets in the West. An accompanying critical challenge will be the efforts of the external groups to recruit and radicalize sympathizers in the homeland and mobilize them into action.

In Afghanistan, the Taliban-led insurgency, despite tactical defeats and operational setbacks in 2010, will threaten US and international goals. Additionally, terrorist groups in Yemen and Somalia continue to take advantage of instability to operate and train in these areas.

Ongoing efforts of nation-states to develop and/or acquire WMD constitute a major threat to the safety of our Nation and our allies. North Korea's nuclear weapons and missile programs pose a serious threat to the security environment in East Asia. The Iranian regime continues to flout UN Security Council restrictions on its nuclear program. The election crisis and most recent round of UN sanctions almost certainly have not altered Iran's long-term foreign policy goals—namely Iranian sovereignty, territorial integrity, and projection of power.

China's "rise" appeared to accelerate over the past year, as perceptions grew of Beijing being a potentially more troublesome international actor. Last year was marked by significant improvements in US-Russian relations, though Moscow still has potent counterintelligence and other potentially threatening capabilities. Recent positive trends in Latin America, such as deepening democratic principles and economic growth, are challenged in some areas by rising narco-violence, populist efforts to limit democratic freedoms, and slow recovery from natural disasters. The current balance favoring cyber actors who desire to exploit our vulnerabilities is likely to increase over the next five years.

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

**ANSWER:** In general, I believe the IC is making progress in setting and adjusting priorities, re-allocating collection assets, and beginning to focus on nontraditional security issues. Nevertheless, mastery of our more complex and diverse world remains a challenge. We are balancing support to US military forces operating in two theaters support to policymakers in an increasingly complex world, the imperative to prevent and disrupt Homeland attacks, and growing nontraditional concerns.

Efforts to respond to the attempted Detroit attack exemplify the IC's adjustments to a key threat. Watch-listing procedures were adjusted and NCTC established the Pursuit Group to prioritize and pursue terrorist threat threads for follow-up by intelligence, law enforcement, and homeland security communities.

Through the use of the National Intelligence Priority Framework, and implementation of IC country-specific collection plans that integrate collection activities and bring out the best of each intelligence discipline, the IC has made continual adjustments to how its resources are allocated to address national priorities. The IC continues to evolve its training programs to ensure that its officers are equipped to perform their missions. With Congress' support, the IC has been provided the financial resources and policies that have enabled the IC to perform its mission in ways that are needed to confront these threats.

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

**ANSWER:** For several years, we have featured the national security concerns emanating from climate change, energy, and other resources in the DNI's Annual Threat Assessment. I

believe the IC must continue to devote resources to building a stronger basis on which to collect and analyze the national security implications of climate change and the security of foreign nations' sources and supplies of energy. These are issues that likely will only take on greater policy importance in the future. We are building a strong foundation in these nontraditional areas and leveraging our deep expertise in new ways. For example, the CIA's Center on Climate Change and National Security employs energy experts with deep expertise and experience examining the energy and climate nexus and identifying national security implications of newly emerging energy technologies.

### **Management Challenges Facing the Intelligence Community**

#### **QUESTION 5:**

Apart from national security threats discussed in answer to Question 4, what do you consider to be the highest priority management challenges facing the ODNI and the IC at this time?

**ANSWER:** High priority management challenges are those that most significantly affect the IC's ability to provide timely, accurate and insightful intelligence. The National Intelligence Strategy sets forth the vision for an IC that is integrated, agile, and exemplifies American values. If confirmed as the PDDNI, I will support the DNI in working with the IC and the ODNI to address IC management challenges tied to meeting the goals and objectives of our National Intelligence Strategy.

The IC can improve our effectiveness through increased mission integration. Under the leadership of the national intelligence managers and IC functional managers, we can provide the best unified intelligence to national policy and decision makers, and support the ongoing needs of national, military, diplomatic, homeland security, and law enforcement activities.

The IC must continue to ensure National Intelligence Program resources are directed toward the IC's highest priorities. An integrated planning, programming, budgeting, and evaluation system must also mature so we can assess how efficiently we deliver capability, as well as determine how effectively those capabilities meet expected mission outcomes.

The need to share information responsibly remains a compelling priority, and the United States is safer because of the progress the IC has made so far. The IC must continue to share information more effectively, finding the necessary balance between sharing information and protecting information.

Finally, we must promote a professional, high-quality workforce through effective recruitment, retention, training, and related practices. We need an IC workforce that is diverse in the broadest sense of the word – in background, culture, gender, ethnicity, age, and experience.

**Resources in a Challenging Budget Environment**

**QUESTION 6:**

- A. Given the Nation's current financial situation, what are your views on the intelligence budget in the short-, medium-, and long-term?

**ANSWER:** In this time of economic constraint, prioritizing intelligence resources against our most important intelligence needs is critically important. The IC faces a constant challenge of responding with agility to a landscape of complex and rapidly changing threats, while maintaining longer-term investments in research and development to improve our capabilities through technological innovation.

To address this challenge, we must continue to be vigilant in ensuring intelligence resources are optimized. To this end, the IC must persist in its efforts to continually measure performance as a means to use resources efficiently, and effectively, and to improve internal controls and oversight. If confirmed, I will support the DNI's efforts to use an integrated planning, programming, budgeting, and evaluation system to ensure National Intelligence Program resources are directed toward the IC's highest priorities and deliver effective and efficient capabilities.

- B. From your experience as Assoc. Exec. Director of the CIA, please describe your understanding of the requirements and appropriate practice in obtaining Congressional concurrence for reprogrammings and releases from reserves.

**ANSWER:** An intelligence agency may obligate or expend appropriated funds for an intelligence activity only if Congress specifically authorizes those funds for such activity. If the need arises to realign CIA funds, we must notify ODNI, OMB and Congress prior to executing an above-threshold reprogramming in the following manner. The agency first submits a written reprogramming request to ODNI and OMB; upon approval the reprogramming action is sent to the appropriate Congressional oversight committees with a 30 day notification period. The notification period may be reduced to 15 days if the request includes an urgent national security rationale. The agency may complete the reprogramming if the committees do not raise any objections or after satisfying Committee concerns.

If the need arises for a release from the CIA reserve, after ODNI and OMB approval, a notification is sent to the intelligence authorization and appropriation committees. It is customary for CIA to wait 15 days after notification and CIA does not complete the release from the reserve if any committee objection cannot be satisfied.

**Office of the Director of National Intelligence (ODNI)**

**QUESTION 7:**

There has been considerable debate in Congress concerning the appropriate size and function of the ODNI. Congress has considered proposals to cap the size of the ODNI. In answering the questions below, please address the staff functions of the ODNI and the specific components of the ODNI, where appropriate, such as the National Counterterrorism Center.

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

**ANSWER:** The IRTPA and separate management decisions created an ODNI composed of a number of different kinds of activities. These include the IC-wide and broader responsibilities such as NCTC, the National Intelligence Council, the Intelligence Advanced Research Projects Activity, the Center for Security Evaluation, the National Intelligence University, among others, as well as more traditional Executive Branch staff components. The community-wide support components make up over half of the organization and some of these could be moved outside the ODNI and subordinated to IC components to provide services of common concern to the larger Community. Given the responsibilities of the DNI in statute and Executive Order, it is critical that the ODNI be appropriately staffed - both in numbers and skills mix. I can assure you that, if confirmed, I will always support efficiency efforts as well as doing all I can to maintain the skills of the ODNI staff.

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

**ANSWER:** Assuming that the NCTC receives the increase in its structure (the request for positions in the Overseas Contingency Operations submission), from what I understand, ODNI has sufficient resources to execute its responsibilities. However, it is important to note that the Intelligence Authorization Act for Fiscal Year 2010 added significant new duties and responsibilities to the ODNI. The impact that these new responsibilities have on the current resources of the Office will need to be monitored closely.

C. In your view, what are the competing values and interests at issue in determining to what degree there should be a permanent cadre of personnel at the ODNI, or at any of its components, and to what degree the ODNI should utilize detailees from the IC elements?

**ANSWER:** Continuity is an important consideration in determining the need for a permanent cadre of personnel. Some functions require a sense of stability, institutional knowledge, and long-range vision that a permanent cadre can be expected to provide. For example, the Office of the Chief Financial Officer has a clear need for this type of continuity in executing the DNI's authority for management of the National Intelligence Program. On the other hand, there is considerable merit to having qualified detailees fill a substantial number of positions. Detailees come to the ODNI with fresh perspectives

and the technical skills appropriate for a senior-level government organization. In addition, their experience at the ODNI earns support for the ODNI construct – both institutionalizing the organization of the ODNI and fostering a sense of community in the IC. I would also suggest that having a healthy number of rotational personnel promotes a continuing influx of new ideas and perspectives that are not constrained by ODNI structural interests.

- D. Recently, the ODNI Inspector General released a report on intelligence community management challenges. Have you had an opportunity to review that report? If you have, what is your reaction to this report's conclusions and recommendations? Do you disagree with any of them? Which recommendations do you believe should be high priorities for the ODNI or for the PDDNI in particular?

**ANSWER:** I have not reviewed that DNI IG Report, but I plan to review it and provide the committee my views if confirmed.

- E. Some officials in the intelligence agencies do not believe that the ODNI is adding sufficient value to justify its large staff and budget. Do you hold that view? If not, what do you intend to do to reverse that perception?

**ANSWER:** I believe that the ODNI, led by Director Clapper with its focus on integration and mission, does add value. If confirmed, I would be a strong advocate for the ODNI, and at the same time work closely with the ODNI staff and components to ensure their interaction with the Community is open, professional, and Community-oriented. I would leverage the Deputy Executive and Executive Committees, and maintain an open door with the senior agency officials to ensure clear, timely, and effective communication. I will strive to ensure agency positions on issues are appropriately represented within the ODNI and among the IC components. If confirmed, I will push to show that ODNI does make a difference and is focused on facilitating intelligence integration, investment, and effectiveness – three objectives of the ODNI that I am certain any IC leader would approve.

- F. What are your views of the reorganization of the ODNI that DNI Clapper has recently implemented?

**ANSWER:** From what I have seen, I am very supportive of his changes. I could not agree more that a principal focus of the ODNI is to ensure intelligence integration and, to that end, his emphasis in this area is particularly important.

#### **QUESTION 8:**

- A. Describe your understanding of the role played by National Intelligence Managers (NIMs) under DNI Clapper's reorganization plan.

**ANSWER:** The DNI established National Intelligence Manager (NIM) positions, organized under the DDNI/II, to execute his authorities to perform intelligence mission management and to serve as principal substantive advisors for intelligence related to designated countries, regions, topics, or functional issues. The NIMs are responsible for end-to-end intelligence mission integration within their area of responsibility and serve as the designated representative of the DNI, acting under DNI authorities.

NIMs are typically partnered with a National Intelligence Officer (NIO) for analysis related to their specific area of responsibility. They are also partnered with a National Intelligence Collection Officer (NICO) and a National Counterintelligence Officer (NCIO) for intelligence collection and counterintelligence support.

The NIMs are responsible for developing and then leading community implementation of Unified Intelligence Strategies (UIS) that establish objectives, priorities, and guidance for the IC to ensure timely and effective collection and analysis pertaining to his/her area of responsibility. They also participate on the National Intelligence Mission Management Council (NIM-C)- the DNI's senior governance body for the review, adjudication and approval of the Unified Intelligence Strategies.

- B. Describe your understanding of the role played by National Intelligence Officers (NIOs) under DNI Clapper's reorganization plan.

**ANSWER:** The role of the National Intelligence Officer remains intact as it was spelled out in the Intelligence Reform and Terrorism Prevention Act, existing relevant Intelligence Community Directives, and in many other documents. NIOs are responsible for producing finished intelligence analysis in support of the NIMs. NIOs are matrixed from the NIC to their respective NIM, but remain full members of the NIC, with all incumbent authorities and responsibilities. They are expected to meaningfully engage at both the NIM and NIC venues.

- C. Describe your understanding of the role played by National Intelligence Collection Officers (NICOs) under DNI Clapper's reorganization plan.

**ANSWER:** The National Intelligence Collection Officers (NICOs) provide collection management expertise to their assigned NIM and are responsible for developing a coordinated IC collection strategy in support of the NIM's intelligence mission management and UIS development responsibilities.

- D. Describe your understanding of the role played by National Counter Intelligence Officers (NCIOs) under DNI Clapper's reorganization plan.

**ANSWER:** The National Counterintelligence Officers (NCIOs) provide counterintelligence expertise to their assigned NIM and are responsible for developing a coordinated IC counterintelligence strategy in support of the NIMs' intelligence mission management and UIS responsibilities.

**QUESTION 9:**

- A. Do you believe the mission of the National Counterintelligence Executive (NCIX) needs to be changed? If so, how? If not, why not?

**ANSWER:** I agree with Director Clapper's recent expansion of the NCIX. He moved the Security office out of the Policy and Strategy office to work under the Director of NCIX. This move marries security with counter-intelligence to address the confluence of tough issues within these functions. Beyond putting Security in NCIX, I am not aware of any additional changes that are required. The NCIX mission as articulated in both statute and DNI policy is well suited to the national security challenges we face today.

- B. What should be the role of NCIX in light of insider threats and other issues raised by WikiLeaks?

**ANSWER:** NCIX is supporting the DNI and the Administration in dealing with the WikiLeaks compromise and plays an important role in understanding and mitigating the full range of WikiLeaks issues. WikiLeaks has proven much more than a technology issue involving removable media; it is ultimately about the integrity of employee/users as they decide to compromise their privilege of access to classified information. The DNI's recent decision to combine both counterintelligence and security under the NCIX now brings together the key elements of an Insider Threat Detection Program. The IC needs to instill proactive measures before a major compromise such as WikiLeaks occurs. With regard to Insider Threats, the NCIX supports the National Insider Threat Working Group and has produced materials to assist U.S. Government departments and agencies in improving their Counterintelligence and Security programs. Along with OMB and the Information Security Oversight Office, the NCIX will initiate inspections of each federal government agency and department which handles classified information, as noted in the OMB memorandum of November 28, 2010.

**WikiLeaks and Information Sharing**

**QUESTION 10:**

After 9/11, the Intelligence Community moved quickly to remedy information sharing problems.

- A. Has information sharing expanded too broadly beyond those with a "need to know"?

**ANSWER:** The concept of "need to know" and "need to share" cannot be seen as mutually exclusive. We must continue to meet both standards in a world where sharing information with those who need it, and protecting sources and methods, are both absolutely critical. The IC is committed to making improvements in its systems, processes, and policies in reaction to the WikiLeaks disclosures to increase the security of

the Community's information and protect against unauthorized disclosures while continuing to ensure that those who require information receive it.

- B. What ideas do you have to help make sure the IC does not curtail information sharing too much as a response to WikiLeaks?

**ANSWER:** WikiLeaks represents the magnitude of the potential danger when technology, opportunity, and malevolent human motivation combine. The IC's response strategy must build on three mutually reinforcing elements addressing the complex nature of the issues raised by the disclosures: who gets Access to what data (including the "need to know" concept); stronger control over Technical Systems Configurations, which addresses the technical availability of information and ease with which it can be misappropriated, manipulated, or transferred; and, Audit and Monitoring to ensure information accesses granted to IC officers are properly used.

- C. What are your views on implementing audit systems to identify IC employees who use their computers in suspicious ways?

**ANSWER:** Audit and Monitoring efforts are key elements in any Insider Threat program because of the continual feedback they provide, and the confidence we gain in knowing what is happening to the information we do share. As Insider Threat detection, audit, and monitoring capabilities, tools, and activities are implemented, appropriate policies, procedures, and related measures are also required to ensure compliance with applicable laws and protection of privacy and civil liberties.

### Cyber Security

#### **QUESTION 11:**

If confirmed, will you have any cyber security responsibilities?

**ANSWER:** If confirmed, I will assist the DNI in his cyber security responsibilities, and to ensure the ODNI has the resources needed to support intelligence integration relevant to cyber security. The DNI has tasked the DDNI/II to implement policies and initiatives to ensure appropriate resource allocation and integration of cyber security efforts and initiatives within the intelligence community. Under the DDNI/II, the NIM for Cyber supports the National Cyber Executive to ensure provision of indications and warning information to the Department of Homeland Security, in conjunction with the Secretary of Defense, regarding threats ongoing or directed from outside the United States. Additionally, and again in conjunction with the Secretary of Defense, the Director of National Intelligence contributes to Information Assurance by overseeing programs which protect National Security Systems against intrusion and attack.

## QUESTION 12:

The Obama Administration is moving forward with a major initiative to improve government cyber security, the Comprehensive National Cybersecurity Initiative (CNCI).

- A. Are you familiar with the 2009 White House review of this initiative?

**ANSWER:** Yes. The 2009 review of the CNCI was part of a larger, Presidentially directed 60-day comprehensive "clean-slate" assessment of U.S. policies and structures for cybersecurity. Cybersecurity policy included strategy, policy, and standards regarding the security of and operations in cyberspace, and encompassed the full range of threat reduction, vulnerability reduction, deterrence, international engagement, incident response, resiliency, and recovery policies and activities, including computer network operations, information assurance, law enforcement, diplomacy, military, and intelligence missions as they relate to the security and stability of the global information and communications infrastructure. The Administration assessed that the Federal government should continue to go forward with CNCI implementation.

- B. Do you have a view on how well the initiative is being executed?

**ANSWER:** The DNI remains responsible for monitoring and coordinating on a quarterly basis the implementation of the CNCI on behalf of the President, and this responsibility is fulfilled by working closely with the Cybersecurity Coordinator and other elements of the Executive Office of the President. During FY 2010, the DNI assessed that the overall execution of the CNCI was progressing satisfactorily.

- C. What changes to the CNCI and the intelligence community's role within it would you recommend that the Administration consider?

**ANSWER:** I do not have any proposed changes at this time. If confirmed, I will examine this issue closely and provide the committee with my views.

- D. What are the major privacy or civil liberties issues concerning the CNCI that you believe need to be addressed?

**ANSWER:** I understand that attorneys, civil liberties, and privacy officials have been consulted as part of the CNCI since its inception, and that, as we go through the implementation stages of the CNCI, the IC and the other government agencies involved are taking care to identify and address privacy and civil liberties issues as they arise.

The CNCI calls on the IC to use its lawful authorities to discover foreign cyber threats and to share information on those threats rapidly with U.S. Government organizations – namely, DHS - for purposes of protecting U.S. government civilian networks. It also calls for USG network intrusion alerts to be provided to the IC so that it can better direct its intelligence efforts.

Privacy and civil liberties issues can arise in a variety of ways. For example, as intrusions are detected and alerts shared with the IC, care must be taken to ensure that the alert contains only as much information as the IC is authorized to receive. Moreover, as the IC seeks to discover foreign cyber threats by pursuing its intelligence mission, it must continue to apply the rules that have always protected the privacy and civil liberties of United States persons. In doing so, it must take into account how those rules apply in "cyberspace," even if the rule was first developed before the technology to which the rule is being applied was developed.

These are familiar challenges for the IC, though they arise in new ways given the ever-increasing pace of technological change.

- E. What should be the IC's role in helping to protect US critical infrastructure and commercial computer networks?

**ANSWER:** Computer network defense is crucial to the U.S., its critical infrastructure, and to the operations of the Intelligence Community, and we place considerable emphasis on knowing what the current and emerging cyber threats are to our equities. The Intelligence Community is, therefore, well positioned to support the cyber threat information sharing efforts led by the Department of Homeland Security with U.S. critical infrastructure owners and operators to enhance their cyber threat awareness.

- F. What cyber threat information (classified or unclassified) should be shared with managers of the Nation's critical infrastructure to enable them to protect their networks from possible cyber attack?

**ANSWER:** Actionable information on cyber threats and incidents obtained by the Intelligence Community, with proper minimization of sources and methods, and protection of privacy and civil liberties, is being shared with partner owners and operators of the Nation's critical infrastructure and key resource sectors through the Department of Homeland Security. In instances wherein threat information cannot be made unclassified, there are programs under the CNCI led by the Department of Homeland Security that are geared toward clearing representatives from the critical infrastructure sectors to be eligible to receive classified information, as well as making federal facilities holding the classified information accessible to the cleared representatives. These early efforts need to be sustained and expanded as appropriate to ensure that cyber threat and incident information derived by the Intelligence Community is being fully leveraged toward enhancing critical infrastructure cybersecurity.

### **Science & Technology and Research & Development**

#### **QUESTION 13:**

- A. How do you assess the state of science and technology (S&T) activities within the IC?

**ANSWER:** As the committee is aware, I have had the opportunity to be a part of the IC S&T community and have an insider's perspective on the strengths and weaknesses, along with the special opportunities, of that community. The IC's S&T activities are powerful mission enablers that leverage high quality academic, commercial, and governmental personnel and resources to ensure ongoing intelligence preeminence. Without the capabilities that these mission enablers provide, we cannot reliably verify treaties, defeat Improvised Explosive Devices (IEDs), thwart terrorists before they can strike, and protect our networks. The S&T community is utilizing the strengths of individual agencies as well as solving problems collaboratively through entities such as the Congressionally established National Intelligence Science and Technology Council (NISTC). Recently, NISTC members established an IC S&T investment framework to assist agencies with a long-term, coordinated strategy to become better stewards of their funding. Despite these efforts, the IC S&T community can do more. If confirmed, I will work with the Assistant Director for National Intelligence for Acquisition, Technology and Facilities (ADNI/AT&F) to ensure a proper emphasis on collaboration, an appropriate planning and budgetary role, and to ensure that the IC S&T community has adequate resources both to maintain IC leadership and influence where appropriate, and to adapt or adopt technology where it is available from outside the IC.

- B. Please explain your record of achievement to improve S&T management at the CIA as the former head of the Directorate of Science and Technology? (Please submit a classified response if necessary to augment the unclassified response.)

**ANSWER:** During the past several years, research activities at CIA have improved substantially. This is mainly due to the quality of the personnel and to the leadership's focus on scientific excellence. There has been a marked increase in cutting edge technology which has been developed through research and development and successfully transitioned to operations. Although Intelligence Community and CIA's research resources are constrained, innovative and nontraditional approaches (Post Doc Program, In-Q-Tel, IARPA) have allowed us to broaden the base of research we can leverage.

DS&T's acquisitions and operations have also delivered innovative new capabilities and technical operations that have closed collection gaps. Many of these efforts were enabled by key partnerships throughout the Intelligence Community. New initiatives in the directorate broke down internal stovepipes, enhanced our counterintelligence posture, and strengthened cross community mission management. DS&T's management team is effective and worked corporately to solve challenges. DS&T continued to attract, recruit and retain high quality officers – including making sorely needed advances in diversity recruitment.

- C. What changes, if any, need to be made in the IC with regard to S&T?

**ANSWER:** S&T remains at the core of our Nation's ability to collect, process, analyze, and exploit information about a dangerous world. The IC must continue to evolve its capabilities to keep pace with accelerating technological change and increasingly sophisticated threats. It must also maintain a robust and sustained investment program in the research and development of new and emerging technologies, broaden its relationships with domestic and international partners, and strengthen the abilities of its human capital. Adequate funding for the IC along with a stable funding base for our technology partners in academia, industry and other areas of the government is crucial to ensure the long term fiscal health of the IC S&T enterprise. Along with this stabilization, is the requirement that we continue to push advanced capabilities into fielded systems as quickly as possible. The IC also must continue to ensure that an ongoing balancing of competing solution sets is performed so that breakthroughs, for example a new type of a more capable sensor, can be flexibly acquired and fielded on a reduced timeline. I will, if confirmed, work alongside the ADNI/AT&F to advocate for programs to speed S&T breakthroughs into the hands of end-users.

**QUESTION 14:**

The SSCI has been clear in its recommendations for increased IC research & development (R&D) funding and in its support for the Intelligence Advanced Research Projects Activity (IARPA).

- A. What is your philosophy of the role of R&D in the IC?

**ANSWER:** R&D is a critical element in the ability of the IC to execute its mission. Mission enablement and enhancement through R&D efforts is often the differentiator between successful and unsuccessful outcomes. Consequently, a robust and consistent R&D program is critical to the ongoing success of the IC. Consistent with this, and with the recognition that budgets are limited and require prioritization, the IC R&D program should focus on those unique capabilities that support critical intelligence requirements, which are intrinsically necessary to the IC or have little to no development activity in other realms. In areas of technology where the IC is a small player in an overall marketplace, we will leverage the investments of others rather than replicating their efforts. The emphasis needs to be on technology maturation prior to building a dependency into a Major Systems Acquisition (MSA) or procurement so any required upfront R&D investment is accomplished early enough to ensure downstream operational success.

- B. What do you envision will be your top priorities with respect to R&D in the IC?

**ANSWER:** R&D continues to be a central pillar of the IC's ability to protect the Nation, now and into the future. If confirmed, I will work with the ADNI/AT&F to ensure that our R&D efforts focus on mission outcomes, collaborative problem solving, and relentless innovation. Achieving these goals requires an emphasis on technology insertion as a central tenet of our business practices as well as working closely with our

R&D partners. Critical evolving technology areas, such as data analytics, quantum information science, cybersecurity, computational linguistics, neurosciences, and biometrics are all enablers of the technology revolution that we are enveloped within. Making good decisions about where to lead and where to follow in technology is critical to maintaining our information advantage over our adversaries.

### IC Missions and Capabilities

#### QUESTION 15:

- A. Explain your understanding of strategic analysis and its place within the IC, including what constitutes such analysis and what steps should be taken to ensure adequate strategic coverage of important issues and targets.

**ANSWER:** Strategic analysis addresses a potential or future issue or trend that could have significant regional or global consequence--intended or unintended--for US national security interests. This general framework could include an analysis of how relatively narrow, cross-cutting events could have much broader multi-country or multi-region relevance. There is a constant and understandable tension between the press of immediate analytic demands--"the tyranny of the taskings"--and the necessity for broader current and long-term strategic analysis. This tension is particularly relevant today given the appropriate demands for IC support from policymakers and military commanders. Notwithstanding immediate analytic demands, IC managers have made resources available for current and long-term strategic analysis, including the National Intelligence Council's National Intelligence Estimates (NIEs) and the NIC unit established specifically for long-term analysis and use of analytic games. The IC must continue to provide resources and improve its ability to anticipate and identify emerging challenges—and opportunities. In addition to strategic analysis produced at the corporate level under NIC auspices, each all source analysis agency develops and implements a strategic program of analysis. These research programs are driven by senior policymakers' most critical intelligence questions and highlight those in-depth research and analysis projects that the agencies commit themselves to addressing.

- B. Have you had the opportunity to review any long-range analysis recently produced by the IC and, if so, what is your view of such analysis?

**ANSWER:** The IC has come a long way in providing even more sophisticated insight into long-term analysis. For example, recent products have gone beyond simply projecting trends, but also have included assessing alternative futures, scenario analysis and game simulations (e.g. North Korea, Iraq and Afghanistan). The IC has focused, for example, on the issues and trends we assess based on our interactions with the most senior levels of policymakers will shape the future security environment--e.g. economic instability, state failure, the ebb and flow of democratization, emergence of regional powers, changing demographics and social forces, climate change, pandemic disease and the spread of disruptive technologies. To address these challenges a complex, integrated skill set is required. On the one hand, there is a need for intelligence officers with broad knowledge

who excel analytically—spotting subtle or hidden trends, noticing patterns across regions and links across sectors, offering competing hypotheses to explain events and future possibilities, and understanding how politics, economics, and technology interact. At the same time, indicators of long-term problems are, at times, evident in near-term developments. This argues against a wall or a sharp separation between near- and long-term analyses and favors a pro-active interaction.

C. What is your view of the initiative to produce unclassified analysis such as *Global Trends 2025: A Transformed World*? What lessons are there from this effort that might inform future attempts at long-range analysis?

**ANSWER:** The NIC's Global Trends 2025 process has fostered greater exchanges among the IC and the academic/analytic community. The work is used extensively by the policy community in their medium to long-term planning. This kind of strategic analysis also allows the IC a framework for our own strategic planning, both in terms of skill sets for our analysts as well as future collection needs.

D. Please discuss your view of the appropriate mix of analytical resources between current, mid-term and long-term security concerns, particularly given that many of the oft-quoted failures of U.S. intelligence involved broad-based social and government change with significant long-term ramifications, such as the fall of the Berlin Wall and the Iranian revolution.

**ANSWER:** The "balance" between strategic and tactical analysis is the ideal we strive for, but experience has shown that today's long-term challenge can become tomorrow's fast-breaking crisis, requiring the Community to quickly and adeptly shift resources and priorities. Strategic planning in both individual agencies and at the ODNI level is essential, but we also need to have the flexibility to anticipate and respond to emerging threats, crises and opportunities. Second, the Community absolutely must respond to the strategic intelligence needs of the policy community, which can change significantly over time. That means we need to develop not only deep substantive experts, but also intelligence officers with critical thinking skills who can move or surge from one problem set to another, producing the sophisticated analysis we need to best serve our policymakers.

Also, past intelligence failures—such as the Iranian Revolution—are important learning tools for Community analysts; analytic reviews conducted by IC agencies and through the ODNI's Analytic Integrity & Standards group help us ensure we are rigorously evaluating and learning from our failures as well as our successes—these are powerful teaching tools.

Finally, regardless of how we balance resources on current and long-term challenges, the Community must reach out to harvest the insights and expertise of outside experts. Think tanks, academic, and nongovernmental institutions make a significant contribution to this effort, by providing unique insights and by challenging our analytic assumptions and judgments.

## QUESTION 16:

A. Explain your views concerning the quality of intelligence analysis conducted by the IC.

**ANSWER:** IC analysts place a high priority on critically evaluating analysis and sharing lessons learned to produce consistently high quality intelligence analysis across the Community. The IC is working to increase collaboration to ensure diverse perspectives and a broad range of substantive knowledge is brought to bear on intelligence issues. I believe the National Intelligence Managers will be in a position to advance rigorous tradecraft and broad community collaboration to address key analytic challenges.

B. What is your assessment of steps taken by the ODNI, and the elements of the IC, to improve the quality of intelligence analysis within the IC, including through the creation of an Analytic Integrity and Standards Unit, the use of alternative analysis and "Red Teaming," and the use of collaboration tools such as Intelipedia?

**ANSWER:** I believe that significant steps have been taken to improve the quality of intelligence analysis and analytic collaboration within the IC. DDNI/II's Analytic Integrity and Standards (AIS) Group, in concert with efforts across the analytic community, has made great strides in establishing and fostering consistent tradecraft standards. ODNI's AIS Group has worked with IC elements to facilitate establishment of organic analytic evaluation programs in those IC analytic elements that did not previously have such a program and to share best practices of analytic evaluation activities across the IC. In addition, alternative analysis was specifically called out in Sections 1017 and 1019 of the IRTPA, and is among the IC Analytic Standards for tradecraft specified by ICD 203. The AIS Group helps promote use of alternative analysis techniques by providing feedback to IC elements on their application of this tradecraft standard in products the AIS Group has reviewed and by working with IC elements to enhance awareness of structured analytic techniques and exemplary models of alternative analysis.

IC agencies' training programs drive the process of continuous learning and application of these alternative analysis techniques for analysts at every stage in their careers. As importantly, these training courses teach the critical thinking and tradecraft skills that underpin analysis regardless of analytic discipline, regional area, or time horizon. Agency training programs, such as the CIA's Sherman Kent School, are also open to analysts from any Community agency reinforcing interagency collaboration, communication, and sharing of best practices.

The ODNI and IC elements have significantly improved collaboration across the community and regularly take advantage of formal collaboration tools and informal relationships to drive robust analysis. The ODNI-led President's Daily Brief production process encourages and reflects that greater community integration, featuring not only submissions from the range of agencies, but also joint products that leverage the distinct strengths each group brings to the table.

C. If confirmed, what responsibilities will you have with regard to analysis?

**ANSWER:** Under DNI Clapper's organization of ODNI, the DDNI/II has responsibility for IC objectives, priorities and guidance with regard to analysis. If confirmed as the DNI's Principal Deputy, I would work closely with DDNI/II and the Intelligence Community, to ensure the most accurate analysis is available to inform operational and policy decisions at every level, and to ensure we are responsive to customers' needs from tactical commanders to the President of the United States.

**QUESTION 17:**

A. Explain your views concerning the quality of intelligence collection conducted by the IC and your assessment of the steps that have been taken to date by the ODNI to improve intelligence collection.

**ANSWER:** The quality of intelligence collection is continually improving. A number of initiatives have been put in place by ODNI that have contributed to this improvement. These include the use of the National Intelligence Priorities Framework, which prioritizes the Nation's information needs and guides how collection capabilities are allocated in addressing them, and the implementation of IC-wide country-specific collection plans that integrate collection activities and bring out the best of each intelligence discipline. I believe that Director Clapper's initiative to establish National Intelligence Managers (NIMs) who develop Unified Intelligence Strategies (UIS) will complement these past initiatives and result in additional improvements in intelligence collection and analysis. The NIM's unified strategies will focus the IC on the critical information gaps that need to be addressed. They will outline the plans for addressing these gaps, designate which Agencies are responsible for leading these efforts, and establish goals with corresponding deadlines. Lastly, they will make greater use of metrics and assessments to evaluate the IC's performance against the stated goals so as to identify what progress was made and to identify how the IC's capabilities can be better applied in the future. The strategies and their evaluation will also inform ODNI's thinking about future investments in collection capabilities.

B. If confirmed, what responsibilities will you have with regard to collection?

**ANSWER:** Under DNI Clapper's organization of the ODNI, the DDNI/II has responsibility for integrating collection with analysis. If confirmed, I will focus on the ODNI offices overseeing major collection systems acquisitions. I would also leverage the DEXCOM, which the PDDNI chairs, to coordinate with the Functional Managers and the IC on collection issues. The NIMs and Unified Intelligence Strategies will play an important role in helping the DNI to establish priorities, focus and integrate collection efforts, and may be used not only to evaluate performance but also to make adjustments in how collection capabilities are developed and applied in the future.

#### **QUESTION 18:**

Despite several ODNI initiatives, the IC still has no effective means to establish “requirements” for major systems such that balance is achieved between mission satisfaction, affordability, and the opportunity cost of alternative investments. What are your views of this problem and possible solutions?

**ANSWER:** In May 2010, the DNI provided direction for the development, review and ODNI-validation of requirements for all major systems acquisitions (MSAs). This was coordinated with the Department of Defense and there is agreement that the IC requirements validation process will have primacy for major systems acquisitions funded by the National Intelligence Program. The process is designed to ensure that MSA requirements are affordable, operationally relevant and technically achievable. Affordability is assessed by the ODNI Cost Analysis organization and is documented, depending on the maturity of the acquisition, via an initial cost assessment or full independent cost estimate. Operational relevance is currently determined by either the functional or the mission manager. As the Unified Intelligence Strategy process matures, I anticipate that the National Intelligence Managers will have input into the operational relevance of MSAs. Technical feasibility is validated in the technology maturity assessments conducted under the ODNI acquisition milestone review process. The DNI direction mandates that requirements and the proposed acquisition solution be grounded in analysis to include a formal analysis of alternatives prior to Milestone B. The requirements process also provides the program manager with acquisition flexibility, via a tiered requirements set that includes a small number of requirements held at the ODNI-level with the remainder held at either the functional or program manager-level, and protection against unauthorized and potentially unaffordable requirements growth. Since its implementation, this process has been used to develop, review, and validate requirements for 12 new and 16 legacy acquisition programs. MSAs with ODNI-validated requirements documents include a mix of spacecraft, ground processing, information technology, and ship-borne systems. If confirmed as the PDDNI, I would serve as the validation authority for IC requirements so I would closely monitor the implementation of the requirements process. The DNI plans to issue an IC requirements policy directive in late 2011.

#### **QUESTION 19:**

- A. Explain your view of the principles that should guide the use of contractors, rather than full-time government employees, to fulfill intelligence-related functions. In your view, has the IC achieved a proper balance of government and contractor personnel?

**ANSWER:** Based on my experience at CIA, contractors play an important role in the work we do. Core contract personnel are part of an integrated team of professionals. They support U.S. Government (USG) personnel in performing mission and mission

support activities. However, I believe the crucial operating principle here is how well the government directs and oversees contractors. This requires that the government maintains sufficient cadre of qualified USG personnel to ensure contractors meet their contractual obligations, and do so in an ethical manner. Reviewing the proper balance is an ongoing activity. If confirmed, I would support Director Clapper's commitment to ensure that contractors do not perform inherently governmental functions.

- B. Are there some functions that should not be conducted by contractors or for which use of contractors should be discouraged or require additional approvals, including by the DNI?

**ANSWER:** Yes, there are clearly functions where contractors should have little or no role. For example, decisions on how we use or allocate resources, prioritize work, interpret policies, direct work assignments, and account for the outcomes of these assignments are the function of USG personnel and not contractors. Government personnel are answerable to the agency Directors, the DNI, the President, and Congress for their efforts and those of supporting contractors.

- C. What consideration should be given to the cost of contractors versus government employees?

**ANSWER:** First, it must be determined that the proposed role is not inherently governmental. Then, consideration needs to be given to immediacy, duration of activities, cost, and availability of expertise. If the immediate security of the Nation or U.S. citizens or our interests are threatened, then the surge use of contractors is an appropriate consideration.

- D. What legislation or administrative policies and practices should be implemented to facilitate the replacement of contractors by full-time employees?

**ANSWER:** Intelligence Community Directive 612, "IC Core Contract Personnel," provides an administrative framework to examine the use of "core" contractors on an ongoing basis. We should replace contractors with government personnel if the work becomes inherently governmental, or it otherwise makes sense and is cost effective. Our current focus is to reduce contract personnel in enterprise support functions, especially those that are enduring and where government personnel are less costly than contract personnel. However, we have not limited our efforts to enterprise support functions and will examine the best mix of our workforce in all mission areas as part of continuing workforce planning efforts.

#### **QUESTION 20:**

- A. Please explain your role in the CIA's Narcotics Airbridge Denial Program in Peru and the subsequent review of what went wrong to lead to the shoot down of a family of American missionaries.

**ANSWER:** The Peru Airbridge Denial Program ran from 1995 to April 2001. I had no role in that program. The Department of Justice declined criminal prosecution of Agency employees involved in the program in February 2005. The CIA IG conducted an investigation which resulted in an investigative report that was delivered in August 2008. In December 2008, I was tasked by then D/CIA General Hayden to chair an Agency Accountability Board and make recommendations regarding the personal accountability of Agency officers involved in the program.

- B. What are your views on the accountability measures taken against the CIA officers who were faulted for mistakes concerning the program?

**ANSWER:** I am confident that the Peru Agency Accountability Board conducted a comprehensive review of the program and officers involved. The Board included non-Agency membership and was given unprecedented access to CIA OIG records.

Accountability Boards are part of an administrative disciplinary process and they therefore apply administrative sanctions ranging from termination of employment, through prohibitions against promotions, awards and contracts, to official written reprimands placed in an employee's file. For Agency employees who have retired or separated from the Agency, there are practical limits on the sanctions that can be imposed.

Sanctions imposed by this Board included prohibitions on contracts, promotions and awards and letters of reprimand. Although the more serious sanctions involved a significant financial impact, most of the officers involved were also already impacted by the mark on their records and reputation. One officer who was eligible to retire had stayed on several years past retirement in the belief that the inquiry would clear their name only to be sanctioned.

- C. The CIA's November 1, 2010 notice to the workforce states "While the Accountability Board disagreed with many of the IG's specific findings, the Board agreed with the IG that there were problems with the program and concluded that the Agency did make mistakes." Please describe the principal IG findings with which the Accountability Board disagreed and describe the basis for the Board's disagreement. Please include in that description any disagreement with the IG's findings regarding testimony and notifications to Congress.

**ANSWER:** The most notable point of departure was the number of officers reviewed for sanction. The IG report recommended nine officers for review; the board in fact expanded the scope of the review and ended up examining twenty-three officers and sanctioned sixteen. The board's basis for expanded reviews started with the IG's assertion that problems with the program started at its origins. With that as a basis the Board reviewed everyone in a position of responsibility throughout the life of the program and identified twenty-three officers for review.

The second significant area of departure was the IG's conclusion that errors in reporting and notification were deliberate and the result of a widespread cover-up. The Board carefully reviewed the information reported and concluded that some of the information the IG report cited as being withheld was shared. However the Board also found several instances of incomplete, hurried and sloppy reporting. As a result the Board concluded that there was no evidence of a concerted cover-up. The board also concluded that the grave responsibility associated with oversight notification and reporting dictated that the officers responsible for providing the substance or primary review of the sloppy reporting merited the most significant sanctions that were levied.

- D. Please describe what steps, if any, the CIA has taken following the review by the Accountability Board to inform the CIA workforce about the Board's conclusions including about the standards that should be adhered to by CIA personnel in testimony, briefings, and other communications to Congress.

**ANSWER:** CIA convened a review of its congressional notification process. The Office of Congressional Affairs has implemented changes to streamline and accelerate its notification process. It has also instituted new training initiatives to heighten Agency officers' awareness of reporting standards and obligations.

The CIA Leadership Development Program has developed and put into the curriculum a lessons learned course module that drew on the work of the Board and other reviews of the Airbridge Denial Program such as the SSCI and Beers reports. The lessons learned effort is designed for the management level – the cadre of officers who are responsible for program implementation, monitoring and establishment of reporting standards.

Annual reviews of key programs were initiated to ensure that officers participating in those programs were fully aware of the details of their responsibilities and authorities in the conduct of their programs.

#### **QUESTION 21:**

- A. Explain your responsibilities if confirmed as PDDNI in making decisions or recommendations concerning the accountability of officials of the IC with respect to matters of serious misconduct.

**ANSWER:** The Principal Deputy Director of National Intelligence shares the DNI's statutory responsibility to ensure compliance with the Constitution and laws of the United States by elements of the Intelligence Community. My responsibility as PDDNI, if confirmed, would be to ensure that IC elements and departments promptly, objectively, and completely investigate any allegation that an IC official engaged in serious misconduct, and ensure that IC elements or their parent departments take appropriate disciplinary action, if warranted. I recognize that IC elements or their parent department

heads are principally responsible for addressing allegations of serious misconduct arising from within that IC element or department.

I expect, and the DNI expects, IC element heads to ensure that appropriate disciplinary actions are taken when warranted. I believe the PDDNI has both the duty and the authority to raise with the DNI any concerns that an IC element head failed to take appropriate action in response to allegations or evidence of serious misconduct, and I believe the PDDNI has the responsibility to take appropriate action in the DNI's absence.

In certain circumstances, it may be necessary for the PDDNI, working in consultation with the DNI, to refer allegations of serious misconduct to the appropriate IC element Inspector General or to the Inspector General of the Intelligence Community for investigation. I foresee that the new Inspector General of the Intelligence Community will, in addition to conducting its own reviews, help facilitate consistency across the IC in its handling of allegations of serious misconduct. If advised by counsel that an allegation of serious misconduct may constitute a violation of law, I would ensure that the matter is referred to the Department of Justice.

Finally, as mentioned below, the Intelligence Authorization Act for Fiscal Year 2010 contained a new provision granting the DNI authority to conduct accountability reviews. I understand that the ODNI is currently drafting implementing procedures for this authority and, if confirmed, I look forward to participating in that process.

- B. What is your assessment of the strengths and weaknesses of the accountability system that has been in place at intelligence agencies and the ODNI and what actions, if any, should be taken both to strengthen accountability and ensure fair process?

**ANSWER:** The IC's commitment to accountability begins with the integrity of its leadership. Leaders set the tone for the organization and instill a unity of purpose, and a commitment to integrity and excellence. It is the duty of the IC leadership not only to lead by example, but also to set standards of conduct and ensure that individuals that fail to meet those standards are held accountable.

Several advancements since the creation of the DNI have improved the basic oversight structure of the IC. For example, IC-wide coordination bodies, such as the EXCOM and DEXCOM, facilitate sharing of information and concerns across agencies. Moreover, the IC Inspectors General (and the IG Inspectors General Forum), Civil Liberties Protection Officers, and Offices of General Counsel identify IC-wide concerns, and identify opportunities for improved efficiencies. Such efforts may result in accountability-related recommendations to IC element heads and the DNI, and the creation of IC-wide best practices.

I believe that the new Inspector General of the Intelligence Community, with an IC-wide mandate, will provide an additional mechanism for the IC in furthering its commitment to vigilant, thorough, prompt, and fair accountability. In addition, I believe the DNI's new

authority to conduct accountability reviews should provide a valuable addition to the IC's accountability practices, and should enable the DNI to (1) address particular, systemic, and IC-wide accountability issues and (2) ensure fair process. I look forward to working with the DNI to implement this new authority, should I be confirmed.

- C. Explain your responsibilities if confirmed as PDDNI on ensuring rewards systems across the IC agencies that are fair and equitable.

**ANSWER:** The series of performance management-related IC Directives promulgated by the DNI between 2007 and 2008 established a unified framework to govern equitable and mission-aligned rewards systems across the IC agencies. Today, compliance monitoring and management accountability tracking continues through the National Intelligence Civilian Compensation Program, including analysis of compensation and performance data related to equal employment opportunity and diversity. In addition, some specific personnel accountability measures are in place to include (1) response to the views and perceptions of employees obtained through the annual IC Employee Climate Survey and (2) commitments of IC leaders made through Personal Performance Agreements signed by the DNI and IC agency heads. My commitment is to ensure that leadership fairly and equitably carries out its responsibilities to accomplish the mission and manage the workforce—these programs and tools assist in that effort.

- D. What is your view regarding the value of permitting highly skilled officers, particularly in niche disciplines, to enter the Senior Intelligence Service (SIS) without having to become managers?

**ANSWER:** Precedence for the “dual career ladder” certainly exists within the IC. If current reports on the so-called U.S. “brain-drain” or “retirement tsunami” are even close to correct, the IC will be in a serious “war for talent”—especially in areas of science, technology, engineering, mathematics, and language skills. Our ability to recruit and retain the highly skilled officers and technical experts required to carry out our mission depends greatly on our ability to compensate them at levels commensurate with the world job market and, at the very least, with our SIS managers/leaders.

**Authorities of the DNI: Financial Management and Infrastructure**

**QUESTION 22:**

What role do you expect to play in the ODNI's Business Transformation Board, which reviews all business system investments in the IC?

**ANSWER:** If confirmed, I expect to be the Chair for this new Board and a champion for the IC Business Transformation effort.

The IC Business Transformation effort is focused on enhancing IC mission support by streamlining business operations and providing effective, efficient services to the Big Five IC agencies (CIA, DIA, NGA, NRO, and NSA) and the ODNI.

It is a major change management effort for the Community and is fundamental to achieving Enterprise Objective 3 of the National Intelligence Strategy "Streamline business operations and make the best use of taxpayer dollars." As with most transformation efforts, there will be difficult decisions to make and engagement of key stakeholders at the executive level of these IC Agencies is critical in making continued, measurable progress.

The Business Transformation Governance Board (BTGB) will be established as an executive, multi-agency board with the responsibilities outlined in the Intelligence Authorization Act of 2010:

- Recommend to the DNI policies and procedures necessary to effectively integrate business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken in the Intelligence Community
- Review and approve major updates to the Business Enterprise Architecture
- Review and approve major updates to plans for IC business systems modernization
- Manage cross-domain integration of IC business transformation efforts consistent with the Business Enterprise Architecture
- Coordinate initiatives IC business transformation initiatives to maximize benefits and minimize costs for the IC
- Ensure the obligation of funds for IC business transformation business system transformation is consistent with the language in the Intelligence Authorization Act of FY 2010
- Approve business transformation system certifications made by the Director of the Business Transformation Office
- Carry out other duties as assigned by the DNI.

**QUESTION 23:**

The Committee has sought to ensure that IC elements become able to produce auditable financial statements. The majority of the IC elements still lack the internal controls necessary to receive even a qualified audit opinion.

- A. If confirmed, what will you do to ensure that existing commitments to improve the IC's financial and accounting practices are carried out in an effective and timely manner, and that IC reporting on the status of these efforts is factual and accurate?

**ANSWER:** The DNI and others depend on financial information to make budgetary and programmatic decisions that have a measurable impact on the overall effectiveness and cost of the IC. While the NRO and most non-defense Department agencies that execute National Intelligence Program resources obtained an unqualified audit opinion in 2010, it is important that the DNI continue to work with the defense intelligence agencies, CIA, and the ODNI to achieve the same unqualified audit opinion and sustain sound financial management practices over time.

The DNI and IC components are dedicated to improving financial management practices and strengthening internal controls to further the intelligence mission. An initiative of this magnitude is ambitious under the best of circumstances and will require time and consistent direction to make steady and measured progress. If confirmed, I will work with the DNI to achieve this important objective.

B. What responsibility have you had at the CIA for producing financial statements?

**ANSWER:** The CIA CFO is responsible for producing the Agency's financial statements. My responsibilities have primarily involved management review of the Agency financial statements to oversee corrective actions and plans. Additionally, in response to Section 368 of the FY10 Intelligence Authorizations Act, the CIA has designated the ADDCIA as the senior intelligence management official to be responsible for correcting material weaknesses. Examples of issues closed or addressed in the past year include realignment of the Agency's procurement personnel, contractor counts, supporting documentation for vouchers, and development of an asset management system. I have also been directly responsible for approving assessments of the Director's area components (e.g. CIO, CFO, HR, OGC) as part of the annual Federal Information Security Management Act process.

### Classification of Information

#### QUESTION 24:

Section 102A (i) of the National Security Act of 1947 directs the ODNI to establish and implement guidelines for the classification of information, and for other purposes.

A. If confirmed, how will you be involved in implementing this section of the law?

**ANSWER:** In accordance with the revised Executive Order on *National Security Information* (EO 13526) and the Implementing Directive issued by the Director of the Information Security Oversight Office (ISOO), each agency, including elements of the Intelligence Community, is required to develop its own specific implementation plan to achieve compliance. These plans must include annual self-inspections and mandatory training programs for employees with access to classified information. If confirmed, I will ensure our oversight efforts of these self-inspection and training programs are active

and consistent throughout the Intelligence Community to help identify best practices and resolve any shortfalls.

- B. What other issues would you seek to address, and what would be your objectives and proposed methods, regarding the classification of information? Please include in this answer your views, and any proposals you may have, concerning the over-classification of information.

**ANSWER:** My proposed methods regarding classification, declassification and over-classification of information pursuant to EO 13526 would be to: 1) ensure proper oversight of IC agency implementation plans, perhaps through individual IC agency inspector general involvement; 2) develop an unclassified report summarizing the results of these reviews and make these unclassified reports available on the ODNI public website; and 3) continue our efforts to develop and implement sound approaches to declassifying National Security Information through the ODNI's leadership role in the stand-up of the National Declassification Center.

Additional measures have already been taken by the ODNI in many of these areas, specifically, through issuance of Intelligence Community Directive 710, *Classification and Control Markings System*; establishment of metadata standards within intelligence dissemination systems throughout the Intelligence Community; and a program launched in May 2010 to reinvigorate the declassification of imagery for public release. Together, these policies, standards and initiatives will help maximize our ability to share, mark, declassify, and retrieve information more efficiently. Self-inspection programs will provide key oversight for training and over-classification issues.

- C. What approach would you take to the systematic review and declassification of information in a manner consistent with national security, including the annual disclosure of aggregate intelligence appropriations?

**ANSWER:** I am committed to protecting National Security Information. At the same time, I believe we have a responsibility to declassify information when it no longer requires such protection. In addition to such efforts as a comprehensive program for the review of all space-based national intelligence reconnaissance systems to determine whether imagery acquired by those systems could be released to the public, I would encourage, if confirmed, periodic reviews of classification guides to ensure information requiring protection stays protected and that information which no longer requires protection be properly addressed.

I support the continued release of the annual aggregate intelligence appropriations figures, and believe that disclosure would not cause harm to national security or otherwise reveal intelligence sources and methods.

## Acquisitions

### QUESTION 25:

- A. What is your assessment of the ICs current acquisitions capability?

**ANSWER:** Although IC acquisitions capabilities have steadily improved, we must continue to improve our execution given the fiscal challenges before us. We must be more agile in incorporating and accommodating technical and operational innovation as it arises. Improving the training, education, and experience of the acquisition workforce will also continue to be one of my top priorities if confirmed.

- B. Do you believe the space industrial base specifically, and the intelligence industrial base more generally, are capable of producing the number of complex systems the IC and DoD demand of them on time and within budget?

**ANSWER:** Yes, I believe that our combined space and IC industrial base is up to that challenge.

### QUESTION 26:

The National Reconnaissance Office has historically attempted to deliver more program content than can be accomplished under the budgets requested by the President or appropriated by Congress. We understand that this problem is again arising in the fiscal year 2012 budget build now in progress.

What suggestions do you have to help the DNI tackle this critical fiscal problem?

**ANSWER:** A key role of the ODNI is to assist the IC's acquisition elements in helping to identify and resolve issues before they become problems. We need to take a hard look at contract types and incentives to ensure long-term success of complex space programs. I understand that the Statement of Capabilities (SOC) process for Major System Acquisitions has helped in identifying fiscal and requirements issues early, such that the ODNI and the IC acquisition elements can take action to address any disconnects before they become problems. The ODNI staff can work with the affected IC acquisition element to resolve issues through the restructuring of programs, such that probability of acquisition success is greatly improved. We need to be selective and committed to those acquisitions we choose to move forward. These programs must be affordable, adequately and verifiably funded, have stable requirements and budgets, leverage mature technologies or rigorously manage associated risk reduction, with regular and transparent reviews. We must limit program content to what is achievable with adequate margin to actively address acceptable risk.

*The Department of Defense*

**QUESTION 27:**

- A. Explain your understanding of the need to balance the requirements of national and tactical consumers, specifically between establishing a unified intelligence effort that includes DoD intelligence elements with the continuing requirement that combat support agencies be able to respond to the needs of military commanders.

**ANSWER:** As the NIMs bring together the Unified Intelligence Strategies, the combat support agencies are critical contributors. With this approach the DNI-DoD relationship will continue to improve in terms of information sharing and methods for setting and managing intelligence priorities. A more integrated IC coupled with the inclusion of the combat support agencies supporting the military commanders will help them meet the intelligence needs of military commanders in a timely and efficient manner.

- B. What is your assessment of how this balance has been handled since the creation of the ODNI and what steps would you recommend, if confirmed, to achieve a proper balance?

**ANSWER:** Since the creation of the ODNI, the country has been at war on multiple fronts and in multiple domains. Striking the right balance between the national consumer and the need for combat support agencies to be able to respond to the needs of the military commanders in the field will continue to be an imperative for the IC leadership. With the establishment of the National Intelligence Mission Management Council (NIM-C), we have a forum to address proper balance and competing requirements and discuss resource tradeoffs; the Undersecretary of Defense for Intelligence (USD(I)) is a primary representative on the Council. In that capacity, the USD(I) representative will be able to identify opportunities for the IC to maintain the balance between national and tactical intelligence support.

- C. What is your assessment of the national intelligence effort to satisfy the needs of military commanders for human intelligence collection and what steps would you take to prevent or redress any deficiencies?

**ANSWER:** I assess that, given the resources currently available, HUMINT collectors are meeting the most pressing needs of military commanders, in particular combatant commanders. Over the past year, ODNI held comprehensive discussions with combatant commanders in the field on how well HUMINT collection is supporting their missions. The commanders expressed great satisfaction with the reporting delivered by both military and national HUMINT collectors. These collectors are well integrated into the commanders' intelligence support structure at all levels. Many are forward based in the combat zones, where they reside both at the commanders' headquarters and with field operators throughout the country and provide direct, day-to-day tactical, operational, and strategic support to the commanders' J2s and operators on the ground. HUMINT collectors are also well integrated into command- and national-level headquarters. Most

importantly, an emphasis on fusing HUMINT with the other Intelligence capabilities in the field has been key to providing a comprehensive, accurate, and prompt picture of the area of operation. Military commanders, both in and out of the war zones, have at their disposal well established, proven military and national requirements systems for tasking HUMINT collectors. I believe that this system offers commanders a good ability to articulate their needs to the appropriate HUMINT collectors.

- D. What is your assessment of the military intelligence program and what role do you see for the DNI in the challenges faced by programs funded by the Military Intelligence Program?

**ANSWER:** Overall, I think the Military Intelligence Program (MIP) is an important part of our Intelligence Community effort to support the warfighter, whether it be in Iraq, Afghanistan, or other areas of the world where our troops are deployed or stationed. As you know, the MIP consists of programs, projects, or activities that support the Secretary of Defense's intelligence, counterintelligence, and related intelligence responsibilities. This includes those intelligence and counterintelligence programs, projects, or activities that provide capabilities to address warfighters' operational and tactical requirements more effectively.

Experience shows that national and military customers often have the same or supporting requirements. The changing nature of warfare, as so often cited by senior Defense Department leaders, requires recognition that military, foreign, and domestic intelligence efforts are intertwined. Those charged with National Intelligence Program (NIP) and MIP planning, programming, and budgeting must therefore collaborate very closely. I believe we are maturing and improving the processes to do so.

To meet this challenge, the Systems and Resource Analyses (SRA) group within the ODNI, in collaboration with the Office of the Under Secretary of Defense for Intelligence (USD/I), established the National Intelligence Program (NIP) – Military Intelligence Program (MIP) Integration Group (NMIG) to promote transparency of NIP- and MIP-related activities between the ODNI and DoD, with the aim of leveraging and integrating the two programs. This new group will focus on developing recommendations on issues with NIP and MIP implications to inform the planning, programming, and budgeting resource allocation processes of both the DNI and DoD.

If confirmed, I will continue the work already started by the NMIG to ensure the DNI has continued input to the MIP, and is able to synchronize NIP and MIP resources to maximize effectiveness and minimize costs for the American taxpayer.

- E. Are you concerned that the IC's need to support wars in Afghanistan and Iraq have limited the IC's ability to conduct missions outside of war zones?

**ANSWER:** The IC continues to provide tremendous support both in Afghanistan and Iraq and on the many important topics and areas beyond the war zones. I am fortunate to

see that work first-hand every day. At the same time, the multiple competing priorities on the IC do require us to make some tradeoffs in how extensively we can support the many national security requirements that exist. For example, we apply a little less in-depth focus on lower priority countries and topics than we probably would otherwise. The IC workforce is also stretched thin in many areas, as a result, we must surge collection and analysis on emergent crises from time to time.

### Covert Action

#### QUESTION 28:

- A. What is your view of the DNI's responsibility to supervise, direct, or control the conduct of covert action by the CIA?

**ANSWER:** Any decision to employ covert action as a tool of national security strategy, including by which official or governmental entity, will, by law, be made by the President. To date, the President has charged the Director of the CIA with the responsibility for supervising, directing, or controlling the conduct of covert action. Unless determined otherwise by the President, the DNI is responsible to oversee the conduct of covert action in order to provide advice to the President and NSC with respect to covert action, to ensure covert action activities comply with the Constitution and laws of the United States, and to ensure the Congressional intelligence committees are kept fully and currently informed of covert action. Accordingly, the DNI must be kept informed of existing covert action programs. It is my observation that effective means of communication between the ODNI and CIA are already in place to ensure that information flow and, if confirmed, I would continue this productive dialogue.

- B. Do you believe any additional authorities are necessary to ensure that covert action programs are lawful, meet the public policy goals of the United States, or for any other purpose?

**ANSWER:** Based on my current understanding, I do not believe that additional authorities are needed in this area.

- C. Do you support the enactment of statutory requirements for regular audits by the CIA Inspector General of any ongoing covert action program with appropriate reporting to Congress?

**ANSWER:** In general, I do not believe covert action should be exempt from Inspector General review. However, I would want to review any specific, proposed legislatively-derived mechanisms before making any recommendations. I am aware that the CIA Inspector General is already charged by the Director of the CIA with auditing covert action programs at least every three years.

- D. If confirmed, what role will you have regarding covert actions?

**ANSWER:** If confirmed, I will assist the DNI to advise and ensure, as appropriate, that covert actions are thoroughly considered, appropriately authorized, and implemented in a manner that comply with U.S. law, further U.S. goals and interests, and make the best use of U.S. resources and capabilities. Further, if confirmed, I will assist the DNI in ensuring that the Congressional intelligence committees are kept fully and currently informed of all covert actions.

### **Privacy and Civil Liberties**

#### **QUESTION 29:**

- A. Describe the efforts of the IC to protect privacy and civil liberties and what, if any, challenges face the IC in these areas.

**ANSWER:** Intelligence officers take very seriously our oaths to support and defend the Constitution of the United States. In the IC, we also look to specific statutes, such as the Foreign Intelligence Surveillance Act (FISA), and to Executive Order 12333 for the detailed rules we need to follow to protect privacy and civil liberties. For example, EO 12333 directs us to “protect fully the legal rights of United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.” EO 12333 sets forth specific restrictions on how IC elements can collect, retain, and disseminate information about United States persons pursuant to procedures approved by the head of each IC element and the Attorney General, in consultation with the Director of National Intelligence.

Protecting both security and liberty in a manner that maintains the trust of the American people is no simple task, particularly where the technology — and threat environment can change rapidly. Challenges will include finding ways for the IC to both capitalize on, and carefully manage, the pace of technological change, so that we can develop and implement new capabilities to further our intelligence missions — be it collection, analysis, or integration — while remaining vigilant of the need for privacy and civil liberties safeguards to address the legal and policy implications.

- B. Explain the roles of the Civil Liberties Protection Officer, the department privacy and civil liberties officers, the Privacy and Civil Liberties Board, and the Intelligence Oversight Board in ensuring that the IC complies with the Constitution and applicable laws, regulations, and implementing guidelines governing intelligence activities.

**ANSWER:** The Civil Liberties Protection Officer leads the Civil Liberties and Privacy Office within the ODNI (CLPO), and is a senior ODNI officer who reports directly to the DNI. The position is established in the National Security Act of 1947 and has several listed statutory duties: ensuring that the policies and procedures of IC elements include adequate protections for privacy and civil liberties; ensuring compliance by the ODNI with civil liberties and privacy requirements of applicable laws; reviewing and assessing

civil liberties and privacy complaints about ODNI programs; ensuring the use of technologies sustains, and does not erode, privacy protections; ensuring compliance by the ODNI with the Privacy Act; and conducting privacy impact assessments when appropriate. The CLPO also has statutory duties under Section 1062 of the IRTPA, as amended by the 9/11 Commission Recommendations Act, including serving as principal advisor on privacy and civil liberties matters.

I understand that the CLPO works closely with – and serves on interagency working groups with – other departmental privacy and civil liberties officers. For example, the Civil Liberties Protection Officer works closely with the DHS Privacy Officer, the DHS Civil Rights and Civil Liberties Officer, and the DOJ Privacy and Civil Liberties Officer. Those officers perform comparable functions to those of the CLPO, for their respective departments.

The Intelligence Oversight Board (IOB) is part of the President's Intelligence Advisory Board, and is established by Executive Order. It consists of external senior advisors to the President. IC elements are required to report to the IOB (with copies to the ODNI) any intelligence activities they have reason to believe may be unlawful or contrary to executive order. The IOB reviews and makes recommendations to the agencies based on these reports, and can forward possible violations of the law to the Attorney General. The Privacy and Civil Liberties Oversight Board is an independent agency within the Executive Branch, established under Section 1061 of the IRTPA. It is to provide advice and oversight on matters relating to protecting the Nation from terrorism, and by statute, consists of five members.

If confirmed, I look forward to working within this framework of civil liberties and privacy institutions and rules, and with the oversight committees of the Congress, to faithfully carry out our obligations to comply with the Constitution, laws, executive orders, and implementing procedures and policies, and to protect privacy and civil liberties, as we carry out our intelligence missions.

**QUESTION 30:**

Section 102A(f)(4) of the National Security Act provides that the DNI shall ensure compliance with the Constitution and laws of the United States by the CIA and shall ensure such compliance by other elements of the IC through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

- A. What are the most important subjects concerning compliance with the Constitution and laws of the United States that the DNI should address in fulfilling this responsibility?

**ANSWER:** All activities of the U.S. Intelligence Community must be conducted in a manner consistent with the Constitution and laws of the United States. Respecting and protecting the Constitutional rights of U.S. citizens is critical to earning the trust that the

U.S. Intelligence Community is acting responsibly to protect and defend America and the American way of life.

The central focus of Constitutional compliance is performance of the IC's intelligence collection activities. These activities must respect the rights and freedoms guaranteed in the Constitution – specifically the Fourth Amendment's prohibition of unreasonable searches and seizures and the First Amendment's protection of free exercise of religion, speech, press, and assembly. The IC must also act in compliance with U.S. law, including the Foreign Intelligence Surveillance Act, the Privacy Act, and the Freedom of Information Act, as well as Executive Order 12333 and the Attorney General procedures that implement that Order.

- B. What methods, and through what officials, should the DNI use to ensure compliance with the Constitution and laws, including, but not limited to the Office of the General Counsel, the ODNI Inspector General, and the Civil Liberties Protection Officer?

**ANSWER:** A culture of compliance begins with leadership by example. The DNI has a statutory responsibility to ensure compliance and I am personally committed to working to ensure that all elements of the Intelligence Community comply with the Constitution and laws of the United States and that privacy rights and civil liberties are protected in all IC activities. If confirmed as PDDNI, I would also take on that commitment and share the DNI's responsibility.

But to fulfill that responsibility, the DNI must rely on the leadership and good counsel of many within the ODNI, including the ODNI officers named in this question, as well as the leadership of the IC elements and Departments.

The Inspector General was recently granted an IC-wide mandate. But the DNI has an expectation that all ODNI officers –including the General Counsel and Civil Liberties Protection Officer – will consult and collaborate with their IC counterparts. These different perspectives and experiences provide a more comprehensive understanding of a problem and possible solutions. In the course of my preparations for this position, I have been in contact with these ODNI officers and expect, if confirmed, to rely upon them heavily.

- C. What do you understand to be the obligation of the DNI to keep the intelligence committees fully and currently informed about matters relating to compliance with the Constitution and laws?

**ANSWER:** As discussed in the response to Question 3, the National Security Act of 1947, as amended, Sections 502 and 503, requires that the DNI, as well as the heads of IC elements and the Departments in which elements are housed, keep the Congressional intelligence committees fully and currently informed of all U.S. intelligence activities. This includes matters relating to compliance with the Constitution and laws. In addition, the recently enacted Intelligence Authorization Act for Fiscal Year 2010 also requires

that the legal basis under which the activity is being conducted be provided to the committees. I support the DNI in his stated commitment to and insistence on timely and complete notification and, if confirmed, will conduct myself in accordance with this imperative.

- D. What do you understand to be the specific obligations of the PDDNI in this area?

**ANSWER:** As discussed in Questions 1 and 3, the PDDNI is responsible for assisting the DNI in carrying out the statutory roles and responsibilities under the National Security Act of 1947, as amended, including to keep the Congressional intelligence committees fully and currently informed of intelligence activities. If confirmed, I will assist the DNI in ensuring that all IC elements comply with the Constitution and U.S. laws, including the Congressional reporting requirements under Sections 502 and 503.

**QUESTION 31:**

- A. In your view, should the provisions of the Foreign Intelligence Surveillance Act (often referred to as the "lone wolf," "roving wiretap," and "business records" provisions) which expire on February 28, 2011, be extended?

**ANSWER:** It is my understanding that the Administration has thoroughly reviewed all three provisions of the Foreign Intelligence Surveillance Act and concluded that they should not be left to expire in February, as they are each designed to aid in protecting our homeland from national security threats. I fully support that assessment.

- B. Should they be extended in their current form, or modified?

**ANSWER:** Again, I would like to defer judgment until I have the opportunity, if confirmed, to examine these provisions and whether any modifications are appropriate or necessary. Further, before recommending any specific modifications, I would want to consult intelligence professionals, Intelligence Community legal advisors, the Attorney General, and the Congress. However, I can say that whatever form the reauthorization may take, the law must enable necessary intelligence and law enforcement activities and provide appropriate privacy and civil liberties protections.

- C. If you believe they should be modified, what modifications would you recommend?

**ANSWER:** Please see the answer to Question 31 B.

Miscellaneous

**QUESTION 32:**

For each of the following, describe specifically how your experiences will enable you to serve effectively as PDDNI:

- Associate Deputy Director of the CIA- The past year as ADDCIA has been an experience in the myriad management challenges associated with the day-to-day operation of a large and complex organization. I have also had responsibility for recommending and implementing longer-term strategic planning initiatives such as shaping our workforce and future leaders and matching our budget strategy to reflect intelligence priorities and anticipated needs. In addition, I have been working to find a way forward on a key issue for the CIA and the Intelligence Community- finding a balance between the imperatives to both protect and share our country's sensitive information and sources.
- Director of the Directorate of Science & Technology at CIA- This assignment involved similar management challenges on a smaller scale. However, it also included responsibility for the conduct of technical development programs and operations, as well as the responsibility to project technology needs and long-term technical investments in research and development. Many of DS&T's initiatives involved partnerships across the IC, and I learned a great deal about the community's potential from these interactions.
- Your various positions in the CIA's Directorate of Science & Technology and systems acquisition- These assignments taught me the fundamentals of program and resource management as well as the unique challenges associated with large scale systems acquisitions. I also gained an appreciation for the value of investing in innovation and research as the best way to avoid building significant risks into major system acquisitions.
- Office of Naval Intelligence- In this assignment I led research programs developing autonomous systems, communications, and power sources. I learned first-hand how sustained investment in research can reduce acquisition risks and speed the advance of operational capabilities.
- Your positions in the private sector- I learned what it is like to be on the other side of the government/industry partnership and the difficulty industry often encounters in trying to understand what the government's requirements and needs are.