

**Statement for the Record**  
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**Nominee for Director, National Counterterrorism Center**  
**Senate Select Committee on Intelligence**  
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Chairman Feinstein, Vice Chairman Chambliss, and members of the Committee: Thank you for the opportunity to appear before you today as a nominee to serve as Director of the National Counterterrorism Center (NCTC). I am honored and humbled to be nominated for this position, and I very much appreciate the opportunity to be here today. NCTC and its highly motivated and dedicated work force play a vital role in protecting our nation from the threat of international terrorism. I consider it the highest privilege to be nominated to lead such an organization.

With the Committee's permission, I would like to begin by discussing the unique role that NCTC fulfills in our nation's efforts to combat terrorism. I then will identify some of challenges that I see for NCTC and my proposed areas of focus for NCTC going forward if I am given the opportunity to be confirmed to this position. Finally, I will discuss my experience and qualifications for this position.

**Role of the National Counterterrorism Center**

As we approach the tenth anniversary of al-Qa'ida's attacks on September 11, 2001, it is appropriate to reflect on the day that our nation suffered the single most devastating terrorist attack in our history. In the aftermath of those devastating attacks, the 9/11 Commission observed that, "the United States confronts a number of less visible challenges that surpass the boundaries of traditional nation-states and call for quick, imaginative and agile responses." That observation—as true today as it was when the 9/11 Commission issued its report—led the Commission to recommend the creation of a National Counterterrorism Center. As the 9/11 Commission proposed: "Breaking the mold of national government organization, this NCTC should be a center for joint operational planning *and* joint intelligence."

In 2004, Congress established NCTC. Its charter is to be the primary organization in the federal government for analyzing and integrating all-source intelligence pertaining to terrorism and counterterrorism, and sharing terrorism information with its partners. NCTC's responsibility is therefore to analyze and share information on international terrorism threats from around the globe. NCTC also serves as the federal government's shared knowledge bank on known and suspected terrorists and terrorist groups. In my view, no other organization in the country is as singularly focused on terrorism. Working to protect the nation from this threat is NCTC's foremost responsibility.

In its strategic operational planning role, NCTC also looks beyond individual department and agency missions toward the development of a single, unified counterterrorism effort across the federal government. This distinguishes NCTC from the rest of the intelligence community, permitting it to support, at a strategic level, all of the critically important work taking place across the intelligence community.

NCTC's mission statement captures its essential role: "Lead our nation's effort to combat terrorism at home and abroad by analyzing the threat, sharing that information with our partners, and integrating all instruments of national power to ensure unity of effort." In short, NCTC helps organize more effectively the nation's intelligence and strategic planning response to the threat of international terrorism and seeks to achieve this mission in a manner that provides greater security for our citizens while upholding our fundamental values.

### **NCTC Going Forward**

Turning to the challenges NCTC faces today, we recognize that a decade after the September 11, 2001 terrorist attacks, we remain at war with al-Qa'ida and its affiliates. The death of Usama bin Laden eliminated al-Qa'ida's founder and most influential advocate for attacking the United States. At the same time, al-Qa'ida and its affiliates and adherents around the world continue to pose the most significant security threat to our country—a threat that has evolved and remains focused on striking the United States at home as well as our interests abroad. NCTC's mission is therefore to prevent another terrorist attack against the United States.

The laws enacted by Congress and policies carried out over the last ten years have been successful at putting al-Qa'ida on the defensive. Today, thanks to your leadership and the work of thousands of dedicated men and women across the intelligence community and our men and women in uniform around the globe, al-Qa'ida is significantly weakened.

However, let there be no question that the core leadership of al-Qa'ida and some of its key affiliates remain focused on striking the United States at home, as well as our interests abroad. Al-Qa'ida therefore continues to pose a direct, significant, and present danger to the United States. We must use every tool of national power to protect our citizens from this threat. In my view, we must not let up the pressure on al-Qa'ida and its affiliates around the globe. We must continue, now more than ever, to work with determination and focus to disrupt, dismantle, and ultimately defeat al-Qa'ida's terror network.

In addition to plotting and carrying out specific attacks, al-Qa'ida seeks to inspire a broader conflict against the United States. In doing so, al-Qa'ida draws on a distorted interpretation of Islam to justify murder. Countering this ideology—which has been rejected repeatedly and unequivocally by people of all faiths around the world—is an essential element of the nation's counterterrorism strategy.

As this Committee knows through its key role in overseeing the intelligence community, the United States faces an evolving threat from groups and individuals that accept al-Qa'ida's agenda, whether through formal alliance, loose affiliation, or inspiration. Affiliated movements have taken root beyond al-Qa'ida's core leadership in Afghanistan and Pakistan, including in the Middle East, East Africa, parts of northwest Africa, Central Asia, and Southeast Asia. These groups aspire to advance al-Qa'ida's agenda by destabilizing the countries in which they train and operate, attacking United States and other Western interests in the region, and in some cases, plotting to strike within the United States. Individuals who sympathize with or actively support al-Qa'ida may be inspired to violence and can pose an ongoing threat, even if they have no formal contact with al-Qa'ida. We know that individuals who have attempted attacks in the

United States have come from a wide range of backgrounds and origins, including American citizens and individuals with varying degrees of overseas connections.

In light of this complex and dynamic terrorist threat environment, NCTC and the rest of the counterterrorism community must remain vigilant and agile in our efforts to deter and disrupt terrorist attacks *before* they occur. In my view, three areas of focus warrant particular attention:

First, NCTC's dedicated and diverse workforce is its greatest strength. The talented men and women who work at NCTC perform a unique and vital service to the nation. I believe that NCTC has benefitted from the co-location of analysts and planners from across the intelligence community, the U.S. military, and other federal, state, and local partners. Maintaining this diversity through continued commitment from intelligence agencies and other organizations must remain a priority for NCTC. If confirmed, I will be committed to supporting this extraordinary workforce with the training, resources, and leadership necessary for the Center's success.

Second, last year NCTC established the Pursuit Group to focus exclusively on information that could lead to the discovery of threats aimed against the United States or U.S. interests abroad. The Pursuit Group's analytical teams work with our partners to identify and examine as early as possible leads that could reveal terrorist threats in their early stages. The teams pursue unresolved and non-obvious connections and provide leads to appropriate government entities for action. The role of the Pursuit Group in integrating tactical counterterrorism analytic efforts is enabled by its broad intelligence community makeup. With teams comprised of personnel from across the intelligence community—and with access to the broadest range of terrorism information available—Pursuit Group analysts are able to identify actionable leads that otherwise could remain disconnected or unknown. If confirmed, I will focus on this initiative and ensure it remains effective.

Third, NCTC continues to lead the counterterrorism community in the integration of threat information. NCTC long has had access to a wide variety of databases that span every aspect of terrorism information. Over the past year, in conjunction with other intelligence agencies, NCTC has developed an infrastructure to meet the demands of the evolving threat. This includes the enhancement of search capabilities across databases, and the development of a "CT Data Layer" to discover non-obvious terrorist relationships, so that analysts can examine potential threats more efficiently. All of these efforts are being pursued with careful consideration of legal, policy, and technical issues to protect privacy and civil liberties. This effort must remain a focus of NCTC.

### **Qualifications**

Last, I would like to describe my experience and qualifications for this position. I have dedicated almost my entire professional career to government service. Having served in several career leadership positions in the national security field, I believe I have demonstrated my ability to lead people in demanding operational settings. I also have gained valuable experience working closely with and in the intelligence community, contributing to the achievement of important national security and counterterrorism goals.

In my current position as General Counsel of the National Security Agency (NSA), I serve as the chief legal officer for NSA and manage a legal office dedicated to providing support to

NSA's missions, including its counterterrorism efforts. As General Counsel, I fulfill a critical role in guiding and supporting NSA's operations and in ensuring that the agency's activities adhere to all applicable legal rules and policies. Over the course of the past year, for example, I have led efforts to address NSA's collection and analysis of intelligence, authority for its counterterrorism activities, and authority and policies for emerging cyber security efforts.

From 2009 to 2010, I served as the head of the Guantanamo Review Task Force and led the review of detainees at Guantanamo in accordance with the President's executive order. In this capacity, I was responsible for establishing and supervising an interagency task force of national security professionals from across the federal government and for managing the process for compiling and analyzing the relevant intelligence information on each detainee. The interagency nature of the review was designed to promote collaboration and exchange of information and to ensure that all relevant perspectives—including military, intelligence, homeland security, diplomatic, and law enforcement—contributed fully to the detainee review process. The task force assembled and sifted through large volumes of intelligence information and examined this information to assess the threat posed by the detainee in light of the national security interests of the United States.

From 2006 to 2009, as a senior career official in the Department of Justice's National Security Division—a newly formed division in the Department—I managed intelligence and surveillance operations and the oversight of these activities. Our mission was to ensure that intelligence community agencies—including the CIA, FBI, and NSA—had the tools necessary to conduct sensitive surveillance and other intelligence operations. In addition, I was responsible for managing the Department of Justice's implementation of landmark changes in the Foreign Intelligence Surveillance Act and worked in close collaboration with the intelligence community to interpret new statutory provisions, address policy and technical challenges, and adopt new oversight mechanisms to ensure the effective and lawful use of the government's new surveillance authority.

As Special Counsel to the FBI Director from 2004 to 2005, I handled a wide array of policy and operational matters in support of the FBI's national security and counterterrorism mission. I gained key insights into the role, capabilities and structure of the FBI, as well as other the intelligence agencies that comprise the government's combined counterterrorism community. In particular, I contributed to the reform of the FBI and—in response to a 2005 Presidential directive—the establishment of the FBI's National Security Branch, which combines the missions and resources of the Bureau's counterterrorism, counterintelligence, weapons of mass destruction, and intelligence elements.

I served as a federal prosecutor for over a decade, including in a supervisory position overseeing the investigation and prosecution of international terrorists. As a federal prosecutor, I learned first-hand the value of working as team with professionals in operational roles and the value of building coalitions with federal, state and local partners. In addition, this experience fostered an appreciation of the importance of rigorous and unbiased analysis of complex, sometimes fragmentary information. I also learned to present this information in a clear, concise and steadfast manner and gained a deep understanding of the laws and policies that define the government's actions in a domestic law enforcement setting and that protect the civil liberties and privacy of American citizens.

As a final note, I would like to add a few specific comments about my work on the Guantanamo Review Task Force. As the director of the task force, it was my responsibility to ensure that we conducted independent, professional and rigorous threat assessments of every detainee. In the course of this effort—which included more than 60 career intelligence analysts, law enforcement agents, and attorneys from across the government—we examined all available threat information, took full account of prior assessments, and issued impartial and objective analyses to senior decision makers, free from any improper influence. While in many cases the task force reached similar conclusions as prior assessments, in other cases the task force reached different conclusions based on an impartial and comprehensive review of a more complete set of information. In every case, this information was presented to senior officials from the Department of Defense, the intelligence community, the Joint Chiefs of Staff, the Department of State, the Department of Homeland Security, and the Department of Justice. Based on full, candid and open deliberations, these officials reached unanimous determinations on the appropriate status of each detainee.

Moreover, I have been committed to supporting Congress's vital oversight role with regard to the review of detainees and have briefed Congressional Members and staff in both the Senate and House on numerous occasions. In April 2009, I was part of a team of officials who provided a briefing about the initial stages of the process of reviewing detainees. As we explained at the time, we were authorized during the briefing to discuss the review process. We were not authorized to discuss deliberations or decisions on specific detainees. In accordance with those rules, we provided a full and candid briefing about the detainee review process.

In closing, I want to express my commitment, if confirmed, to ensure to the best of my abilities that Congress is fully informed of NCTC's analyses and activities. One way that NCTC meets this fundamental requirement is by providing daily intelligence to this Committee; this includes reports such as *Intelligence Community Terrorist Threat Assessments* and the *NCTC's Spotlight*.

I value the Congressional oversight process and commit to support fully NCTC's notification and reporting responsibilities to this Committee and the House Intelligence Committee. Keeping the congressional oversight committees currently and fully informed of intelligence activities is fundamental to our government's system of checks and balances and promotes the trust and confidence of Congress and the American people in NCTC and the rest of the intelligence community. Further, if confirmed, I will solicit your views, insights, and wisdom on NCTC and the performance of its mission.

I have been privileged to serve in leadership positions dedicated to national security during my almost twenty years of government service. I hope that the Committee will judge that my record of public service, experience, and judgment qualify me for this position. If confirmed, I pledge to do my very best to earn your faith and trust and to lead NCTC to fulfill its critical mission in defense of the nation.

Thank you again for the honor of appearing before you. I look forward to answering your questions.