

SELECT COMMITTEE ON  
INTELLIGENCE

UNITED STATES SENATE



Additional Prehearing Questions  
for  
Mr. Francis X. Taylor  
upon his nomination to be the  
Under Secretary for Intelligence and Analysis of the  
Department of Homeland Security

***Role and Responsibilities of the Under Secretary for Intelligence and Analysis***

**QUESTION 1:** I&A's mission was originally defined in the Homeland Security Act of 2002, which mandated I&A's responsibility for critical infrastructure analysis. The mission was further defined by the Intelligence Reform and Terrorism Prevention Act of 2004 and the Implementing Recommendations of the 9/11 Commission Act of 2007. What is your understanding of the history and purpose of the establishment by Congress of the office of the Under Secretary for Intelligence & Analysis in DHS?

My understanding of the history and Congressional intent behind the DHS Office of Intelligence and Analysis (I&A) is that I&A was created to serve as an analytic and information sharing hub for Departmental, Federal, State, local, private sector and other partners with homeland security and counter-terror responsibilities. Given the criticality of effective information sharing to these efforts, I&A was to a) understand the information resources and requirements of these partners, b) develop mechanisms to identify and access required information from and for each, and c) produce intelligence and information products responsive to those requirements. The Homeland Security Act also provided explicit authorities to enable the performance of these analytic and information sharing efforts. Over time, Congress enacted revisions to the Homeland Security Act to address evolving requirements such as establishing the role and authorities of the Chief Intelligence Officer and of the DHS Intelligence Components, establishing the State & Local Fusion Center Initiative, the Information Sharing Fellows Program, and the Interagency Threat Assessment and Coordination Group, among others.

The Implementing Recommendations of the 9/11 Commission Act also established the Under Secretary for I&A as the DHS Chief Intelligence Officer (CINT). The DHS CINT exercises leadership and authority over intelligence policy and programs throughout the Department and provides strategic oversight to and supports the missions and goals of members of the DHS Intelligence Enterprise (IE). The CINT performs the following functions:

- Coordinates and enhances integration within the DHS IE;
- Establishes the intelligence collection, gathering, processing, analysis, production, and dissemination priorities, policies, processes, standards, guidelines, and procedures for the DHS IE;
- Establishes a unified structure and process to support the intelligence missions and goals of the DHS IE;
- Ensures that, whenever possible, the Department produces and disseminates timely, targeted unclassified reports and analytic products designed for action by DHS Components, SLTT, and Private Sector customers;
- Based on intelligence priorities set by the President, and guidance from the Secretary and, as appropriate, the Director of National Intelligence, (i) provides to the Head of each DHS Intelligence Component guidance for developing the budget pertaining to the Component Intelligence Programs (CIPs) of such Components; and (ii) presents to the Secretary a recommendation for a consolidated budget for the DHS IE, together with any comments from the Heads of DHS Intelligence Components;

- Ensures the integration of information and standardization of the format of the products of the members of the DHS IE; and
- Provides training and guidance for employees, officials, and senior executives within the DHS IE to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the collection, gathering, processing, analysis, production, and dissemination of counterintelligence, foreign intelligence, and homeland security intelligence.
- In addition to statutes, I&A's strategy was further refined by Departmental and IC strategies and guidance, including Vision 2025, the Quadrennial Homeland Security Review, and the Department's Bottom-Up Review. What do you understand I&A's current mission to be?

Within the context of the QHSR, I&A's mission is to integrate intelligence and information sharing capabilities and counterintelligence activities across the Department and to provide a clear threat picture to DHS leadership. As such, I&A's broader stated mission is "to equip the Homeland Security Enterprise with the intelligence and information it needs to keep the homeland safe, secure, and resilient." I believe that is the right mission for this organization, and if confirmed, I will endeavor to effectively execute it.

- In your opinion, does I&A have a focused and well-defined mission consistent with the purpose Congress originally intended?

I&A's mission statement appears consistent with Congress' intent as I understand it and have described it above. If confirmed, I'd expect that as I become more familiar with I&A's many initiatives and programs, as well as its strengths and challenges, that some will appear more closely aligned to that mission than others, and that there may be additional missions that the President, the Director of National Intelligence, or the Secretary have assigned it that will also need to be considered.

Congress intended I&A to:

- *Perform All-Source Analysis and Dissemination*
- *Ensure DHS Access to Information*
- *Promote Internal and External Information Sharing*
- *Protect Information from Unauthorized Disclosure*
- *Protect Intelligence Sources and Methods.*

I believe I&A plays a unique and critical role in helping operators and decision makers protect the homeland by providing access to timely, relevant, and comprehensive intelligence and information across the full range of Homeland Security missions. Its current priorities are:

- Enhance support to operations through cross-cutting analysis
- Be a model for information sharing and Safeguarding
- Integrate and strengthen the DHS Intelligence Enterprise (IE)

- What should the mission of I&A be in the future?

At this time, I believe that Congresses' initial intent for I&A was and continues to be correct, and I am grateful for the advances in that mission that have been made by each of I&A's previous leaders. With regard to the future, if I am fortunate enough to serve as I&A's leader, I expect my contribution may be more focused on how I&A performs its mission than on revisiting the nature of the mission itself.

- How should I&A's role be distinct from the analytic role played by other members of the Intelligence Community (e.g. CIA, DIA, FBI, INR)? Do you assess that this role is currently being performed?

I&A is positioned within the Department and the IC to use DHS data, information from state and local law enforcement, and intelligence from the IC in a way no one else can. If confirmed, I plan to conduct an in depth assessment of operations and metrics and would be pleased to report back to the Committee.

- Are there legal authorities that DHS(I&A) does not possess but that it should?

At this time, the Under Secretary for Intelligence and Analysis' authorities appear appropriate given the breadth of the DHS Intelligence Mission. If confirmed, I will assess the authorities and would work with my leadership and the Congress, as appropriate, to fill any identified gaps.

- Are there any legal authorities that the DHS(I&A) possesses that it does not need or should not have?

As I mentioned before, I think the Under Secretary for Intelligence and Analysis' authorities appear appropriate given the breadth of the DHS Intelligence Mission. If confirmed, I would assess these authorities for adjustment and if necessary work with my leadership and the Congress, as appropriate, to correct any problems.

- Is the United States assuming less risk of a terrorist attack than it otherwise would because of the capabilities established in DHS(I&A)? If so, explain why.

Risk is a calculation of vulnerabilities and threat; because the threat is evolving there will always be risk. I&A was established following 9/11 in order to afford the State & Local law enforcement and private sector the information needed to anticipate future threats and vulnerabilities within their localities. I believe that DHS I&A is an added value to protecting the homeland and positively affecting the risk equation.

- What unique role should I&A be performing, if any, with regard to countering violent extremism in the United States?

This is an area I have not had an opportunity to fully assess at this point. I acknowledge that it is important to the Department's efforts to protect the Homeland and learning more

about this topic will be a priority, if confirmed. I look forward to learning more about this issue and discussing this in more detail with the Committee in the future.

- What unique role should I&A play in supporting the efforts of DHS entities to combat trade-based money laundering, illegal bulk cash transfers, exploitation of money service businesses, and other illicit money flows that support the drug trade and other security challenges?

I&A's role should be to de-conflict the work of the Components to ensure efforts are being supported and not duplicated within the DHS IE on these topics. This highlights the need for better departmental collections coordination to make the Department's efforts more effective and efficient in these, and other important topics.

### *Priorities and Performance*

**QUESTION 2:** If confirmed, how will you personally evaluate whether your tenure as Under Secretary for Intelligence & Analysis has been a success?

If confirmed, I believe in setting mission priorities and objectives and continually measuring performance and making adjustments. I plan to make this assessment at the beginning of my tenure at I&A and adjusting it throughout my time as Undersecretary.

- Have you discussed with the Secretary of Homeland Security his specific expectations of you, if confirmed as Under Secretary, and his expectations of I&A as a whole? If so, please describe those expectations.

I had the opportunity to meet with the Secretary on his expectations. They are clear: 1) make the fusion center process work by improving the two-way flow of communications; 2) ensure DHS information is accessible and utilized in I&A analysis to better inform the policy makers, operators, and customer sets that I&A supports and; 3) eliminate programs that are duplicative within the Department and with other agencies.

- Have you discussed with the Director of National Intelligence his expectations of the relationship between I&A and the Office of the Director of National Intelligence and other elements of the Intelligence Community? If so, please describe those expectations.

I have spoken with DNI Clapper. He requested that I continue to execute NIP funds at I&A prudently and with a view toward best supporting the State & Local customer set. He asked that I continue to build on the relationship with the other IC elements. He considers I&A's role with the State & Locals to be a critical piece of the national security apparatus protecting our homeland.

- What do you believe are the most critical analytic priorities for I&A today?

My top priority is to enhance the level of service I&A provides to its unique customer sets at the state and local level, and in the private sector. I want to better understand their needs in order to more appropriately target and tailor our analysis for them.

I&A's intelligence analysis priorities will be ever-evolving based on new intelligence and customer requirements of the Secretary, DHS operational components, and state, local, tribal, territorial, and private sector customers in the field.

I am encouraged about the efforts that I&A has led throughout the DHS Intelligence Enterprise to build a Program of Analysis, which identifies the most pressing Key Intelligence Questions for which I&A and other partners (in DHS and around the IC) will conduct research and analysis to build intellectual capital.

- I&A has many customers competing for a limited amount of analytic capacity. Who is I&A's primary customer?

I&A has one of the broadest customer bases in the IC, ranging from the Secretary, to DHS policymakers and operators, to thousands of state and local officials and private sector partners – each of whom have different information classification requirements and limitations. All of them are important, and we do and will continue to work to meet their needs by producing a broad range of products at different classification levels. I think the issue is to ensure that I&A is not duplicative of other analytical efforts and uses its unique information access to produce quality products that exceed customer requirements.

### *Workforce*

**QUESTION 3:** Morale within the office of the Under Secretary for Intelligence and Analysis has been consistently low. As Under Secretary for I&A, what is your plan to address this?

I am aware of the consistently low scores reported on recent I&A employment satisfaction surveys. I believe morale increases when people understand the mission they carry out, their roles in that mission, and how those roles make a difference. It is not an overnight process, but one that will be a top priority for me if I am confirmed.

- Why will this strategy work where others have failed?

I have led large organizations several times in my career and I believe high moral comes when people understand expectations, are given the tools to succeed, and feedback on performance. If confirmed, I&A personnel will know how much I value what they do from day one.

- Do you have a human capital strategy to recruit and retain the "best and brightest" to I&A?

Over the course of my career, I have had the opportunity to develop and oversee human capital strategies in a variety of managerial positions, from the Air Force to the State Department. I also developed the security process for GE. My philosophy is that an organization must tie objectives to mission expectations, and then develop a recruitment strategy to find the right people to meet the mission needs.

I understand that it is a real challenge to recruit the “best and the brightest.” I have been briefed on the Intelligence Committee efforts to include excepted service authorities within the FY2012 Intelligence Authorization Act, and I believe this can be a very useful tool. It is my understanding that this authority has been recently applied to the hiring process at I&A.

If confirmed, I look forward to finding ways to best leverage this new authority to fill any outstanding gaps in the I&A workforce and implement an effective human capital strategy. I hope to provide the Committee with a more comprehensive strategy after I have had an opportunity to assess the situation and determine a new strategy.

- Are there any reforms you plan to take to improve the skill set and experience profile of the DHS I&A workforce?

It is my understanding that a senior I&A official has recently been assigned to institute strategic workforce initiatives for IA and the DHS IE including updating existing career roadmaps, ensuring clear career options are understood by both employees and managers, and that rotational opportunities exist for all members of the IE. The initiatives strive to create a professional homeland intelligence workforce that better understands the needs and capabilities of DHS and its unique partners.

Rotational assignments are also an integral part of I&A’s improvement of the skill set of its workforce. I&A participates in the Intelligence Community Joint Duty Assignment Program, and has revamped the DHS Intelligence Rotational Assignment Program. Both programs allow the workforce to gain additional professional development opportunities via rotational assignments to the IC and DHS Intelligence Enterprise (IE) organizations.

Should I be fortunate enough to be confirmed, I plan to review the new roadmap immediately. I believe that morale and a solid workforce is critical to the overall success of I&A, and the customers it supports.

- A significant portion of I&A's budget since its inception has been used for contractor support. Previously, contract personnel made up 63 percent of I&A’s workforce before this percentage was significantly reduced in response to concerns and direction from the congressional intelligence committees. Within the context of I&A, what do you believe are the appropriate roles for contractor staff to play?

I have been briefed that I&A’s reliance on contractor support has steadily declined since 2009. In FY 2014, contractors now only comprise 27% of its total workforce. Contractors are a valuable resource which allows I&A to surge assets to emerging areas

of interest or concern where it would be more cumbersome to hire federal employees for the same functions. Contract staff can be used as a surge force to immediately respond to an issue, and allows I&A to perform those functions.

- Do you believe that contractor staff should serve as intelligence analysts, and if so, under what conditions?

While optimally all intelligence analysts would be USG personnel, contract intelligence analysts play an important role in bringing subject matter expertise to bear in an organization quickly as organic expertise in various areas is grown and matured. Growing deep organic organizational expertise in any subject area takes years as analysts gain broadening experiences and expand their research over time. Where gaps in specific skills or expertise exist in I&A's analytic organization, it is appropriate to utilize contract intelligence analysts until which time organic government expertise is grown or until that subject matter expertise is no longer needed.

Contractors are a valuable resource that allows I&A to surge assets to emerging areas of interest or concern where it would be more cumbersome to hire federal employees for the same functions. Contractors are also useful in watch standing and other critical functions where speed in hiring is paramount.

- I&A now enjoys direct hiring authority. How has this new authority influenced I&A's ability to recruit and retain personnel?

It is my understanding that I&A was provided in the FY2012 Intelligence Authorization Act with excepted service hiring authority, which would allow it to hire outside of the Office of Personnel Management rule set. I have been further briefed that I&A has only recently applied this new authority to the hiring process. Should I be fortunate to be confirmed, I look forward to reviewing the implementation of the new authority and making any appropriate modifications to the business rules.

- How are the career paths of analysts specifically managed to ensure that they have opportunities to serve in DHS or elsewhere in the IC at the senior most levels?

I have not had the opportunity to conduct an in depth assessment of the proposed process. I understand the proposed analyst career paths will have both a technical and management track. Both tracks will allow analysts the opportunity at the higher grades to serve in already established senior level positions within the IC, DHS and other agencies. I&A currently fills on a reoccurring basis Senior Advisors, Chief of Staff, and Senior Liaison Officer positions in the IC, DHS and other agencies.

- If confirmed, do you plan to provide additional opportunities for I&A analysts to work directly with I&A customer groups to improve the level of collaboration between I&A analysts and the customers they serve?

Workforce planning is integrated into the way in which employees are detailed to ensure all career paths are able to effectively have and administer a rotational assignment at different junctures in the analyst career. The goal is to foster collaboration, and greater awareness of our customers, including working with the Intelligence Officers at the Fusion Centers, at all levels of an analyst career, not just at the senior levels.

I absolutely think this is a great idea. If confirmed, I hope to expand efforts already underway to deploy multiple analysts to State Fusion Centers and each of our operational components. Additionally, we have a private sector program office that regularly engages with ISACs from each of the critical sectors as well as analysts deployed to and leading the Domestic Security Alliance Council in an effort to better understand and serve our private sector customers.

### *Fusion Centers*

**QUESTION 3:** The purpose of the federal fusion centers is to provide state, local, tribal, and territorial officials with situational awareness, threat information, and intelligence on a continuous basis and to receive such information from these entities. Do you recommend any changes to the statute that provides the basis for federal support for fusion centers?

At this time I am unaware of any additional legislation needed. If confirmed, I will maintain a constant conversation with the committee and request any additional legislation to strengthen the outcomes of the federal government's support to and relationships with state and local fusion centers.

- How many fusion centers have you visited?

I have not had an opportunity to visit a fusion center yet, but this will be a top priority for me if I am confirmed.

- How can Congress measure the effectiveness of fusion centers?

I have been briefed on I&A's work to support fusion centers and the work it has done over the past several years to develop and implement an assessment program with its federal, state, and local partners. The assessment program evaluates two key components:

- Capabilities of the national network of fusion centers
- The performance of these centers in executing their capabilities and contributing to our homeland security efforts

If confirmed, I intend to work closely with the Congress to validate and improve these measures.

- What document defines the characteristics of a properly working fusion center? What percentage of fusion centers are working as designed?

In my briefings on this issue, it is my understanding that the Federal Government measures the efficacy of a fusion center based on their core capabilities to receive, analyze, and disseminate information, which is reflected in I&A's annual fusion center assessment. In the 2012 assessment, I&A found that the average of fusion centers scored well above 80% in meeting those requirements.

- Is this the right model for fusion centers?

I understand that the current structure functions effectively for our state and local partners. If confirmed, I look forward to engaging them on this topic to strengthen these already robust relationships and fine tune the incorporation of their data into I&A's analysis products.

- Does I&A currently provide adequate support to all fusion centers?

I understand that I&A support includes deployed personnel, training, technical assistance, exercise assistance, security clearances, connectivity to federal systems, and technology. If confirmed, I look forward to evaluating the overall level of support provided and working with the Committee to discuss the future of I&A's domestic support to the fusion center network.

- During the last two years, there have been several reports conducted by the Government Accountability Office, the House Homeland Security Committee, and by the Senate Homeland Security and Governmental Affairs Committee Permanent Subcommittee on Investigations regarding domestic information sharing entities and fusion centers. Have you read these reports?

I have read each of these reports. If confirmed, I will assess the DHS capacity for information sharing and support to fusion centers and make appropriate recommendations to Congress.

- Please list each of the recommendations from these reports with which you agree or believe merit further consideration.

If confirmed, I intend to have regular conversations with Congress and the I&A team to assess all recommendations and evaluate actions that can be taken to incorporate those recommendations where appropriate. I look forward to following up with you once I have had an opportunity to review the recommendations made by Congress and others.

### ***Management***

**QUESTION 4:** What do you believe are the most important management-related challenges facing I&A today?

I received an initial briefing from I&A's Plans, Policy, and Performance Management team on the progress that has been made with regard to management of I&A over the last few years. I

believe the current management capacity is solid and moving in the right direction. While I have not been able to do a thorough review of the management issues facing I&A, I saw an apparent rigor in processes that will enable me to definitively answer this question in the future.

- Previous reports have found I&A processes to be ill-defined, inconsistent, and ad hoc. Does DHS I&A tie budgets and financial planning to requirements through a defined and stable long-term budgeting, planning, and programming process? If so, do you have confidence that the process effectively serves its purpose?

Over the course of my career, I have gained a deep appreciation for the effectiveness of well-defined, consistent, and repeatable management processes. This certainly applies to the need for clear financial planning and budgeting that is lined to long-term strategic goals.

It is clear to me that my predecessors paid significant attention to these shortcomings and worked hard to address the process inconsistencies within the organization. I am excited by how much progress has been made, and if confirmed, I would continue that progress in a positive direction moving forward.

- Do you believe DHS I&A should have outcome measures for antiterrorism and intelligence-related programs consistent with those measures established by other government agencies? Please explain.

Yes, consistent with the Government Performance and Results Act of 1993, our intelligence-related measures should be outcome-based to the greatest extent possible. This ensures that our activities are producing the desired results.

I understand that the new FY2014 Program of Analysis provides an opportunity to assess the extent to which analytic production by I&A and other DHS components aligns to established DHS and national priorities. I further understand that I&A works closely with the ODNI staff and other IC members to identify and implement best practices, and is open to additional views on this challenging but important topic. This is certainly a topic that I think warrants additional attention and development, and plan to take a close look into it should I be fortunate enough to be confirmed.

- Do you believe that any of the following are inherently governmental functions: (a) strategic planning, (b) policy support, (c) intelligence analysis, (d) foreign relations, (e) counterintelligence program support, and (f) state and local fusion centers support?

I believe the listed functions are inherently governmental; therefore, they should be performed by government employees. I also recognize that missions are always changing and evolving and there needs to be flexibility to fill gaps with contractor support until government resources can be identified. I always believe that government employees should be responsible for direction of any action that is inherently governmental.

- How do you intend to measure financial and human capital processes as a part of I&A's performance measures?

I received an initial briefing on this topic and am quite pleased by what I was told. I believe I&A's team is focused on the right issues, and I look forward to working to continuing to refine allocating resources to mission priorities.

- I&A has undergone several realignments since it was established in 2002. Do you anticipate undertaking a similar realignment or restructuring? If so, what would be the costs and benefits of doing so?

If confirmed, I will make continuing assessments of I&A and make recommendations about how to improve structure and performance.

### ***I&A's Relationship with the Intelligence Community***

**QUESTION 5:** What role should I&A play in disseminating information obtained from other elements of the Department of Homeland Security to the Intelligence Community?

I&A plays a critical role in helping operators and decision makers protect the homeland by disseminating and providing access to timely, relevant, and comprehensive intelligence and information across the full range of Homeland Security missions (e.g., preventing terrorism and enhancing security, securing and managing our borders, enforcing and administering our immigration laws, safeguarding cyberspace, and ensuring resilience to disasters).

IA plays a key role in integrating component data with that collected or produced by the IC to add value where DHS data contributes to an identity, contacts, travel, or derogatory information such as criminal activity. DHS data can, and has, contributed to the IC's knowledge about a threat.

- What kinds of information should be so disseminated and from what elements of the DHS?

I&A supports the dissemination and analysis of a wide range of Department information to other agencies of the Federal Government, to include the Intelligence Community, with responsibilities related to homeland security, and to agencies of State, tribal, territorial, local, and private sector entities. This includes law enforcement information, suspicious activity reporting information, unique travel and immigration data, seizures data, and cyber intrusion data.

- What limitations should apply to this dissemination, if any?

DHS must ensure the integrity of ongoing law enforcement investigations, and ensure that information sharing practices are conducted in a manner consistent with the law, including Federal privacy and civil rights laws, and international treaties when applicable.

- If a U.S.-person or non-U.S. person voluntarily provides information to a DHS entity such as TSA, CBP, or USCIS, do you believe that information should readily be made available for Title 50 entities conducting intelligence activities?

The collecting and sharing of information is a grave responsibility shared by many within the Department. The Department's components are charged with being careful stewards of the information collected from the public. The Privacy Act, the Violence Against Women Act, the Intelligence Reform and Terrorism Prevention Act, and Executive Order 12333, U.S. Intelligence Activities, are significant legal authorities that the Department looks to when determining the circumstances of sharing information reasonably believed to constitute terrorism information. The Department's Chief Privacy Officer, Officer for Civil Rights and Civil Liberties and General Counsel also serve significant roles in determining the scope of terrorism information that can be further disseminated within the Intelligence Community and also with our state, local, tribal and territorial and private partners.

- In your role as Under Secretary for I&A, what assistance do you expect from a U.S. Intelligence Community apparatus that is primary geared to foreign threats?

I&A today has excellent partnerships across the U.S. Intelligence Community, and it is I&A's job to ensure they continue to mature and strengthen. I&A's collaboration, in particular, with NCTC, CIA, NSA, and FBI occurs every day. As I&A's IC partners uncover potential threats to the Homeland through their reporting and analysis of foreign activities, I&A needs to ensure its partners know how to alert I&A to these threats so that it can utilize its unique DHS data to broaden our understanding of the threats and to help the Department mitigate them.

- While the mission of I&A is statutorily unique; the particular program activities carried out at the division and branch levels are not. If confirmed, will you commit to reviewing I&A programs to ensure that they are not redundant or duplicative of any other Federal, state, local, or private effort?

For example, the Border Security Branch performs work that in some instances appears duplicative of the type of work done by Customs and Border Protection. Both the Department of Homeland Security (DHS) and Federal Bureau of Investigation (FBI) play a role in sharing terrorism-related information with state, local and tribal governments and law enforcement agencies. Both DHS and CIA maintain open source intelligence capabilities.

Absolutely, and consistent with the Secretary's direction, if confirmed, I will discontinue those activities that duplicate the work of others. Our limited resources must be focused on what we bring uniquely to the Intelligence Community.

- Do you believe that the roles of DHS and the FBI are clear with respect to domestic information-sharing?

Protecting the Homeland is a team sport and requires DHS, FBI, the IC, and state and local law enforcement to collaborate. A top priority of mine, if confirmed, will be to ensure that DHS and FBI leaders have a shared plan for domestic information sharing, which is critical to the safety and security of the Nation and an important reminder of the gaps that existed prior to 9/11.

- How do you envision the relationship between DHS and FBI in providing intelligence support for law enforcement personnel?

If confirmed, I look forward to working closely with the FBI to ensure that our unique capabilities are used to meet their intelligence needs. Our efforts must be complementary.

- Is the National Counterterrorism Center satisfied with the degree of information sharing from DHS and the degree of access to DHS data stores?

I do not have any firsthand knowledge about information sharing relationships between DHS and the NCTC. Having said that, I do understand how information collected by DHS could prove useful for other Intelligence Community organizations conducting sensitive national security work. If confirmed, I hope to examine the memoranda and agreements currently in place that govern the sharing of DHS data with NCTC, and pledge to work with my counterparts to find a way to ensure DHS has a way to share critical information with NCTC while still honoring all applicable privacy and civil rights/civil liberties protections such data may have been collected under.

### ***I&A's Relationship with State, Local, Tribal, Territorial, and Private Partners***

**QUESTION 6:** What role should I&A play in disseminating information obtained from other elements of the Intelligence Community to state, local, tribal, territorial, and private partners?

I&A should, and does, provide the tools for SLTT and private sector partners to receive information from the IC by way of classified connectivity and relevant, timely analysis.

- What is the proper role of I&A in framing requests for information from state and local law enforcement officials, as well as retaining such information and disseminating it to the Intelligence Community?

I&A ensures that its field personnel who interface with SLTT customers are trained in Intelligence Oversight, CRCL and Privacy guidelines. They provide guidance on the formulation of requests so that RFI's are appropriate for DHS to respond. Any I&A responses intended for SLTT customers receive additional oversight review and vetting before dissemination. I&A does not share SLTT requests or the results of those request with other partners. Responses may be shared with other partners if they have requested the same information from DHS I&A and the response is cleared by the requester and can satisfy multiple customers.

- As Under Secretary for I&A, what measures would you take to improve the effectiveness of efforts to share information in both directions?

If confirmed, I plan to conduct an extensive review of the process, and its metrics and outcomes to determine its effectiveness and where gaps, if any, need to be addressed. I will be able to better answer this question after that review.

- What forms of information (e.g. threat information, infrastructure vulnerability, etc.) are appropriate for sharing?

I&A should, and does, make an effort to share as much information as possible with SLTT partners to enable timely, informed action to prevent, protect against, and effectively respond to threats in the Homeland. This goal must be balanced against the need to protect information to avoid compromising investigations, sources and methods, and the privacy, civil rights, and civil liberties of U.S. persons. All of these issues are important to the process.

- I&A has taken positive steps to provide intelligence reporting that has greater relevance to its private sector customers. What additional steps will you implement to ensure that I&A private sector customers are provided with timely and relevant intelligence reports?

During my eight years at GE, I experienced firsthand the need for, and sometimes the lack thereof, timely, relevant information that would inform both corporate operations and actions to protect our financial resources and investments. With this perspective, if confirmed, it would be one of my top priorities to thoroughly review how I&A can better serve the needs of the private sector. I look forward to sharing the results of that review and having an open dialogue with this Committee on ways to meet the intelligence needs of the private sector.

- Do you intend to work with I&A customers to determine training needs and requests?

I have been briefed about fusion centers and I&A's training programs, and it is my understanding that I&A works with its state and local partners to identify training that can and should be integrated into I&A intelligence training curricula. If confirmed, I believe we should link training requirements to the capacity of the fusion centers to meet their missions.

- How do you plan to incorporate the IC law enforcement and IE partners training plans into the I&A training plan?

If confirmed as Under Secretary, I intend to leverage I&A's current relationships and processes with state and local law enforcement, as well as the HSIC to ensure that I&A receives input from, and meets the training needs of, its customers. I will also ensure that IC and state and local training opportunities are available to DHS personnel when possible.

- What do you expect out of state, local, tribal, territorial, and private partners writ large to assist you in performing your roles and responsibilities as Under Secretary?

If confirmed, I intend to be actively engaged with all of I&A's partners and stakeholders to ensure an open dialogue and relationship that will support a two-way exchange of ideas to meet our shared goals.

***I&A's Relationship within DHS Intelligence Enterprise and DHS***

**QUESTION 7:** The Under Secretary for I&A is responsible for coordinating and enhancing integration among the intelligence components of the Department of Homeland Security, including those at Customs and Border Protection (CBP), Immigration and Customs Enforcement, (ICE) and Transportation Security Administration (TSA). What is your assessment of efforts to date to improve integration between I&A and the components, and among the components?

In my initial discussions on this topic, it is apparent to me that efforts to improve integration between I&A and the components have matured in recent years, but there is more to be done. If I become Under Secretary, I would continue to leverage the HSIC to ensure that I&A and all the DHS Components are integrating efforts to meet the Department's mission of protecting the Homeland.

My experience with DOD investigative organizations is that such collaboration identifies gaps and duplicative processes that can be resolved collectively better than individually.

- What assistance do you expect out of the rest of DHS, and the other intelligence elements of the DHS Intelligence Enterprise to help you in performing your roles and responsibilities as Under Secretary and as the head of the Homeland Security Intelligence Council (HSIC)?

DHS Components, including all of the intelligence elements, have a responsibility to coordinate and collaborate to effectively achieve the Department's mission. If all of the DHS intelligence elements work together to define their specific operational and tactical intelligence needs, I would, as Under Secretary and CINT, be able to better coordinate activities and make recommendations on resources.

- What role should I&A play in disseminating information obtained from other elements of the Intelligence Community to other elements of the Department of Homeland Security?

I&A should not serve as a gatekeeper but rather should enable appropriate access to IC information to enable DHS component missions and operations. I&A provides SCI network access to the components to enable direct access to IC holdings. Additionally, I&A produces tailored all-source analytic products based on IC information specifically for the operations of the Homeland Security Enterprise.

- What authority, if any, has the Secretary provided to you in your role as the head of the HSIC? Does this include budgeting or providing strategic guidance?

I have been informed that many of the Under Secretary's authorities are enumerated in the Homeland Security Act of 2002. In addition to those enumerated authorities, I understand that the Secretary, in DHS Delegation Number 08503, delegated authorities regarding interaction with the Intelligence Community, Information Sharing and Safeguarding, Intelligence Training, and the State, Local and Regional Fusion Center initiative. The Chief Intelligence Officer (CINT) has several tools to integrate the Intelligence Enterprise (IE) through the HSIC, including setting common DHS standards and overseeing the execution of Departmental policy or common services. Also, as CINT, I would advise the Secretary on the overall intelligence priorities to inform the budgets of the Department's intelligence elements.

- What steps do you believe are the key barriers to enhanced coordination and integration, and what steps would you take as Under Secretary to overcome these barriers?

Having not yet served in the DHS Intelligence Enterprise, I am not fully familiar with the specific barriers that may be hindering coordination and integration. However, having spent a considerable tenure of my career inside the Intelligence Community, I often find that the barriers referred to in the question above may not be limited to the DHS Intelligence Enterprise.

In my experience, coordination and integration is often hindered by:

- Competing priorities between component operational needs and enterprise priorities with limited resources
- Differing authorities among intelligence components

If confirmed, I would seek to address and overcome these kinds of challenges by:

- Developing and communicating consistent enterprise priorities
- Identifying and leading collaboration to address gaps in intelligence support to operations and gaps in intelligence capabilities
- Developing consistent policy, strategy, and opportunities for common training and career growth among Intelligence Enterprise staff.

- Do you believe that each of the components of DHS should retain its own intelligence function, or would the Department be better suited by having I&A assume their efforts?

No, I&A should not assume the intelligence functions or efforts of the Components. Each DHS Operating Component has its own operational and tactical intelligence functions, tailored to its own unique mission. The role of I&A in the enterprise is to integrate and align the efforts of the Component Intelligence Programs to maximize the effectiveness of DHS intelligence in support of the Homeland Security Enterprise.

- Some DHS components have their own individual intelligence support units that provide operational support to their field elements. How does I&A uniquely augment these efforts?

I&A produces tailored all-source analytic products, fusing Intelligence Community, DHS component, and State and local information, specifically for the operations of the Homeland Security Enterprise. Additionally, I&A provides a centralized collection requirements management process and a centralized intelligence request for information (RFI) process for the Intelligence Enterprise including intelligence support units. I&A facilitates the synchronization of analysis and collection activities across all of the components to enable all portions of the Enterprise.

- What process is in place to ensure that I&A does not duplicate the efforts of these intelligence support units?

The Secretary has made it clear to me that I should identify and resolve any unnecessary duplication within the Department, and if confirmed, I intend to use the HSIC as my first line of defense against such duplication. Through this body, all of DHS' intelligence elements can discuss and share their priorities and objectives, as well as de-conflict any overlapping efforts.

### ***Domestic Intelligence Responsibilities***

**QUESTION 8:** Please describe any and all intelligence roles I&A and other DHS intelligence components perform other than analysis.

DHS intelligence components support their operational missions, and I&A has many intelligence responsibilities beyond just analysis to meet its broad mission, to include open source collection, Departmental counterintelligence activities, writing and disseminating raw reporting, and facilitating information sharing among others.

- How does I&A ensure that it does not focus intelligence resources on the First Amendment-protected activities of American citizens?

I&A's intelligence oversight guidelines prohibit collection of information regarding U.S. persons solely for the purpose of monitoring activities protected by the U.S. Constitution such as the First Amendment protected freedoms of religion, speech, press, and peaceful assembly and protest. The guidelines permit U.S. person information collection only where there is a reasonable belief of a nexus between the subject and one or more of I&A's defined collection categories (such as terrorism information, counterintelligence, threats to safety, etc.), and where the information is necessary for the conduct of an authorized I&A mission.

- What policies should govern the use, retention and dissemination of U.S. person information by I&A? How should these policies differ, if at all, from the other elements of the Intelligence Community?

Executive Order 12333 requires that elements of the IC collect, retain, and disseminate information regarding U.S. persons only in accordance with procedures established by the head of the element or department and approved by the Attorney General. These procedures incorporate principles set forth in the EO, and expand upon them as required for the mission specific requirements of each IC element. Like a number of other IC elements, I&A operates under interim procedures while continuing to work with ODNI and Department of Justice attorneys to perfect permanent procedures.

- As a member of the IC, I&A must also adhere to U.S. Code Title 50 (National Security Act) and Executive Order 12333, as amended. Executive Order 12333 establishes procedures for the conduct of intelligence activities, including activities carried out abroad and directed against non-U.S. persons. The order was signed by President Reagan in 1981 and requires each intelligence agency to adhere to Attorney General-approved procedures for the collection, retention, or dissemination of information concerning United States persons. Do you believe Executive Order 12333 continues to provide sufficient guidance for the conduct of intelligence activities, to include procedures for handling incidentally acquired information concerning United States persons?

In meeting with the various offices within I&A, I am impressed by the fact that the protection of Americans' privacy and civil rights and civil liberties appears to be at the forefront of all of their intelligence activities. If confirmed, I would examine how these protections are actually implemented to ensure that these protections inform how I&A meets its mission.

The Constitution and EO 12333 correctly inform what the IC can do, and I&A must adhere to both.

- What limitations exist with regard to the collection, retention, and analysis of information related to First Amendment-protected freedoms of speech, association and religion?

I&A's functions, and its handling of U.S. person information, are subject to numerous legal and policy restrictions, including applicable statutes, the U.S. Constitution, executive orders and directives, and internal departmental guidelines, including I&A's Interim Intelligence Oversight Guidelines. If confirmed, I would consider it a core part of my responsibilities to work closely with the DHS General Counsel, the I&A Intelligence Oversight Office, and the Offices of Privacy and Civil Rights & Civil Liberties to ensure that I&A is operating in full compliance with the law and consistent with DHS policies to ensure the protection of privacy and civil liberties.

- What sources should I&A use when conducting its analysis, in particular in its analysis of U.S. Persons?

By statute, I&A accesses and receives intelligence and information, including law enforcement information, made available from or reported by other Federal, state, local and private sector entities. While the potential sources of information available to I&A are correspondingly broad, I&A personnel are limited to collecting that information

overtly or from publicly available sources. Furthermore, I&A must comply with specific procedures reflected in its Interim Intelligence Oversight Guidelines whenever collecting, analyzing, or disseminating information involving U.S. Persons.

### *Analytic Quality*

**QUESTION 9:** In the past I&A has struggled to define the scope, relevance, and quality of its finished intelligence products.

- Some stakeholders perceive I&A as having an intelligence function that is overlapping or redundant. How will you ensure that I&A analytic products are differentiated from those of the rest of the Intelligence Community and the DHS intelligence enterprise?

While I&A seeks to avoid duplication, it is important to remember that some degree of competing or redundant analysis is necessary and healthy for the IC. One of the lessons learned in the WMD and 9/11 Commissions was that various elements with different missions and perspective should conduct analysis to avoid group-think.

To avoid unnecessary duplication, I think it is important to de-conflict any production plans with I&A's IC partners, leverage their expertise on foreign events to drive I&A analysis of Homeland implications, and produce joint products when appropriate. I understand that I&A annually publishes a Program of Analysis that captures the key intelligence questions on which they plan to focus; this product can serve as a marker within the IC to identify I&A priority analytic issues for the year.

- How would you assess I&A's analytical tradecraft, analyst training, editing, quality control measures, approval procedures, and independence from political considerations?

I am not yet in a position to adequately assess I&A's entire analytical program and processes. From what I have learned thus far, I&A is focused on improving analytical tradecraft and review processes and is receiving positive feedback from its customers.

- How does I&A ensure that all I&A analytic reports meet well-defined Intelligence Community analytic tradecraft standards prior to production of intelligence that is disseminated to the IC?

I am aware that I&A has developed support and advisory services for its analysts and managers to provide timely tradecraft feedback to ensure constant improvement. If confirmed, I will evaluate I&A's analytical processes in the context of the IC standards to ensure that all products meet those standards before dissemination.

- In your opinion, should I&A be an aggregator of intelligence or a value-added provider of analysis? What changes will you implement to reflect this vision?

I&A statutorily has a mandate to both share terrorism-related information and to produce original analysis. I believe that this broad mission calls for a healthy balance of both.

While I&A is responsible for sharing intelligence produced by others when it is relevant to its state, local, and private sector homeland security partners, I&A also adds significant value by fusing that intelligence together with all sources of information—to include unique Departmental data—to provide a holistic picture of the threats to the Homeland.

- DHS previously released an unclassified report titled, *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment*, dated April 7 that warned that the faltering economy and the election of the country's first African-American president could fuel support for "right-wing radicalization and recruitment." Specifically, the report stated that rightwing extremists may include "individuals that are dedicated to a single issue, such as abortion or immigration." Additionally, the report warned that "the return of military veterans facing significant challenges into their communities could lead to potential emergence of terrorist groups or lone wolf extremists . . . carrying out violent acts." According to I&A, this report was coordinated with the FBI. Do you believe "rightwing" and "leftwing" extremism are appropriate topics for I&A?

Since I was not at I&A at the time this report was published in April 7, 2009, I cannot comment on its analytical assessments. I understand that many institutional reforms to I&A's analytic and production processes were set in motion as a result of this report. It forced every I&A employee to contemplate the critical role of domestic intelligence and the delicacy in exercising this analysis with appropriate analytical tradecraft techniques, particularly where the nature of the threat involves individuals or groups willing to engage in illegal acts of violence dangerous to human life or destructive of critical infrastructure and key national resources for political, religious, or other ideologically motivated reasons.

### ***Congressional Oversight***

**QUESTION 10:** Section 502 of the National Security Act of 1947 provides that the obligation to keep the congressional intelligence committees fully and currently informed of all intelligence activities. It applies not only to the Director of National Intelligence but also to the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities.

- What is your understanding of the standard for meaningful compliance with this obligation by the Secretary of Homeland Security in keeping the congressional intelligence committees, including all their Members, fully and currently informed of intelligence activities?

I am committed to keeping the congressional intelligence committees fully and currently informed of all intelligence activities as required by the National Security Act of 1947. This includes significant anticipated intelligence activities, significant intelligence failures, and illegal intelligence activities. I believe that meaningful compliance with this

obligation can be achieved by adhering to the Director of National Intelligence's guidance issued in Intelligence Community Directive Number 112, Congressional Notification, dated November 16, 2011.

- Under what circumstances, if any, is it appropriate to brief the Chairman and Vice Chairman and not the full Committee membership?

While I am not aware of any circumstances in which previous Undersecretaries for I&A have found it necessary or appropriate to do so, it is my understanding that it would be appropriate only when necessary and essential in light of extraordinary circumstances affecting the vital national security interests of the United States, as determined by the President pursuant to Section 503(C)(2) of the National Security Act of 1947.

- Do you pledge to provide all unclassified and classified intelligence products of I&A to this Committee?

I pledge to work with you in good faith to ensure the Committee has access to all information, classified or unclassified, necessary for full and proper oversight of I&A activities.

- How will you change the I&A budget justification to ensure that it serves as an effective for I&A managers and can be effectively evaluated by the Congress?

It is my understanding that I&A's budget justification is included in the larger budget justification books of the Department of Homeland Security and the Director of National Intelligence, and as such it must adhere to the structure and format of those documents. I&A provides both versions of the justification to the Intelligence committees on the day they are released. I pledge to work with the committee to look at ways to approve these submissions, subject to DNI, Department, and OMB approval.

- Do division-level managers have visibility into the I&A budget? Do you intend to provide such visibility to these managers, if confirmed?

It is my understanding that beginning in FY 2013, the I&A CFO tracked and reported execution of annual spend plans at the Division-level, and provided monthly updates to management on planned -vs- actual expenditures. In FY 2014, the I&A CFO has, in conjunction with the rest of I&A, expanded this to include quarterly spending plans, and is monitoring and reporting spending execution at the division level. The I&A CFO provides detailed execution data to the Deputy Under Secretaries each month, no later than the middle of the following month, which links budget execution data and performance information to the priorities in the I&A Strategic Plan. This reporting links the priorities established during the "zero-based" budget work conducted in 2011 with accurate financial data available to all levels of management in I&A to support management decision-making and accountability.

***Unauthorized Disclosures of Classified Information***

**QUESTION 11:** If confirmed as the Under Secretary for Intelligence and Analysis of the Department of Homeland Security, please describe the actions you will take to prevent, detect, and report unauthorized disclosures of classified information.

Protection of the intelligence and information that I&A receives is among the foremost obligations of the Under Secretary for Intelligence and Analysis, not only as directed by Presidential and Director of National Intelligence guidance, but because doing so is one of the explicit requirements of the Congress as reflected in the Homeland Security Act. As such, I would anticipate working closely with colleagues in the Office of Security, the Chief Human Capital Officer, the Inspector General, and other DHS and external officials to ensure that DHS has not only a first-rate Insider Threat detection program, but a counterintelligence effort that is equipped, staffed and empowered to provide DHS with robust protection from foreign intelligence threats.

***Committee Detention Report***

**QUESTION 12:** As the State Department's Coordinator of Counterterrorism efforts from 2001 to 2002, you were responsible for implementing U.S. counterterrorism policy overseas and coordinating the U.S. government response to international terrorist activities. Were you aware of the CIA's Detention and Interrogation Program during your time of service?

As S/CT coordinator, I became aware of this program, but I was not involved in the policy discussions for this program and was not directed to facilitate the implementation of the program.