Prepared Statement of
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Intelligence and Information Analysis within the Department of Homeland Security

Chairmen Simmons and Cunningham, Ranking Members Lofgren and Boswell, distinguished members of the Homeland Security and Intelligence Committees: it is an honor to appear before you today.

I welcome the opportunity to testify today regarding Secretary Chertoff's decision to make information analysis a priority with the Department of Homeland Security, and to create a Chief Intelligence Officer to provide intelligence information in support of the Department and to ensure it is shared with state and local partners.

The 9/11 Commission did not make specific recommendations on the structure of the Department of Homeland Security.

The Commission did make strong recommendations with respect to information sharing across the government.

The Commission did make strong recommendations with respect to unity of effort in the intelligence community.

My comments about DHS today will be informed by these principles.

The Homeland Security Act of 2002 established a Directorate for Information Analysis and Infrastructure Protection (IAIP) run by an Under Secretary, and within that directorate an Office of Information Analysis (IA) headed by an Assistant Secretary. IA was supposed to have been the primary intelligence shop within DHS, and it had a broad statutory mandate. However, nearly all now agree that IA has not fulfilled that mandate.

Findings of the 9-11 Commission

In its Final Report, the 9/11 Commission concluded:

> The Homeland Security Act of 2002 gave the under secretary for information analysis and infrastructure protection broad responsibilities. In practice, this directorate has the job to map "terrorist threats to the homeland against our assessed vulnerabilities in order to drive our efforts to protect against terrorist threats." These capabilities are still embryonic. The directorate has not yet developed the capacity to perform one of its assigned jobs, which is to assimilate and analyze information from Homeland Security's own component agencies, such as the Coast Guard, Secret Service, Transportation Security Administration, Immigration and Customs Enforcement, and Customs and Border Protection. The secretary of homeland security must ensure that these components work with the Information Analysis and Infrastructure Protection Directorate so that this office can perform its mission. (Chapter 13, p. 427)

There are several reasons why IA has not been a success. First, IA's mission has been clouded from the start. Soon after DHS was created, the Administration set up the Terrorist Threat Integration Center (TTIC) outside DHS to analyze the terrorist threat – to "connect the dots" – thus raising questions about what IA's primary role was supposed to be. (TTIC was folded into the National Counterterrorism Center [NCTC] pursuant to the Intelligence Reform and Terrorism Prevention Act, based on the recommendation of the 9/11 Commission.)

Second, IA has not had the status, resources, or support necessary to be a real player in the intelligence community.

Third, IA has been unable to ensure unity of effort among the Department's own various intelligence units (in terms of information sharing, common protocols, tasking and collection strategy, resource decisions, etc).

The bottom line is that IA has had broad statutory responsibilities, fewer authorities, minimal support, and little respect.

Upon taking over at DHS earlier this year, Secretary Chertoff initiated a comprehensive evaluation of the Department's organization, operations, and policies that he has called his "Second Stage Review". As a result of his review, the Secretary proposed a number of structural changes to the Department. One of those changes is to designate the Assistant Secretary for IA as the Department's Chief Intelligence Officer and to elevate IA so that it reports directly to the Secretary (rather than through an Under Secretary). When he announced his proposed changes in public remarks on July 13, 2005, the Secretary stated:

> Today I am announcing that the Assistant Secretary for Information Analysis will be designated as the Chief Intelligence Officer. The Chief Intelligence Officer will head a strengthened Information Analysis division that will report directly to me. This office will ensure that intelligence is coordinated, fused, and analyzed within the Department so that we have a common operational picture. It will also provide a primary connection between DHS and others within the intelligence community – and a primary source of information for our state, local, and private sector partners.

Unity of Effort in Information Sharing and Analysis

The Secretary provided no more detail, however, as to how IA would be "strengthened," how it would be able to "ensure" a common operational picture within the Department any more than it can today, or how it would serve as the "primary connection" between DHS and the intelligence community or as a "primary source" for state, local, and private sector partners without a clear mandate as the Department's lead intelligence entity. Nor, does it appear, has the Secretary provided Congress with any additional detail.

- *The Chief Intelligence Officer should be confirmed by the Senate.*

Under the Secretary's proposed reorganization, there is no official below the level of the Secretary with Department-wide intelligence responsibilities who would be confirmed by, and accountable to, Congress. Although the Assistant Secretary for IA was never a confirmed position, the Under Secretary for IAIP required Senate confirmation. The Chief Intelligence Officer, however, will now report directly to the Secretary (and the Under Secretary for IAIP will become the Under Secretary for Preparedness, without any intelligence responsibilities). For various reasons, not least of which is accountability, the lead intelligence official for DHS should be a Senate confirmed position.

- *The Chief Intelligence Officer needs a clearly defined role and priorities.*

As discussed earlier, while IA was given a broad statutory mandate, it was never assigned a clear role once TTIC was created. The Secretary should prioritize IA's responsibilities and clearly articulate, whether in a department directive or another vehicle, the role of IA as the Department's lead intelligence entity. For instance, the Secretary should make plain that the Chief Intelligence Officer is his principal intelligence advisor, that IA is responsible for providing a common operational picture across all of the Department's intelligence components, and that IA is to be the Department's primary point of contact with the newly established Director of National Intelligence (DNI) and NCTC.

- *The Secretary must demonstrate support for the Chief Intelligence Officer.*

Simply making the Chief Intelligence Officer directly report to the Secretary will

be nothing more than mere cosmetic change if the Secretary does not support this new official. That support means sufficient staff and resources, but also the less tangible forms of bureaucratic support that so often determine who can get things done in Washington. One way of communicating this support would be to make clear the IA's role and authority in budget and personnel matters. In other words, when the Chief Intelligence Officer meets with the FBI or CIA Director, it must be implicit that he has the backing of the Secretary in order for him to be taken seriously.

- *The Chief Intelligence Officer should have additional authorities via-a-vis the Department's intelligence components.*

In announcing his proposed reorganization, the Secretary noted that IA would be strengthened and that the Chief Intelligence Officer must ensure that intelligence from across the Department is coordinated and fused into a common operational picture. DHS currently has more than 10 different intelligence elements (within various Department components, such as the Secret Service, Customs and Border Protection, the Coast Guard, Transportation Security Agency, etc.). In order to coordinate and ensure unity of effort among these various elements, the Chief Intelligence Officer will need some combination of budget (development and/or execution), personnel, and tasking authority over their activities. Whether the best model is the DNI or the Under Secretary for Intelligence at DoD, the Chief Intelligence Officer cannot be expected to be any more successful coordinating the Department's various intelligence elements simply because of a new title.

Unity of Effort in Information Sharing

It is the Chief Intelligence Officer's role to make sure that information from all intelligence offices in the Department of Homeland Security is not only analyzed, but disseminated to those who need it. We have the highest regard for the newly-appointed Chief Information Officer, Mr. Charles Allen. He has extraordinary experience in the intelligence community. But he faces a formidable challenge.

Recent reporting suggests that communication and collaboration between the Department and state homeland security officials nationwide is not what it should be. It is not up to us to say who is right and who is wrong: suffice it to say there is a problem, and the Chief Information Officer has the responsibility to address it.

Historically, federal law enforcement agencies have been largely unwilling to share information with their state and local counterparts. Distrust continues to exist between federal and local partners. State and local officials, for their part, traditionally have kept information to themselves rather than input data into systems. Federal authorities need to build confidence with state and local officials by developing systems on which they are trained, a broad concept of operations they understand, and a standard reporting procedure that they know how to use.

DHS cannot expect state and local officials to want to team up with headquarters if it does not provide reliable and consistent leadership. The recent controversy over the credibility of a threat to New York City's subway system is a case in point. On October 6, the New York Police Department reacted to information from the FBI which suggested the system was at risk of being attacked in the next few days. DHS, however, took a different position, and evaluated the information as less than credible.

Because I have no way of knowing whether DHS and FBI simultaneously provided their basis for challenging their informant's credibility along with the specifics of the alleged plot, it is difficult to determine whether there was a breakdown in information sharing or whether there was simply a difference of opinion regarding the credibility of the underlying information.

A priority for the Chief Intelligence Officer must be to strengthen the relationship between DHS and its customers. State and local police need to know that the information they provide to DHS will be properly integrated and not ignored. They need to know that DHS will provide the necessary information to them in turn.

It is essential that the Chief Intelligence Officer at DHS work closely with the Program Manager for Information Sharing. In our final report, we recommended that the president lead the government-wide effort to create a trusted information network. We were pleased that the intelligence reform law created a new position to coordinate this effort. Six months ago, the President appointed John Russack as the first Program Manager. We understand that Mr. Allen is forging a strong working relationship with Mr. Russack, to help him overcome the cultural and bureaucratic obstacles to information sharing. This is encouraging news.

Closing Comments

Mr. Chairman, Secretary Chertoff's recognition of the primacy of information intelligence analysis and sharing is critical to a successful homeland security strategy. His appointment of Mr. Charles Allen to the key position of Chief Intelligence Officer is a positive sign. Our nation has a strong interest in Mr. Allen's success. We urge Secretary Chertoff to provide Mr. Allen the authorities he needs to get the job done.