

CONFRONTATION OR COLLABORATION?
CONGRESS AND THE INTELLIGENCE COMMUNITY



INTELLIGENCE REFORM

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INTELLIGENCE REFORM

The Intelligence Community's (IC) failure to prevent the 9/11 terrorist attacks and inaccuracies in the 2002 National Intelligence Estimate (NIE) on Iraq's weapons of mass destruction program resulted in widespread calls for reform. In late 2004, Congress passed intelligence reform legislation that led to the most significant reorganization of the IC in decades. More than four years after passage of the legislation, members of the 111th Congress will likely need to assess the effectiveness of the reform legislation.

This memo provides an overview of intelligence reform efforts since 2004.

The Need for Reform

Prior to 9/11, the nation's intelligence agencies remained poised for a single, traditional enemy and needed to adapt to a post-Cold-War threat environment. It was only after al-Qaeda attacked the U.S. that intelligence reform became a top priority for lawmakers. Several bipartisan and independent commissions reviewed the state of the IC and identified several areas for reform:

- *Central Leadership:* The Director of Central Intelligence (DCI) lacked the institutional or budgetary power to lead, direct, and coordinate efforts across the IC.
- *Information Sharing:* Bureaucratic structures and complex policies impeded, even prevented, sharing of important intelligence among the IC and other government agencies, particularly law-enforcement organizations. This highlighted the need for these communities to transform from a culture of "need-to-know" to one of a "responsibility-to-provide."
- *Priority Setting:* The IC did not sufficiently link and coordinate intelligence collection requirements to broader national security priorities.
- *Collection and Analysis:* Multiple investigations revealed weakness in the IC's human intelligence (HUMINT) collection efforts and cited the need for greater integration of analysis and collection disciplines.
- *Human Capital:* The number of people working in intelligence had atrophied since the Cold War. While well-positioned for an enemy like the Soviet Union, the profile of a generic intelligence analyst had not evolved culturally, demographically, or linguistically to target diverse threats in a new environment.

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA)

The 9/11 attacks and concerns about the poor analysis of the Iraq WMD NIE created a sense of urgency for immediate, dramatic reform of the IC. In September 2004, Senator Susan Collins (R-ME) introduced the Intelligence Reform and Terrorism Prevention Act (IRTPA). The IRTPA initiated the most dramatic reform of the IC since its creation. Reform efforts initially met some resistance from some members of Congress.

- Some expressed concern that a national intelligence director with control of defense intelligence

assets could interfere in the chain of command between the Secretary of Defense and field commanders.

- Other members of the House Armed Services Committee opposed the IRTPA bill and sought to protect the authority of the Department of Defense over its national intelligence assets.
- The Bush administration, however, supported the legislation and pushed for compromises that protected the Pentagon's authorities while still creating the needed national intelligence authority to focus, guide, and coordinate the IC.

The IRTPA addressed many areas of reform, including organizational and leadership reforms.

Organizational and Leadership Reforms

In an effort to improve the organizational effectiveness of the IC, the IRTPA established:

- *The Office of the Director of National Intelligence (ODNI)*: The new cabinet-level DNI replaced the 'dual-hatted' Director of Central Intelligence as the independent leader of the nation's intelligence enterprise, designed to set policy and priorities, promote collaboration, and leverage the total capability of the IC to serve the nation.
- IRTPA established interagency centers, aligning analysis, collection, and operations from IC entities together under one roof to foster collaboration.
 - *The National Counterterrorism Center (NCTC)*: NCTC coordinates and integrates analysis of terrorism threats to the United States and its interests overseas.
 - *The National Counterproliferation Center (NCPC)*: NCPC coordinates the strategic planning of intelligence support to monitor and stop the spread of nuclear weapons and related technologies worldwide.

Information Sharing

Recognizing the value of information sharing to promote national security objectives, the ODNI created:

- *Information Sharing Environment (ISE)*: This partnership between all levels of the U.S. Government (including law enforcement), the private sector, and foreign allies, bridges the gap between foreign and domestic intelligence responsibilities and fosters sharing of timely and actionable terrorism information. Rather than creating a new information sharing system, ISE aligns and improves existing structures and facilitates integration through initiatives such as state and local fusion centers.
- *Collaborative Technology Tools*: ODNI continues to develop online applications to foster a culture of collaboration and improved information sharing. The use of classified encyclopedia-style webpages that any person with a clearance can modify (termed 'Intellipedia'), social networking sites like A-Space, and searchable databases such as the IC's Library of National Intelligence, capitalize on today's technology to encourage greater community collaboration and virtual integration.

Priority Setting

To organize and lead the IC into the post-9/11 threat environment, the ODNI initiated overarching efforts to identify, articulate, and align priorities for the IC, including:

- *National Intelligence Strategy of the United States of America (NIS)*: Based on the National Security Strategy, this document outlines objectives directed toward transforming the IC.
- *The 100 and 500 Day Plans for Integration and Collaboration*: These task-oriented documents serve as a roadmap for implementation of the NIS, focusing on initiatives such as transforming collection and analysis, implementing best business practices, and enhancing information sharing and collaboration.
- *Mission Managers*: These high-level intelligence executives serve as the manager of intelligence efforts focusing on key hard targets like Iran, North Korea and terrorism. The mission managers identify key information requirements and then design strategies to improve collection and analytic efforts to answer those requirements.

Human Capital

Per requirements levied in the intelligence reform legislation, the ODNI initiated several initiatives to improve and streamline the IC's use of human capital:

- *Quantity and Quality*: The 2006 ODNI Five Year Strategic Human Capital Plan outlined several initiatives to broaden the IC talent pool and compensate employees according to performance. This enterprise initiative was followed by the establishment of the National Intelligence Civilian Compensation Program.
- *Interagency Exchange*: To further collaboration and a culture of integrated enterprise in its workforce, ONDI created the Joint Duty Program. Mirrored after the Goldwater-Nichols concept of "jointness" in the military, the IC Joint Duty Program requires IC employees to complete a 12-month rotation in another agency as a prerequisite for promotion to senior ranks, demonstrating an emphasis on interagency cooperation in the IC's future leadership.
- *Security Clearance Improvement*: Because the process of obtaining security clearances was complicated and redundant, the IRTPA called for reciprocity between clearances at the same level and established entities to manage the clearance process and conduct clearance investigations. For example, the Joint Security Clearance Process Reform Team, an ODNI-DoD team, works to modernize the reciprocal security clearance recognition between the IC and the military.

Collection and Analysis

Some in the ODNI recognized the need to organize and make more efficient the collection and analysis process of the IC in the post-9/11 threat environment through:

- *HUMINT Collection*: To address the evolving and transnational nature of today's security environment, the IC is trying to upgrade its HUMINT capabilities.
- *Increased Integration of Collection and Analysis*: Linking collectors and analysts to further refine information requirements is an IC priority. Such closer collaboration fosters not only a greater sense of community and information sharing but also increases precision and clarity in analytic assessments for policymakers because analysts better understand limits in collection and information.
- *Alternative Analysis*: The 9/11 and WMD Commissions identified "devil's advocate" and alternative analyses processes to be essential to improving the IC's ability to critically analyze information and anticipate unexpected future threats and challenges for policymakers.

Nevertheless, the ODNI Inspector General in early 2009 publicly released a report faulting the ODNI for failing to achieve its longstanding goals of integrating the IC and sharing information. The report stated:

- "The majority of the ODNI and IC employees (including many senior officials)...were unable to articulate a clear understanding of the ODNI's mission, roles, and responsibilities with respect to the IC."
- The ODNI sends conflicting tasks and messages to the IC, "...thereby undermining the ODNI's credibility and fueling assertions that the ODNI is just an 'additional layer of bureaucracy.'"
- The ODNI staff's authorities are unclear, encouraging some agencies "...to go their own way, to the detriment of the unified and integrated intelligence enterprise envisioned by IIRTPA." Compounding this issue is that IC computer systems are "largely disconnected and incompatible."

Issues for the 111th Congress

Challenges with the IC remain; in particular, Congress should assess:

- *Organizational and Leadership Reforms*: Some agencies resisted the creation of the ODNI because of concerns that it would infringe upon their roles and responsibilities and add another layer of bureaucracy.
- *Bureaucratic Bloat*: While most experts agree that a central leader dedicated to managing the whole of the IC is valuable, the ODNI may have grown too quickly and too large. Members of Congress should continue to review the size, structure, and effectiveness of ODNI.
- *Information Sharing*: While a marked improvement since 9/11, information sharing between law enforcement and foreign intelligence agencies remains a challenge. For example, a 2006 Government Accountability Office (GAO) report assessed the U.S. still lacks effective policies and processes for sharing counterterrorism information and cited inconsistent classification rules as an impediment to exchanging intelligence.

INTELLIGENCE REFORM INITIATIVES

JULY 1947

1947

President Harry Truman signs the National Security Act, which reorganizes the Armed Forces and creates the CIA, among other reforms.

SEPTEMBER 2001

2001

Nineteen al-Qaeda operatives attack New York City and Washington, DC using hijacked commercial airplanes, killing nearly 3,000 people.

MAY 2003

2003

The Terrorist Threat Integration Center (TTIC) is formed as a clearing-house for analysis of domestic and foreign intelligence on terrorist threats to U.S. interests.

1940

1950

1960

1970

DECEMBER 1981

1981

President Ronald Reagan signs Executive Order 12333, which in part delineates the responsibilities of the Intelligence Community and places additional restrictions on the conduct of intelligence activities both domestically and abroad.

NOVEMBER 2002

2002

The Homeland Security Act creates the Department of Homeland Security to oversee the activities of 22 previously separate federal agencies.

JULY 2004

2004

The 9/11 Commission releases its public report, containing approximately 40 suggested reforms to the Intelligence Community and broader national security infrastructure.

INTELLIGENCE REFORM IN

AUGUST 2004

2004

President George W. Bush modifies Executive Order 12333, restructuring the Intelligence Community to 16 agencies, converting TTIC into the National Counterterrorism Center, and granting the Justice Department authority over most domestic intelligence activities.

APRIL 2005

2005

John Negroponte, a career diplomat who previously served as U.S. Ambassador to Iraq, wins Senate confirmation and is sworn-in as the first Director of National Intelligence (DNI).

DECEMBER 2005

2005

The National Counterproliferation Center (NCPC) is formed as an interagency body to track nuclear weapons and material, as mandated by the IRTPA.

1980

1990

2000

2010

DECEMBER 2004

2004

President Bush signs the Intelligence Reform and Terrorism Prevention Act, which calls for a major overhaul of the Intelligence Community, including the creation of the Office of the Director of National Intelligence (ODNI).

OCTOBER 2005

2005

The ODNI releases the National Intelligence Strategy of the United States of America, outlining a strategy to carryout the mandated Intelligence Community reforms.

JULY 2008

2008

President Bush signs Executive Order 13470 as an amendment to Executive Order 12333, bestowing more authority to the DNI by declaring him, for example, the overseer of relationships with foreign liaison services.

INITIATIVES

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