

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



**Additional Prehearing Questions
for
The Honorable Leon E. Panetta
upon his selection to be
the Director of the
Central Intelligence Agency**

Responsibilities of the Director of the Central Intelligence Agency

QUESTION 1:

Under the Intelligence Reform and Terrorism Prevention Act (IRTPA), the Director of the Central Intelligence Agency (D/CIA) shall serve as the head of the Central Intelligence Agency; collect intelligence through human sources and other appropriate means; correlate, evaluate and disseminate intelligence; provide overall direction for and coordination of the collection of national intelligence outside the United States; and perform such other functions related to intelligence affecting the national security as the President or the Director of National Intelligence (DNI) may direct.

A. Has the President-elect indicated the functions he expects you to perform, and goals you should attain, as the D/CIA? If so, what are these?

B. Has the DNI nominee indicated the functions he expects you to perform, and goals you should attain, as D/CIA? If so, what are these?

When President Obama asked me to serve as CIA Director, he indicated that he wanted someone who was independent and could provide him and his advisers with timely, unvarnished intelligence irrespective of its policy implications. He also indicated that he expects CIA to tell him what we know – as well as what we do not know.

Admiral Blair and I have had productive initial conversations about ways to enhance collaboration and coordination between the DNI and the CIA Director. This is a high priority for me. We have not yet discussed specific goals and objectives beyond those that are spelled out in applicable statutes and Executive Orders.

QUESTION 2:

In your view, what lessons should a new D/CIA draw from:

- The 9/11 terrorist attacks, subsequent terrorist activities, and the evolution of international terrorism;
- The prewar intelligence on Iraq's weapons of mass destruction and alleged ties to Al Qaeda;
- Changes at the CIA since the establishment of the Office of the Director of National Intelligence; and
- Experiences and issues related to detention, interrogation and renditions since the 9/11 terrorist attack?

Any new CIA Director, in the wake of the 9/11 attacks, must realize that countering terrorist threats to the United States and its interests around the world has come to dominate, and will likely continue to dominate, the work of the Agency in the foreseeable future. This will require him to ensure that sufficient resources are allocated to the tasks at

hand – *i.e.*, collection, analysis, and covert action. The post-9/11 environment also requires the CIA Director to ensure that adequate policies and procedures are put in place to guide and facilitate the work of the Intelligence Community. It will also require him to establish and maintain cooperative arrangements with the intelligence services of other countries that are critical to coping with the terrorist threat.

The principal lesson of the pre-war intelligence assessments on Iraqi WMD is that the Agency must be far more careful in analyzing, assessing, and characterizing the information that comes into it. As has now become clear, many of the judgments contained in the 2002 NIE were based on evidence from sources that proved unreliable. Policymakers were not sufficiently alerted to how unreliable the evidence actually was. Instead of explaining how little they knew or how uncertain their knowledge was, analysts fell back upon what our experience with Saddam Hussein's regime had been in the past. While this was undoubtedly relevant, it should not have been determinative. If the Agency had been more careful in saying what it actually knew and did not know – and if it had informed policymakers about the reliability and quality of its sources – it might have avoided much of the criticism that followed. As far as its performance on the issue of Iraqi ties with Al Qaeda is concerned, the Intelligence Community seems to have done reasonably well, according to the information I have read. Here, as contrasted with the WMD issue, its conclusions were carefully crafted to reflect precisely what the Agency thought the evidence supported.

With the creation of the Office of the Director of National Intelligence in 2004, the role of the Director of CIA has changed. The position is no longer responsible for coordinating the work of the Intelligence Community, and is no longer the principal intelligence adviser to the President. Since 2004, a great deal of time and effort has been expended trying to sort out what the relationship between the CIA Director and the DNI should be. My impression is that many things have been done to clarify the “lanes in the road,” notably the issuance of a new Executive Order last July, but much is left to be sorted out during the new administration. No one disputes the need for an official like the DNI to oversee and coordinate the disparate activities of the agencies that comprise the U.S. Intelligence Community. Nor does anyone dispute the fact that, working together, all intelligence agencies can benefit in terms of carrying out their own missions. We simply have to find a *modus operandi* to allow that important coordination to take place.

With respect to the issues of rendition, detention, and interrogation, I draw several lessons from what has happened in recent years. First, what the CIA does in each of these areas must be consistent with U.S. law and treaty obligations. Second, clearer policies and procedures are needed in each of these areas to ensure CIA employees involved in such activities are not put in jeopardy by unclear guidance. The new Executive Orders issued by the President on January 22, 2009 clarify the policies going forward. The Orders also establish special interagency task forces to consider whether further guidance is needed. Lastly, the experience of the past few years indicates the importance of congressional buy-in and involvement on these issues. These are not issues that should be resolved solely by the Executive Branch. It is my strong view that the rendition, detention, and interrogation issues should have been briefed to the full Intelligence Committees in both the House and Senate.

QUESTION 3:

If confirmed, what will be your immediate priorities with respect to the direction of the Central Intelligence Agency?

If confirmed, I will have three immediate priorities. First, along with my deputy Steve Kappes, I plan to review all Agency operations to assess where we have critical gaps and where we ought to focus our operational resources. This will require a careful review of the Agency's principal analytic assessments and scrutiny of how resources are allocated across CIA.

Second, I plan to work with Admiral Blair to forge greater collaboration between the DNI and CIA. The existing laws and Executive Orders speak to this relationship, but much has to be worked out between the leadership of the two organizations to ensure greater efficiency and coordination. I am committed to making this new structure work.

Third, I plan to review the relationship between the CIA and Congress to determine how to strengthen consultation with the Intelligence Committees, as well as other Committees of jurisdiction.

In addition to these three strategic priorities, I plan to review some key management issues facing the Agency, such as the over-reliance on contractors and the question of whether we are recruiting a talent pool this is diverse enough and sufficiently language-proficient to fulfill our operational requirements.

QUESTION 4:

Do you believe there are significant management, morale, or resource problems at the CIA? If so, please describe what they are and what will you do to address them.

My initial impression is that CIA has a strong leadership team among its senior professional management, that the Agency is well-funded by Congress, and that morale is strong. Challenges to the Agency include ensuring that its precious resources are devoted to collecting and analyzing the most policy-relevant intelligence, which cannot be obtained elsewhere.

Based on press reports and my conversations with members of this Committee and some CIA officers, I understand that morale was low when Director Hayden became Director, but has improved under his and Deputy Director Kappes' leadership. Whether it continues to be a significant problem, I simply do not yet know. If I am confirmed and determine that it is, I will address it by clearly articulating my goals and expectations for the agency, delineating and the operational parameters within which I expect them to operate, and letting our employees know that they will have my full confidence and support.

I am not aware of significant management problems at the CIA, although as an outsider, I have not been in a position to learn of them. I am aware of the issue of over-reliance on contractors and will work to address that. I also intend to focus on the human capital challenges of recruiting women and minorities into a workforce that has traditionally been predominantly white and male. If confirmed, I intend to review the management challenges facing the Agency and determine what action must be taken to address them.

Finally, with respect to resources, while I am aware that the CIA budget has grown substantially since 9/11, both in its base budget and via the supplemental appropriation process, I do not know how these resources have been allocated or whether they were effectively utilized by the Agency. As a former OMB Director, I will be especially concerned with these issues, and I will review the budget to ensure that these resources are being used efficiently and effectively.

QUESTION 5:

In what ways can a D/CIA achieve sufficient independence and distance from political considerations to serve the nation with objective and dispassionate intelligence collection and analysis?

In my view, the key protection is for the Director to ensure a system is in place at CIA that produces the desired result – *i.e.*, the production of clear, objective, unbiased, timely, and complete analysis that responds to the needs of the President and other senior officials within the Executive Branch. It also entails resisting attempts by policymakers to change or influence the analysis being produced by the Agency. This can happen at all levels, from individual analysts up to the Director himself. While analysts need to be attuned to the needs of the policymakers they serve, they cannot be so close that they write analysis which that supports the policymakers' predilections or policy aims.

QUESTION 6:

A. What do you believe the role has been and should be for all-source analysis at the CIA?

CIA's fundamental role has been and continues to be to provide objective, all-source analysis to the President and his national security team. CIA's Directorate of Intelligence (DI) is the U.S. government's only all-source analytic unit that does not reside in a policy department, and it is one of only a few analytic units that are all-source (many focus on a single source). CIA analysts also provide analysis to a range of other customers including CIA operators, warfighters, working-level policymakers, and law enforcement officials. This role is appropriate, and I see no reason to change it.

B. What are the strengths and weaknesses of all-source analysis at the CIA?

Based on some initial briefings I have received, it is clear that strengths include: the depth and breadth of expertise; the rigor of analytic tradecraft; and close ties to the National Clandestine Service, which provide ground truth on key issues and insight into the quality of HUMINT collection. Weaknesses include the fact that the DI has fewer analysts today than it had in 1991, forcing it to focus resources on the highest priority issues (counterterrorism, counterproliferation, the Middle East, etc.). The Agency is probably not as deep on other important but lower priority issues as it should be.

C. If confirmed, how will you address the weaknesses and maintain the strengths of all-source analysis within the CIA?

If confirmed, I will direct that a comprehensive review of all-source analysis be undertaken to determine the effectiveness and soundness of the current analytical process and what more might be done to improve it. Such a review should look in particular at the state of

analytic tradecraft to ensure that alternative views are being respected, and that procedural measures are put into place to safeguard against politicization and “group-think.” This review should also examine whether lower priority items are being sufficiently covered.

D. How should the analytic workforce of the CIA be developed and deployed?

The vast majority of the DI workforce is in Washington, DC, where it can be close to its primary customers. At the same time, the DI’s goal is to deploy a significant percentage of its analytic workforce overseas by 2010. Currently, about 8 percent of our analysts are deployed overseas – up from 4 percent five years ago – providing direct support in the field to State Department, the U.S. military, CIA operators, and U.S. policymakers. I strongly support overseas deployments because they are a great career development tool; they enhance substantive expertise, language skills, cultural awareness, confidence, and leadership skills.

E. What role should the analytic workforce of the CIA have in ensuring the continuation of competitive analysis within the Intelligence Community?

Competitive analysis is critical to the policymaking process, particularly on important issues. It is important for policymakers to know if there are different conclusions reached on a particular issue and, if so, why such differences exist.

CIA and the IC have made a lot of progress in this area, especially on products that go to the President. About 85% of DI-authored PDB items in FY08 were coordinated with at least one other IC agency.

QUESTION 7:

Do you believe the CIA should, or should not, become predominately a clandestine collection agency where all components within the agency, including the analytic components, provide support for the mission of the national clandestine service? Should the CIA have a major analytic function that is separate from its national clandestine responsibilities?

I feel strongly at this juncture that things should remain as they are, *i.e.*, that the Agency should maintain a major analytic capability in addition to its clandestine collection responsibilities. Collection and analysis need to be linked.

QUESTION 8:

A. What are the strengths and weaknesses of the CIA in clandestine operations, paramilitary activities, and collection of intelligence from human sources respectively?

B. How will you address the weaknesses and maintain the strengths with respect to each of these activities?

C. How should the conduct of these activities be balanced and prioritized in the future at the CIA?

I have not been briefed in detail on CIA clandestine operations, paramilitary activities, and HUMINT collection. If confirmed, I look forward to sharing my assessments with the Committee, although this will likely have to occur in closed session.

Based on some initial briefings I have received, it is clear to me that one strength is the willingness and ability of CIA personnel to operate in nearly any environment, including in some of the most difficult and austere corners of the globe. A weakness, however, is that the best intelligence we need is well protected by our adversaries – either terrorist organizations or countries with aggressive counter-intelligence services. It is essential that we make every effort to penetrate these sources.

QUESTION 9:

A. Explain your understanding of the respective roles of the Executive Office of the President and the CIA in the formulation and implementation of covert action programs?

As I understand the existing process, ideas for covert action programs to support the national security objectives of the U.S. can originate from a number of sources, including the President, the National Security Council (NSC), and the Departments of State or Defense. CIA then develops a plan for carrying out the program, including the preparation of a draft presidential finding or Memorandum of Notification and supporting paperwork. This work is coordinated within the Intelligence Community, as appropriate, and with the ODNI, before its submission to the NSC. The NSC then reviews the proposed plan prior to its being sent to the President for approval. Once approved, and after required notification to the two intelligence committees, CIA is typically directed to implement the program. Once implemented, the conduct of the program is reviewed on an ongoing basis by the Agency itself as well as the DNI, the NSC, and the Intelligence Committees of Congress.

B. What actions would you take if directed to undertake covert action activities that you believed to be illegal, ineffective, or not well suited with respect to CIA capabilities and resources?

I would strongly object to any covert action proposal that I thought was illegal, would be ineffective, or was otherwise unsuited to the Agency's capabilities. I would do this at any step of the process where such concerns were raised for me, from the initial conceptual proposal to the draft finding itself, or to any aspect of an approved program's implementation including, if necessary, bringing my concerns to the attention of the President.

C. What principles should govern the apportionment and reconciliation of responsibilities of the CIA in the conduct of covert action under Title 50 and the Department of Defense (DoD) in the conduct of any similar or related activities under Title 10?

Pursuant to the National Security Act, covert action is an activity or activities of the United States government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States government will not be apparent or acknowledged publicly. "Traditional" military activities are exempt from this definition.

The line between clandestine military activities and covert intelligence activities can be easily blurred, particularly when the military is operating away from a designated war-

zone. CIA has more detailed oversight requirements, including the requirement of written Presidential findings and detailed Congressional notification.

The key principals that should govern the allocation of responsibilities should be: (1) all DOD and CIA activities should be well coordinated; and (2) any DOD activity that, if undertaken by CIA would trigger covert action notification requirements under Title 50, should be similarly notified to Congress.

QUESTION 10:

A. What role do you see for the CIA in paramilitary-style covert action?

There is clearly a role for CIA in paramilitary-style covert action programs, but it will vary with the situation at hand. CIA offers the President a strategic and focused approach for projecting force worldwide that uniquely hides the hand of the United States government.

It remains a flexible and creative way to project force, influence events, and meet new requirements from a continuously changing mission worldwide. For example, if the program calls for the provision of military equipment (especially foreign military equipment) to foreign forces, CIA may be in better position to provide it. Even the training of foreign military forces might best be left to the Agency under certain circumstances. When it comes to carrying out military operations ourselves, rather than supporting foreign forces, then it seems to me the balance would ordinarily shift towards the military. But even here, there may be situations where U.S. civilian personnel, acting under Agency supervision, would be a preferable option. The decision ought to rest on which department or agency is best equipped and positioned to carry out the particular mission, rather than on an arbitrary demarcation line.

B. How do you distinguish between the appropriate roles of the CIA and the United States Special Forces in paramilitary-style covert action?

CIA conducts unattributable covert action, and U.S. Special Forces engage in activities where the hand of the U.S. government is not hidden.

C. Are there measures that should be taken to improve coordination between the CIA and elements of the DoD, including in operational planning and execution, and in informing chiefs-of-mission and congressional intelligence committees?

If confirmed, I look forward to understanding specific areas where such coordination is lacking. As a general matter, my initial impression is that coordination of operational planning is better in the field than it is in Washington. I do not know what DOD's policies are with regard to notification to Chiefs-of-Mission and the Intelligence Committees, but I am committed to ensuring that all significant CIA activities are coordinated with Chiefs-of-Mission and properly notified to the Intelligence Committees.

QUESTION 11:

What role do you see for the CIA in the collection of intelligence from human sources within the United States? In answering this question, please include a description of the legal and policy

authority and limitations on this collection and the coordination that is required with the Federal Bureau of Investigation (FBI).

CIA plays an essential role in the collection of important foreign intelligence from human sources within the United States. The foreign intelligence collected domestically greatly contributes to and enhances the foreign intelligence collected overseas. CIA's authority to collect foreign intelligence from within the U.S. is governed by the National Security Act of 1947, the CIA Act of 1949, and Executive Order (E.O.) 12333. CIA's interaction and collaboration with U.S. persons in furtherance of CIA's foreign intelligence responsibilities is governed primarily by the E.O. 12333 and internal Agency regulations.

In the interest of protecting the civil liberties of U.S. persons, CIA is prohibited by law from assuming or performing any "internal security functions." There are also limitations on the use of certain techniques within the United States. Physical surveillance, for example, may not be employed unless it is approved by the Attorney General. CIA also may not engage in electronic surveillance inside the U.S. except for training, testing or other limited purposes.

The 2005 CIA/FBI Memorandum of Understanding provides the guidelines for coordination, collaboration, and deconfliction between CIA and FBI regarding the domestic collection of foreign intelligence.

QUESTION 12:

Do you believe that, with respect to operational activities, the CIA clandestine service has developed satisfactory working relationships with the personnel of the following entities:

A. the FBI (to the extent not answered in response to Question 10);

My understanding is that the CIA and the FBI, under the leadership of Director Robert Mueller, have greatly enhanced their working relationship, both inside the U.S. and abroad. I am aware of historic rivalries and "turf battles," but my impression is that there has been solid improvement. For example, I am told that some FBI agents are now granted slots in the Agency's training programs. In addition, I am aware that CIA and FBI analysts work side-by-side to analyze counterterrorism intelligence at the National Counterterrorism Center.

B. the National Security Division at the Department of Justice;

I am not aware of any problems in the working relationship between CIA and National Security Division.

C. other law enforcement agencies;

My impression is that the Intelligence Community has generally improved its working relationship with federal, state, local, and tribal authorities through fusion cells and other mechanisms under the guidance of the Department of Homeland Security. I am not aware of any problems in the working relationship between CIA and federal law enforcement agencies, such as the Secret Service, Immigration and Customs Enforcement, or the U.S. Border Patrol. I am aware that enhanced information-sharing poses a host of legal, policy,

and operational challenges, and I look forward to working with the DNI to facilitate greater information sharing.

D. the National Security Agency (NSA); and

My understanding is that CIA and NSA have a very close and cooperative working relationship. Often times, CIA and NSA officers are co-located in the field, including war-zones. Though I have not received detailed briefings on classified operations, I am aware generally that intelligence “successes” result from SIGINT and HUMINT enabling each other.

E. other elements of the DoD?

CIA officers work daily with the U.S. military, including Special Operation Forces in the field. I have seen press accounts suggesting that the Intelligence Community was not always consulted about intelligence-gathering activities by elements of the Defense Department. However, my understanding is that coordination has greatly improved. Tension between Title 10 and Title 50 activities are to be expected especially when the military undertakes intelligence gathering in support of an anticipated military operation. The key to resolving such tension is close and continuing communications between agencies, both at the leadership level and at the working level.

In answering this question, describe the main issues that the CIA addresses in working with these other agencies and what improvements you would make if confirmed.

I am told that the main issues usually involve: (1) deconflicting operations that may involve the same target; (2) coordinating operations so that national requirements are met and duplication of effort is avoided; (3) sharing information that reveals especially sensitive sources and methods; and (4) questions concerning the respective legal authorities of the agencies involved. If confirmed, I will work with the DNI to determine where problems exist and work with my counterparts – at the FBI and DOD and elsewhere – to resolve them expeditiously.

QUESTION 13:

The National Security Act of 1947 provides, under a section entitled “Supervision,” that the “Director of the Central Intelligence Agency shall report to the Director of National Intelligence regarding the activities of the Central Intelligence Agency.” What is your understanding of the D/CIA’s responsibilities under this provision and how do you think the DNI should accomplish this supervision?

As noted, the statute provides that the D/CIA reports to the DNI regarding the activities of the Agency. My intent is to have full transparency where the DNI is concerned, so that he will know what I know, and he and I will have an opportunity to discuss and resolve any concerns he may have about CIA operations, programs, or activities. I anticipate that Admiral Blair will rely upon me to run the Agency consistent with the policies and procedures he has put in place as DNI. Admiral Blair and I have already talked at length about the importance of maintaining regular communication on the issues facing our organizations and our community. I believe our relationship will be close and cooperative.

QUESTION 14:

In your opinion, has the CIA done an adequate job in adjusting its policies, planning, training, and programs to address current and future threats? If not, what would you do to change this if confirmed?

CIA is highly focused on the counter-terrorism mission. It is clear from some initial briefings I have received that CT continues to receive strong amounts of attention from Agency seniors and large resources from Congress. The threat of terrorism continues to pose the most immediate danger to the lives of Americans and U.S. interests abroad.

I am also concerned that we have not devoted sufficient resources to a broader set of national intelligence challenges – such as Russia, China, the global economic downturn, as well as unstable and weak governments in places such as Africa and Latin America. If confirmed, I will conduct a review of Agency operations and resources in light of emerging or long-range threats, and I may adjust the allocation of resources in accordance with its findings.

QUESTION 15:

A. To what degree and in what circumstances should operational details concerning CIA sources or methods be disseminated to individuals in the intelligence community outside the National Clandestine Service?

B. Under what conditions should intelligence community analysts with valid clearances and a need-to-know *not* have access to pertinent information contained in operational cables?

The Intelligence Reform and Terrorism Prevention Act requires the DNI to establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods. The recent revisions to Executive Order 12333 also reiterate that the heads of the elements of the Intelligence Community, including the Director of CIA, are “to protect sources, methods and activities....in accordance with guidance from the Director.”

The NCS has a moral and operational obligation to protect its human spies and, simultaneously, an obligation to provide its consumers with the fullest context for the intelligence it provides them. The recruitment of human sources is a long and difficult process. The costs associated with the compromise of HUMINT operations are very high, sometimes resulting in loss of access to intelligence that may have taken years to develop, or even the death of individuals who have provided us intelligence. Sources trust that the NCS will protect them, and that commitment must be honored. Protecting operational traffic ensures the viability of sources and methods, and the continued collection of intelligence needed to warn senior policymakers of potential threats to national security.

However, where operational details do have analytic value – *e.g.*, where they allow analysts to evaluate credibility of the information being reported – they ought to be factored into the analytical process. How this is handled should depend on the sensitivity of the operational information at issue. If confirmed, I will work with the DNI to establish procedures to govern the sharing of such sensitive information.

QUESTION 16:

A. Explain your responsibilities, if confirmed, in making decisions on recommendations concerning the accountability of officials of the CIA with respect to matters of serious misconduct.

The D/CIA may exercise statutory authority granted by the National Security Act of 1947 to terminate the employment of a CIA employee or officer whenever he deems it necessary or advisable in the interests of the United States. The exercise of this core statutory authority is distinct from but related to internal CIA administrative processes governing disciplinary actions against CIA employees and ensuring their accountability for the performance of their official responsibilities. I intend to ensure that these regulatory processes are administered in an efficient and fair manner to address and resolve questions of suitability, wrongdoing, or misconduct, and I will exercise the D/CIA's statutory employment termination authority where I determine it to be necessary or advisable.

At times, the Director may make use of an accountability board, composed of senior CIA officers. This board can conduct inquiries, weigh facts of other inquiries (such as Inspector General Reports), and issue recommendations for disciplinary or corrective action.

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

I intend to undertake a review of this system to ensure that they are efficient, fair, and compatible with the CIA's mission responsibilities and accountability by its officers for actions taken in the pursuit of that mission.

C. What is your view of the role of the CIA Inspector General and how would you utilize the work of the Office of the IG in managing the operations of the CIA if confirmed?

I believe the role of the Inspector General is critical to managing the operations of CIA. The Inspector General can provide an objective assessment of what is and is not working. He can provide assurance that the Agency's activities are being carried out consistent with legal and Agency regulations. He can verify that funds are being spent for authorized purposes. If confirmed, I will work closely with the Inspector General to ensure that the efforts of his office are directed at the areas of the Agency's operations that I consider most problematic, or where I need an objective assessment of the facts in order to make a decision.

Science & Technology, Research & Development, and Cyber Security at the CIA

QUESTION 17:

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

I have been very impressed with the professionals I have met and some of the initiatives that S&T has undertaken. My criteria for assessing our strength in this area will be whether we are leveraging other science and technology work conducted around the

community, whether we are adding value to operations, and whether this critical function is managed efficiently and effectively.

B. If confirmed, how do you intend to improve S&T activities in the CIA and improve recruiting and retention of the best available S&T talent?

If confirmed, I would review the state of S&T activities to determine where additional focus or talent might be needed. I would work to achieve the proper investment balance of near-term technological applications and longer-term, riskier, but potentially game-changing technologies. If confirmed, I would seek to attract S&T talent by demonstrating a commitment to support research and a willingness to explore innovative and non-traditional technologies.

C. What are your top priorities for S&T reforms in your first year in office?

The key priority is to continue to recruit and retain the most talented Americans who want to devote themselves to a science and technology career in government where they will not enjoy public credit for their most important work.

In addition, S&T officers have indicated to me the importance of pushing for information-sharing initiatives, particularly widening the dissemination of data from compartmented programs to allow S&T to develop tailored solutions to facilitate our most sensitive operations.

D. What qualities are most important to you in your top S&T official, the Director for Science and Technology, and what role and priorities would you assign to this S&T leader?

I have met with the current Director for Science and Technology and am very impressed with her experience and leadership. If confirmed, I would look for several qualities in the Director for Science and Technology. First, that individual must have detailed knowledge of the Agency's missions and how S&T contributes to those missions. Second, I would expect the Director of S&T to be a team player, since the directorate supports the other agency directorates rather than undertaking activities for their own sake. Third, the DS&T must have a strong scientific background in order to evaluate research proposals and oversee their implementation. Lastly, I would expect the DS&T to be a creative problem-solver and someone who is willing to take risks. It is not always possible to see the applications of a given technology immediately. An occasional leap of faith can yield a high pay-off.

E. What is your philosophy of the role of Research and Development (R&D) in the CIA and what are your top priorities with respect to R&D in the CIA?

I believe R&D is critical to keeping the Agency at the cutting edge of collection, analysis and operations. CIA's R&D should focus on areas where CIA's mission needs are *unique* and are not being satisfied elsewhere. The Agency should leverage and partner, sharing the load wherever CIA can. The Agency can only keep up by building on the work of others whether in community, academia, or industry.

QUESTION 18:

The Committee's Technical Advisory Group (TAG), a volunteer group of nationally recognized national security S&T leaders, plays a key role in advising the Committee on high priority S&T issues every year. If confirmed, will you fully support Committee TAG studies and allow the TAG members to have access to the people and information required for their studies upon the Committee's request?

Yes. TAG studies are an important part of the Committee's oversight work. I know how important the role of outside advisory panels can be in helping government officials make good decisions. If confirmed, I will give clear guidance so that the TAG can have access to the people and information necessary to conduct its studies.

QUESTION 19:

The issue of cyber security is of particular concern to the Committee. How would you improve the cyber security of CIA systems? What are your top priorities for cyber security reforms in your first year in office?

I share the Committee's concerns about cyber security, which is a serious and growing threat. If confirmed, cyber security will be an early area of emphasis for me, not simply at the CIA but at the national level as well. Early in my tenure, I will be reviewing activities across CIA that help strengthen our own cyber security, and I will ensure we have a robust and sustainable program to identify and close any gaps in this critical area. In addition, I anticipate working closely with the DNI and the President to develop and support new national cyber security policies and programs in ways that are appropriate for the Agency. I will also work to ensure that the CIA's networks are as secure as possible, both from external and insider threats.

HUMINT in the Intelligence Community

QUESTION 20:

What is your view of the strengths and weaknesses of the overall capabilities of the Intelligence Community to collect the HUMINT necessary to protect national security?

As indicated in my answer to an earlier question, while I have received overview briefings on operational activity, I am not sufficiently "read-in" to offer my assessment on this issue at this time. Having said that, I understand that the strength of HUMINT goes to the heart of the Agency's mission; it is CIA's reason for being. Accordingly, if confirmed, I will work to address it promptly and comprehensively, and I will make such changes as I determine necessary to improve the HUMINT capability within the Intelligence Community as well as in the Agency itself.

QUESTION 21:

A. In your view, is it appropriate for the Director of the CIA to continue to be the National HUMINT manager?

Yes. CIA has by far the largest and most sophisticated HUMINT capability within the Intelligence Community. It has been engaged in this kind of activity for many decades, and

has provided most of the HUMINT training for the Intelligence Community. As such, CIA is best-positioned to help manage HUMINT for the Community.

B. In your view, does the National HUMINT manager have the authorities necessary to set and enforce national standards for all HUMINT training and operations, including those of FBI and DoD?

The National HUMINT manager does have the authority to set and enforce national standards for HUMINT training and operations, and those standards are currently being set and approved by the members of the Intelligence Community via the HUMINT Enterprise Board of Directors and Board of Governors. Whether this system operates well in practice is something I will, if confirmed, evaluate once I take office.

C. If confirmed, what steps would you take to strengthen the authority and influence of the National HUMINT manager over the HUMINT training and operations within FBI and DoD?

Effective training will be the foundation of our success in building the National HUMINT Enterprise. To that end, we will continue to build on the success of our HUMINT Community Training Center in Willow Grove, Pennsylvania, to train our officers to operate more collaboratively, and to continue our new program to validate HUMINT Tradecraft training courses against national standards.

D. What should be the role of the Deputy Director, National Clandestine Service/Community HUMINT, in coordinating the HUMINT activities of the Intelligence Community?

The Deputy Director should develop common training and tradecraft standards for the agencies within the Intelligence Community that conduct HUMINT activities so that they can collaborate to the maximum extent possible. He also ought to ensure that the individuals involved in such activities serve rotational tours at other agencies to expose them to the techniques in use outside their parent agency. Finally, it should be his responsibility to ensure that there is no unintended duplication among HUMINT agencies, and that their activities complement one another.

QUESTION 22:

What do you consider to be the appropriate division of responsibilities for HUMINT between the CIA and the various components of the Department of Defense? Please explain specifically for the Defense Intelligence Agency, the Special Operations Command, and the Military Departments.

CIA's HUMINT collection operations are focused on the nation's highest priorities and the vast majority are clandestine. While these operations produce intelligence of interest to multiple customers, they do not answer all of the Defense Department's requirements. DIA is charged with collecting against defense requirements that might not otherwise be collected by the CIA. In addition, the military services have their own, more tactical and service-specific requirements which are satisfied by HUMINT elements within each service. Some of this is done in support of deployed forces in the field. This basic division of labor among these elements is appropriate.

Any work by DOD HUMINT components to satisfy national-level requirements should be carefully coordinated with CIA. The recent revisions to EO 12333 give the DNI the charter

to work with the departments and the CIA to establish procedures for the deconfliction, coordination, and synchronization of IC activities with “activities that involve foreign intelligence and security services, or activities that involve the use of clandestine methods, conducted by other United States Government departments, agencies, and establishments.”

Relationship to Congress

QUESTION 23:

A. Explain your understanding of the obligations of the D/CIA under Sections 502 and 503 of the National Security Act of 1947.

As the “head of an...agency...of the United States Government involved in intelligence activities,” it is the duty of the D/CIA pursuant to section 502 to keep the two intelligence committees “fully and currently informed” of the Agency’s activities – other than covert actions – including any “significant anticipated activities” and any “significant intelligence failure.” The law clearly imposes an obligation on the Director to apprise the committees of significant activities before they are undertaken; it also obliges the Director to report “significant” failures that have occurred. I also note that Section 502 provides that notice to the two committees shall be in a manner consistent with the protection of sources and methods. I do not interpret this as providing justification for withholding notice from the committees on the basis that sources and methods would be revealed by the notification. Rather, I interpret this proviso as allowing for latitude, depending upon the circumstances, with respect to *how* notice will be provided to the two committees. It thus allows for discussion of this concern with the committees. Section 502 also requires the Director to furnish the intelligence committees with any information or material in his custody or control that the committees request in order to carry out their responsibilities. This obligation is also conditioned by the “sources and methods” proviso referred to above.

Similar, but not identical obligations are imposed on the Director by Section 503 where covert actions are concerned. Here, too, the Director is charged to keep the two intelligence committees “fully and currently informed” of the covert actions in which the CIA is involved. But the obligation to provide the committees with prior notice of covert actions rests with the President rather than with the Director, although the Director retains the responsibility of reporting “significant” failures in the covert action area. Section 503 also requires the Director to furnish any information or material in his custody or control that the committees might request to carry out their responsibilities. Both obligations imposed by Section 503 are also conditioned on the “sources and methods” proviso I referred to in the paragraph above.

A. What lessons learned do you believe a new D/CIA should derive from the experiences of the last several years concerning the implementation of Sections 502 and 503, including the decisions not to brief the entire membership of the congressional intelligence committees on significant intelligence programs at their inception, such as the CIA detention, interrogation, and rendition program and the NSA electronic communications surveillance program?

My knowledge of these cases is not derived from first-hand experience but rather from public accounts. According to those accounts, the administration utilized the so-called “gang of eight” procedure to notify the committees rather than provide notice to the committee as a whole. Indeed, I am told the administration continued to withhold notice

from the full committees despite repeated pleas from certain members of the “gang of eight” to expand such notice to the full membership. The NSA surveillance program was not a covert action program, and, therefore, limiting notification to the “gang of eight” was inappropriate. Such limited notifications restrict the ability of the intelligence committees to conduct oversight.

Even where covert action is concerned, I think notice via the “gang of eight” procedure ought to be limited to extraordinary cases, where operational details will be revealed whose disclosure might jeopardize those involved. I take this view because I think the “gang of eight” notice procedure limits meaningful oversight by the Congress. When the eight Members who are notified cannot tell anyone else what they have heard, and are thereby denied the ability to seek professional advice from their staffs or consult with other knowledgeable Members, then they are effectively denied the ability to conduct oversight. This result might be justified so long as lives remain at risk, but not after the danger has passed.

A. Under what circumstances do you believe notification may be limited to the Chairman and Vice Chairman or Ranking Member of the congressional intelligence committees? In those circumstances, if any, what is the obligation of the D/CIA to notify subsequently the full membership of the committees as expeditiously as possible?

As contemplated by the statute, there could well be circumstances that dictate withholding notice to the full committees or delaying it until the particular sensitivity passes. This should be the exception, not the rule. Where lives would be put at risk by disclosure, inadvertent or otherwise, of the information at issue, it may be prudent to confine knowledge of it to the leaders of the two intelligence committees. In such cases, I would discuss my concerns with the leaders of the two committees and attempt to reach a mutual understanding in terms of how the information at issue should be handled within their respective committees, to include determining the point at which the full committees should be briefed.

Treatment of US Person Information

QUESTION 24:

What principles, in your view, should govern rules pertaining to the collection and retention of U.S. person information by U.S. intelligence agencies? Are there any special rules or exceptions necessary for the collection and retention of U.S. person information by the CIA? Please explain.

Intelligence activities pertaining to U.S. person information are governed by the Constitution, applicable statutes, executive orders, and agency regulations. As Executive Order 12333 notes, “[t]he United States Government has a solemn obligation, and shall continue in the conduct of intelligence activities under this order, to protect fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by federal law.” I strongly agree with this view of our responsibility to safeguard the civil liberties of the American people.

CIA must maintain absolute fidelity to the Constitution and laws of the United States and strict respect for the principles incorporated therein, including an acute sensitivity to the

civil liberties and privacy interests of U.S. persons, wherever they are located. CIA also must maintain strict accountability standards for CIA officers at all levels for observance of these interests.

Under Executive Order 12333, elements of the Intelligence Community are authorized to collect, retain, and disseminate U.S. person information only in accordance with procedures established by the head of the agency and approved by the Attorney General. CIA regulations, in fact, provide such guidance, specifying not only the kinds of information on U.S. persons that CIA may lawfully seek to obtain, but also what it may retained and disseminated outside the Agency.

Detention, Interrogation, and Rendition Issues

QUESTION 25:

A. What principles should govern future detention, interrogation, and rendition practices and policies of the Intelligence Community, and what changes should be made to current practices? In answering, include your understanding of the obligations of the United States under U.S. law and international law, as applied to the Intelligence Community, with respect to the detention and interrogation of detainees and also with respect to access to them by the International Committee of the Red Cross.

Rendition, detention, and interrogation practices and policies of the Intelligence Community should fully comply with the U.S. Constitution, U.S. statutes, and the policy set by the President. On January 22, 2009, the President issued an executive order directing all U.S. agencies to use Common Article 3 of the Geneva Conventions as the baseline for the treatment and interrogation of persons detained in any armed conflict. The executive order also states that agencies must notify the International Committee of the Red Cross of such detainees and provide the Red Cross with access to them. The intelligence community must follow the executive order. With respect to renditions, the intelligence community must comply with U.S. obligations under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, including Article 3 prohibiting the rendition of a person to a country where it is more likely than not he will be subjected to torture.

As for interrogations, the Executive Order mandates that agencies of the U.S. government employ the Army Field Manual.

The orders provide for two follow-on task forces: the first to further consider the disposition of detainees now in custody at Guantanamo, and the second to consider whether further amendment is needed to the policies set forth in the Army Field Manual to govern the interrogation of detainees. If confirmed as Director of the CIA, I will become a member of these interagency task forces, and I intend to participate fully in their work.

B. Should there be uniform rules for military and intelligence interrogations? If not, what differences do you believe would be justified?

As the recent Executive Order on interrogation now provides, those rules will now be uniform throughout the U.S. government. The task force that will review interrogation policy will examine whether any differences between agencies can be justified.

C. What is the appropriate use, if any, of contractors within the IC in the interrogation of detainees?

I believe interrogation operations should be conducted by a cadre of very skilled intelligence officials under clear guidance and supervision. My strong preference is for government employees to conduct such interrogation so that there is a clear chain of accountability. There may be a time and place where a special language or dialect or area of expertise may require a contractor, but that should be the unusual exception, not the norm. If confirmed, I will want to review current practices to ensure that the program is legal, effective, and resourced correctly.

Law Enforcement Proviso

QUESTION 26:

The National Security Act of 1947 (Section 104A (d)(1)) states that the Director of the Central Intelligence Agency “shall have no police, subpoena, or law enforcement powers or internal security functions.” Explain your understanding of this proviso, including the manner in which it governs the allocation of responsibilities between the FBI and the CIA.

CIA cannot itself be used to carry out law enforcement functions within the United States. It is not precluded by this proviso from providing foreign intelligence or technical assistance to law enforcement agencies or from protecting CIA personnel or property, but it is precluded from such functions as keeping the peace, participating in arrests or law enforcement investigations, or otherwise enforcing U.S. law. If the Agency should discover information indicating unlawful activity, it refers such information to the Justice Department. It may conduct investigations of its own employees, however, for security or suitability purposes.

Duty to Correct Public Statements

QUESTION 27:

What is your view of the responsibility of a Director of the CIA to inform senior administration policy officials or their spokesmen when the available intelligence either does not support or contradicts public statements they may have made?

I recognize that policy officials have access to a great deal of information apart from what they receive through intelligence channels, and sometimes make public statements based upon that information despite the actual intelligence on the subject. Nonetheless, if confirmed, I would alert such officials – either myself or through the DNI – that the public statements they made were not supported, or were contradicted, by the pertinent intelligence. If the official could not adequately explain his or her action and refused to correct the record, I would raise the matter to his superior or, as appropriate, to the President.

Commissioned Officer as Director or Deputy Director

QUESTION 28:

What is your view on whether the law should require that the Director or Deputy Director of CIA or both be chosen from civilian life? If confirmed, what standards apart from legal requirements would you apply to the selection of a Deputy Director or what experiences would you look for in a Deputy Director?

In my view, the law should require that at least one of the top two officials at the CIA come from civilian life. I take this view because the principal mission of the CIA is to provide intelligence support to senior policymakers who are, necessarily, civilians.

If confirmed, I would want the Deputy Director to be committed to intelligence work of the highest quality and to adherence to the rule of law. I would also want to be confident that the Deputy Director would work effectively with me, the Agency's deputy directors, the heads of other intelligence agencies, and with the Congress. Stephen Kappes fulfills those criteria and will serve as my deputy.

National Counterterrorism Center and Counterterrorism Center

QUESTION 29:

The Intelligence Reform and Terrorism Prevention Act of 2004 created the National Counterterrorism Center (NCTC). Some of the NCTC's responsibilities were previously handled by the CIA Counterterrorism Center (CTC). What is your view of the appropriate division of functions and responsibilities of the NCTC and the CTC?

My preliminary view is that NCTC is the IC-wide analytic "center" for counter-terrorism intelligence. NCTC also has a role to develop strategic operational plans to combat terrorism, answering to the President.

CIA's CTC conducts operations against the CT target, the vast majority of which are classified. The Office of Terrorism Analysis conduct detailed analysis of terrorist leaders, their plots and their capabilities. OTA's analysis support CIA's operational mission of detecting, disrupting, and defeating terrorists before they pose a direct threat to the U.S. homeland and U.S. interests abroad. CIA analysts leverage expertise gained in the working with the NCS and other CIA components – including regional and functional offices in the Directorate of Intelligence – to help position CIA to collect intelligence, leverage liaison relationships, and disrupt terrorist networks.

Management of the CIA

QUESTION 30:

Please describe in detail how you intend to fill key positions in the Office of the Director, and elsewhere within the CIA, in order to ensure that those individuals who are part of your management team have significant and appropriate intelligence experience.

Currently, the jobs of Deputy Director, Associate Deputy Director, as well as the heads of the Agency's four main Directorates (Director for Intelligence, Director of the National Clandestine Service, Director for Support, and Director for Science and Technology) are

all career intelligence professionals. I intend to ask all of these individuals to remain in their current posts for the time being.

I note, in particular, that the current Deputy Director, Stephen Kappes, who has served nearly continuously at the Agency for twenty-seven years, has agreed to stay on. Mr. Kappes was promoted to Senior Intelligence Service in 1995 and has spent twelve years overseas. He speaks Farsi and Russian. He has previously served as Deputy Director for Operations and Associate Deputy Director for Operations. Few people in the United States government have as much intelligence experience as Steve.

I intend to surround myself with individuals of high integrity, who understand intelligence, who are dedicated to the mission of the Agency, and who treat all colleagues – irrespective of their rank within the organization – with respect and fairness.

QUESTION 31:

Drawing on your past professional experiences, please describe in detail your management philosophy, including but not limited to the extent to which you intend to become involved in operational matters and how you intend to structure the division of responsibilities with the Deputy Director of the CIA.

My management philosophy is to give clear guidance to subordinates and allow them to carry it out. In other words, I am not one to micromanage. If I find they have not done as I have asked, or have performed their tasks inadequately, I will tell them so. If their sub-par performance continues, I'll find someone else to do the job.

I anticipate focusing primarily on ensuring policy and procedure is handled correctly, rather than intervening personally in the details of operational planning or the production of individual pieces of analysis. At the same time, I expect to be kept up to date on any significant operations or analyses that we have in train, especially operations involving serious risk or analysis of key issues that is expected to be contentious.

In terms of the division of labor with the Deputy Director, we will both be involved in every decision affecting the Agency. There will be complete transparency between us. Having said that, I anticipate taking a larger role in the external functions of the Director's office, such as representing Agency positions and concerns with the White House, the ODNI, and Congress; meeting with foreign liaison services; and serving as the public face of the Agency. I expect the Deputy Director to take a larger role in monitoring and directing the internal workings of the Agency.

Professional Experience

QUESTION 32:

For each of the following, describe specifically how your experiences will enable you to serve effectively as the Director of the CIA. Include within each response a description of issues for the CIA that you can identify based on those experiences:

A. As the co-director of the Panetta Institute for Public Policy

I founded the Panetta Institute for Public Policy in 1998 to create a center in the California State University System for the study of public policy and the development of a new generation of public servants. In over a decade of leading the Institute as Director, I have focused our research and educational activities on improving understanding of the challenges faced by public sector organizations and the process by which policy objectives are translated into reality.

My work at the Panetta Institute has confirmed to me the importance and necessity of recruiting and retaining high-quality people. Nowhere in the federal government is this more critical than at CIA, whose success depends largely on hiring and retaining first-rate personnel to carry out its complex and sensitive missions. It brings home to me the importance not only of the hiring process itself, but of the need for first-rate training and career development programs, diversity in the workplace, fair and equitable personnel and pay systems, and, last but not least, treating employees with dignity and respect.

B. As a member of the Iraq Study Group

As a Member of the Iraq Study Group (ISG), I was exposed to wartime intelligence at the highest level. This experience underscored for me not only the importance and sophistication of the CIA's analytical capabilities (on both political and military topics), but also the significant role military intelligence elements play in producing analysis to support their regional and tactical commanders.

The objective of the ISG was to come up with a set of bipartisan recommendations to guide U.S. policy in the face of a deteriorating political situation in Iraq. Intelligence analysis figured prominently in our attempt to predict what that situation was apt to be. My ISG work also enabled me to become far more familiar with the political, cultural, and military situation inside Iraq, which will provide very useful background should I be confirmed as Director of CIA.

C. As the Chief of Staff to former President Clinton

As White House Chief of Staff, I was responsible for everything that reached the President, ensuring that he was getting what he needed from the departments and agencies, as well as the White House staff, to make policy decisions, including those related to foreign policy. I attended National Security Council meetings and was a consumer of the Presidential Daily Brief and other intelligence products. I saw firsthand how the President and other high-level officials received and used intelligence, how intelligence agencies responded to the kinds of questions they asked, and how intelligence was factored into their decision-making. It is hard to overstate the value of this experience should I be confirmed as Director of CIA, an agency whose principal function is to satisfy the intelligence needs of the President.

D. As the Director of the Office of Management and Budget

As OMB Director, I was responsible for reviewing and approving all federal spending requests to Congress, including those for the intelligence community, and overseeing budget execution by the Executive Branch. I am, in particular, well acquainted with the inter-agency process within the Executive Branch that produces the budget for intelligence each year. I believe this positions me well, if I am confirmed, to shepherd the CIA budget

request through OMB each year, along with any requests for funding via supplemental appropriations bills.

My years as OMB Director not only gave me responsibilities across the federal government, it gave me the experience of running a large organization. This experience will be invaluable should I be confirmed as the Director of CIA.

E. As a member of the House of Representatives

As a Member of the U.S. House of Representatives for sixteen years, I acquired an in-depth understanding of how the Congress works, especially its role in funding the departments and agencies of the Executive Branch. As Chairman of the House Budget Committee, I also reviewed all federal budget requests, including those for the Intelligence Community. Indeed, I was a regular consumer of intelligence throughout my years in Congress.

If confirmed, I believe my Capitol Hill experience will help me advocate effectively for CIA's mission, people, and budget – both with the intelligence committees and with the appropriators – and repair and enhance what I understand are badly strained relations between the Agency and the Hill.