

RESPONSES FROM JOHN O. BRENNAN TO POST-HEARING QUESTIONS



DIRECTOR
TERRORIST THREAT INTEGRATION CENTER
Washington DC 20505

4 December 2003

The Honorable John Conyers, Jr.
Ranking Democratic Member
Committee on the Judiciary
House of Representatives
Washington, DC 20515

Dear Mr. Conyers:

Enclosed for your review are responses to Questions for the Record relayed to the Terrorist Threat Integration Center (TTIC) following a 22 July 2003 joint hearing by the Committee on the Judiciary and House Select Committee on Homeland Security on TTIC's relationship with the Departments of Justice and Homeland Security.

Should you have any questions regarding these responses, please have your staff contact Jack Dempsey at 703-482-8802.

Originals of this letter are also being sent to Chairman Sensenbrenner and the Chairman and Ranking Democratic Member of the House Select Committee on Homeland Security.

Sincerely,

John O. Brennan
John O. Brennan

Enclosure

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SELECT COMMITTEE ON HOMELAND SECURITY
Questions for the Record
Majority
For July 22, 2003 Joint Hearing
Committees on Judiciary and Homeland Security
The Terrorist Threat Integration Center and its
Relationship with the Departments of Justice and Homeland
Security

Budget and Appropriations

Question 1. Identify all agencies that contributed funds to pay for the build-out of TTIC's present facility within CIA headquarters?

- a. *What is the approximate percentage of that total build-out cost paid (or to be paid) by each participating agency?*
- b. *Did any other entity provide funding for TTIC's FY03 non-personnel costs?*

Response. The CIA contributed 100 percent of the funds to pay for both the build-out of TTIC's present facility within CIA headquarters and TTIC's FY 2003 non-personal services costs.

Question 2. At the joint hearing, Mr. Brennan testified that TTIC management is now in consultations regarding a FY 2004 appropriation for TTIC. *With whom or with what entities are those consultations occurring?*

Response. TTIC was consulting with partner agencies, as well as the Office of Management and Budget regarding its FY 2004 funding; that funding level has now been established.

Question 3. Does TTIC management hope to have a single appropriation for TTIC?

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Response. Yes, by FY 2005, TTIC hopes to have a single appropriation for its non-personal services dollars in the Community Management Account of the National Foreign Intelligence Program. Personal services dollars for member agency assignees to TTIC will continue to be requested by individual agencies.

Question 4. Will TTIC's operating expenses be shared among its four equal partners?

Response. It is our understanding that TTIC's budget will be built by realigning funds from our partner agencies. However, operating costs are not shared equally by the agencies participating in TTIC. Instead, each agency's share is based on the number of personnel assigned to TTIC by each agency.

Question 5. Does TTIC management expect any FY04 funds to be appropriated directly to TTIC?

Response. No. FY 2004 funds will be provided to us from partner agencies via Economy Act transfers.

Question 6. Does TTIC management expect that each of TTIC's participating agencies will seek an appropriation to cover its own TTIC participation?

Response. While we cannot speak to each participating agency's intention, we can note that agencies/departments that participate in TTIC will need to provide for the personal services costs of those officers that they send to TTIC. In addition, FBI and CIA will need to pay for their presence in the new facility being renovated to accommodate TTIC, as well as elements of CIA's Counterterrorism Center, and FBI's Counterterrorism Division.

Question 7. Has TTIC allocated the non-personnel costs for TTIC among its participating agencies (e.g., "taxed" them for a portion of TTIC's non-personnel costs?)

a. If so, how (i.e., by what formula?)

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- b. Is each TTIC participating agency "taxed" at the same rate?

Response. In determining how best to fund TTIC, the Office of Management and Budget decided to "tax" participating agencies for TTIC's FY 2004 non-personal services budget (it has not yet been decided how to fund TTIC's FY 2005-09 costs.) That tax is based on each agency's expected participation rate in TTIC. CIA and FBI will pay the greatest share of TTIC's non-personal services costs, with DoD, DHS and State Department paying a lesser share.

Question 8. What entity will rent (or purchase) the space for TTIC's new, non-CIA facility?

Response. Funds were appropriated to CIA to rent a facility to house TTIC, as well as elements of FBI's Counterterrorism Division and CIA's Counterterrorism Center. The building, which is currently undergoing renovations, will be identified as a CIA property.

Question 9. What entity or entities will provide funding to rent and build-out that new, non-CIA facility? (Please identify funding source by agency, purpose that agency is funding, and proportion of funding for the particular purpose that each source agency will provide.)

Response. For FY 2003, funds to initiate build-out of the facility were appropriated by Congress. The balance of the funds needed to build out the facility will be provided by CIA, FBI, DoD, DHS and State Department, via Economy Act transfers in FY 2004. The specifics surrounding each Agency's costs are classified; however, the formula that OMB is using to assign costs is based on each agency's footprint in the new building. We would be happy to provide cleared personnel with a separate briefing on these costs.

With regard to rent, the three primary occupants--CIA, FBI and TTIC--will receive bills for rent, utilities, and operations and maintenance of both the facility and the IT infrastructure. Again, OMB is assigning costs based on each Agency's footprint in the new building.

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Even when OMB has completed its allocations, we will have to limit information surrounding the building's costs with those who are appropriately cleared. Because the building is a CIA facility and several of the tenants are members of the Intelligence Community, budget data for the purposes of construction and operations and maintenance is classified. At the moment, TTIC's budget is also classified, although that is currently under review. As noted above, we are happy to provide a budget briefing to appropriately cleared personnel.

TTIC's Role

Question 1. Does any officer assigned to TTIC conduct any collection activities?

Response. No, TTIC has no responsibility for collection.

Question 2. Is it anticipated that, in the future, any officer assigned to TTIC will conduct any collection activities? If so, what collection activities and under what authority?

Response. We do not currently envision any scenario under which TTIC would conduct any collection activities.

Question 3. Would TTIC require specific legislative authorization in order to engage in any collection activity?

Response. TTIC has no plans to engage in collection activities and expresses no opinion as to what, if any, authority would be needed for such activities.

Question 4. Is there any role assigned to TTIC that the Department of Homeland Security could not lawfully perform, through IAIP or some other entity or combination of entities?

Response. We defer to DHS regarding what roles and responsibilities DHS can and cannot lawfully perform.

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Question 5. Precisely what is the division of responsibilities between CIA's Directorate of Intelligence and TTIC with respect to the analysis of terrorist threat-related foreign intelligence information?

Response. Given that TTIC has only been in existence for six months and is only at one-third of its expected staffing, it is premature to define completely the division of responsibilities between the two organizations. In fact, TTIC is currently working with the Administration on a delineation of the responsibilities associated with the various counterterrorism-related analytic units in the U.S. Government. As soon as this work is completed, we will provide you with a more fulsome response to this question.

- a. *What is the difference in the work a CIA (Directorate of Intelligence) analyst performs in the DCI's Counterterrorist Center (CTC) and the work the same analyst would conduct if s/he were assigned to TTIC?*

Response. An analyst assigned to the DCI's Counterterrorist Center may produce analysis on terrorism, as well as provide direct support to counterterrorist operations conducted by CTC. A TTIC analyst only produces analysis; he/she plays no direct role in the support of counterterrorist operations.

- b. *Would a CIA analyst have access to more or less information when assigned to TTIC that s/he would if working in the DCI's CTC on the same analytic project?*

Response. TTIC has greater direct access to a wider variety of sources on counterterrorism information than does the CIA.

- c. *Does TTIC now generate any analytic product formerly produced by the CIA's Directorate of Intelligence—and are there plans for TTIC to begin to generate any such product (In each case, please identify.)*

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Response. TTIC produces the daily threat matrix, a daily situation report, and community threat advisories and warnings - all of which were formerly produced by the DCI Counterterrorist Center.

d. Is the Department of Homeland Security an addressee on all terrorist threat-related analysis produced by CIA's Directorate of Intelligence? Produced by TTIC?

The Department of Homeland Security is an addressee on all terrorist threat-related analysis produced by TTIC. We are unaware of the DI's dissemination practices.

Question 6. The priority mission of the Bureau of Customs and Border Protection (BCBP) is to prevent terrorists and terrorist weapons from entering the United States. (Statement of Commissioner Bonner to Senate Appropriations Committee Subcommittee on Homeland Security, 5/8/03) *Will BCBP be given routine access to TTIC-generated analytic products?*

Response. BCBP, as well as other agencies in the Department of Homeland Security, will be given routine access to TTIC-generated analytic products. Today, selected BCBP officers are able to access TTIC reporting via TTIC On Line, a website which hosts not only TTIC analysis, but also links to other CT reports. While TTIC Online contains among our most sensitive intelligence and therefore must have controlled access, it already reaches analysts at all the major Departments and Agencies having a role in the war against terrorism. Over the coming months, we will be replicating TTIC Online on less sensitive networks in order to provide terrorism analysis at a lower level of classification to a much broader community of analysts and consumers; this will ultimately extend to a "sensitive but unclassified" version that will allow FBI and DHS to make SBU material available to state and local government, law enforcement and the private sector. TTIC is committed to the broadest possible dissemination of its intelligence information.

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Question 7. In his confirmation hearing statement, Secretary Ridge told the Senate Governmental Affairs Committee that: "a fundamental priority in our mission must be to analyze the threat, while concurrently and continuously assessing our vulnerabilities. The Department is structured in such a way as to efficiently conduct this task." *Given the prominence of TTIC as a venue for analyzing terrorist threat-related information and the growth of its analyst cadre relative to that of DHS/IA, is it still accurate to assert that DHS is structured efficiently to conduct not only vulnerability assessments, but also threat analysis?*

Response. We defer to DHS for a response to this question.

Question 8. Will the Information Analysis and Infrastructure Protection Directorate of the Department of Homeland Security get terrorism-related foreign intelligence information only from TTIC? Will any of TTIC's participating agencies provide information it has to DHS exclusively through TTIC? (If so, please specify and explain.)

Response. TTIC is only one source of terrorism-related foreign intelligence information for DHS. In accordance with the Memorandum of Understanding signed by the Director of Central Intelligence, the Attorney General and the Secretary of Homeland Security, TTIC "shall be the preferred, though not the exclusive, method for sharing covered information at the national level."

Question 9. Is the Information Analysis and Infrastructure Protection Directorate of the Department of Homeland Security receiving all FBI and CIA reports (including information reports containing intelligence which has not been fully evaluated), assessments, and analytical information relating to threats of terrorism against the United States? (ref. Homeland Security Act, sec. 202(b)(2)(A).)

Response. We defer to DHS, FBI, and CIA for a response to this question.

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Question 10. In February of this year, in a joint Statement of the TTIC Senior Steering Group, its Chairman told the Senate Government Reform and Oversight Committee that: "At TTIC's end-state, all national-level terrorist threat-related analysis will be coordinated with the Director of TTIC or his/her authorized representative."

- a. *Department of Homeland Security (DHS) Deputy Secretary England was a member of the TTIC Steering Group. Is it the Department's intention to coordinate all its terrorist threat-related analysis through Director/TTIC?*
- b. *The coordination requirement quoted above suggests that if Director/TTIC disagrees with a DHS/IA analytic conclusion on the significance of terrorist-related information, DHS/IA could not disseminate its conclusion. Correct?*
- c. *How does the quoted coordination requirement help ensure that the Department's Information Analysis sub-directorate serves the independent analytic role the Homeland Security Act requires.*

Response. We defer to DHS for a response to these questions.

Management Issues

Question 1. TTIC's current Director is a career CIA officer.

- a. *Is there any reason why the Director of TTIC could not, in the future, be drawn from TTIC's other participating agencies?*

Response. There is no reason why the Director of TTIC could not come from one of TTIC's participating agencies. In fact, Director of Central Intelligence Directive 2/4 states that "The TTIC will be headed by a senior U.S. Government official appointed by the DCI in consultation with the Director of the FBI, the Attorney General, and the Secretaries of Homeland Security and Defense. The D/TTIC, in coordination with TTIC members and with the concurrence of the DCI, shall designate the Principal Deputy Director

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of TTIC (PDD/TTIC), who shall not come from the same department or agency as D/TTIC."

- b. *Is there, at present, any agreement or requirement that successive heads of TTIC be drawn from TTIC's different member agencies (or communities) on a revolving basis?*

Response. There is no agreement or requirement that calls for successive heads of TTIC to come from different member agencies on a revolving basis. See the DCID 2/4 language, referenced above, for information on the selection of TTIC's Director.

Question 2. We understand that a number of analysts working in the IAIP directorate of the Department of Homeland Security (DHS) are detailed to DHS from other agencies.

- a. *Is DHS assigning any of those analysts to TTIC?*
 b. *If so, how many and what agency will pay their salaries?*

Response. We defer to DHS for a response to this question.

Question 3. Is there a standard duration of an analyst's assignment to TTIC?

- a. *If so, what is it?*
 b. *If not, who decides or what determines the duration of such an assignment?*

Response. We prefer that analysts fulfill a minimum of a two-year commitment in TTIC (and are currently codifying the terms of assignment commitments via Memoranda of Agreements with our member agencies/departments.) However, there are clearly exceptions to the rule. In order to build a cadre of terrorism analysts who are experts, we will encourage some analysts to extend their tours beyond two years. Other analysts may be made available for shorter tour-by their home agencies--to serve on task forces or other special projects.

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Question 4. Has TTIC management declined to accept any analyst who was proposed for assignment to TTIC by any of TTIC's member agencies? If so, how many and on what general grounds?

Response. To date, TTIC has accepted all analysts proposed for assignment to TTIC.

Question 5. How and by whom are analysts assigned to TTIC evaluated? Who has the authority to increase their pay and promote them?

Response. As assignees, analysts in TTIC are evaluated by a member of their home organization (either a senior officer assigned to TTIC, or back in the home agency). Only the home agency has the authority to provide increases to pay, as well as promotions. However, TTIC is consulted on all performance-related decisions.

Agency participation

DoD

Question 1. Has the Department of Defense (DoD) assigned any of its units to participate in TTIC?

a. If so, which unit or units and as from what date?

Response. There are several DoD organizations represented in TTIC: Defense Intelligence Agency (including JITF-CT officers), National Imagery and Mapping Agency, and the National Security Agency. All of these organizations were represented in TTIC at our start-up date of 1 May 2003.

Question 2. How many analysts from DoD member agencies (including any uniformed military service) has DoD assigned to TTIC? How many non-Analyst personnel?

Response. As of 20 November, there were 14 analysts assigned to TTIC, as well as one liaison officer and two senior managers.

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Question 3. Are there plans to assign specific DoD units or numbers of personnel to TTIC? If so, what units/number of analysts will be assigned and by what date?

Response. We will look to DoD to staff up to 25% of TTIC's authorized end strength. Currently, our end strength is projected to be 300 personnel.

Question 4. What is the total value of any equipment or supplies DoD has supplied to TTIC?

Response. DIA, NSA and NIMA have provided workstations and related information technology equipment to support their assignees to TTIC. We defer to DoD for an estimate of the value of this equipment.

Question 5. Will DoD seek a specific appropriation for FY 2004 and succeeding years in order to fund its participation in the TTIC.

Response. We defer to DoD for a response to this question; however, we can note that DoD will be expected to pay the personal services for its employees assigned to TTIC.

Question 6. Does any DoD policy or regulation affect any DoD entity's ability to share information it originated with its non-DoD counterparts in the TTIC?

- a. *Does any such policy or regulation govern the dissemination of DoD-originated information by the TTIC?*
- b. *The Administration's February 14, 2003 "Fact Sheet" on the TTIC states that "TTIC participants will continue to be bound by all applicable privacy statutes, Executive Orders, and other relevant legal authorities for protecting privacy and our Constitutional liberties. Is it correct, then that non-legal departmental policies will be revised as necessary to promote the success of TTIC's mission?*

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Response. We defer to DoD for a response to this question.

Question 7. By a March 4, 2003 Memorandum of Understanding, the Director of Central Intelligence, on behalf of all Intelligence Community member entities, the Secretary of Homeland Security, on behalf of all entities within the Department of Homeland Security, and the Attorney General, on behalf of all federal law enforcement entities, agreed to broad information sharing mandates. *Does that Memorandum of Understanding on information sharing apply to DoD entities that are member entities of the Intelligence Community?*

Response. Yes, the MOU on Information Sharing applies to DoD entities that are members of the Intelligence Community.

DHS

Question 1. How many full-time analysts are now employed by the DHS Directorate of Information Analysis and Infrastructure Protection? How many full-time analysts are now employed in non-IAIP DHS entities?

Response. We defer to DHS for a response to this question.

Question 2. How many full-time analysts employed by DHS are now assigned to TTIC? How many of those are DHS/IAIP analysts.

Response. As of 20 November, there were five full-time analysts assigned to TTIC. None of these officers are IAIP analysts.

Question 3. Please answer the above four questions on the basis of projections for 12/31/03.

Response. We will defer to DHS to provide the specifics of their projections. We can note that we are expecting DHS to staff 10-15 percent of our expected end strength of 300.

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Question 4. Does DHS plan to seek an annual appropriation to fund its participation in TTIC?

Response. We defer to DHS for a response to this question. We can note, however, that each member agency will need to budget for the personal services costs of their assignees to TTIC.

Question 5. The Homeland Security Act requires the Under Secretary for IAIP to "disseminate, as appropriate, information analyzed by the Department...to agencies of State and local governments and private sector entities...in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States" (sec 201(d)(9)).

a. Will TTIC now exercise that function for DHS/IAIP?

Response. No. TTIC will rely on DHS/IAIP to disseminate information analyzed by the Department to State and local governments and private sector entities.

b. Will TTIC itself disseminate any of its analytic products directly to State, local, or private sector officials? Which? To whom? How?

Response. No, TTIC will rely on FBI and DHS to provide the dissemination interface with State, local and private sector officials.

c. Will DHS disseminate TTIC products to state/local officials? If so, as TTIC products and without annotation or other changes?

Response. DHS will disseminate TTIC information that has been deemed unclassified to state/local officials. We do not anticipate that DHS will need to annotate or make other changes to our products. Should that become necessary, appropriate coordination would take place.

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FBI

Question 1. As of today, how many full-time employees of the FBI who are analysts has the FBI assigned to work full-time in the TTIC? What is the duration of such FBI employee-analysts' assignments to the TTIC?

Response. As of 20 November, there were nine FBI analysts working full-time in the TTIC. Our standard tour of duty is two years.

Question 2. How many of its non-analyst employees has the FBI assigned to work full-time in TTIC?

Response. There are four FBI non-analyst employees assigned to work full time in TTIC: two special agents, one SES officer, and one IT support officer.

Question 3. Has the FBI assigned any of its units to TTIC?

Response. No; however, the FBI has relegated to TTIC the responsibility for analysis and reporting on all foreign terrorist threat information. The FBI retains the responsibility for analysis in support of operations.

Question 4. Will the FBI's entire Counterterrorism Division be collocated with the DCI's Counterterrorism Center at TTIC's new, non-CIA headquarters site? When does the FBI expect to move its CTD to the new TTIC facility?

Response. As noted earlier, the building, located at Tyson's Corner, Virginia is a CIA building that will house TTIC, as well as elements of both CTD and CTC. We defer to FBI regarding details of the move of FBI's Counterterrorism Division to the building.

Question 5. Is FBI-originated "raw" (unprocessed) reporting available to non-FBI analysts in TTIC on the same basis as it is to FBI analysts assigned to TTIC?

Response. No. Access to FBI systems is generally limited to FBI analysts (there are some limited exceptions);

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however, FBI information obtained from these systems (including "raw" (unprocessed) information and case files) may be shared by an FBI analyst with any analyst in TTIC with the understanding that the non-FBI analyst will not share that same information with his/her home agency without seeking approval

Question 6. Is non-FBI-originated "raw" (unprocessed) reporting available to FBI analysts at TTIC on the same basis as it is to employees of the originating agency assigned to TTIC.

Response. As noted in the response to Question 5, member agencies generally limit access (especially to "raw" reporting) to employees of the home agency. However, all member agencies understand that TTIC assignees may share any relevant intelligence information with any other TTIC analyst without seeking permission from the home agency.

Question 7. Does the role of an FBI analyst assigned to TTIC differ from that of an FBI analyst assigned to the DCI's Counterterrorist Center? If so, how?

Response. An FBI analyst assigned to TTIC will provide no direct support to counterterrorist operations; an FBI analyst assigned to CTC may provide such support

CIA

Question 1. Is CIA-originated reporting, including "raw" (unprocessed) reporting, routinely made available to non-CIA employee analysts assigned to TTIC for analysis? If so, subject to what, if any, limitations or constraints?

Response. All CIA-originated terrorist threat reporting is routinely made available to non-CIA analysts. As noted above, however, broad system access is generally limited to CIA employees with more general access provided to the broader population.

Question 2. Is non-CIA-originated reporting, including "raw" (unprocessed) reporting, routinely made available for analysis to non-CIA employee analysts assigned to TTIC?

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Response. Yes, with the caveats noted above.

- a. *If so, are DHS employee analysts assigned to TTIC among those who are given routine access to this CIA information for analysis?*

Response. We assume that you mean non-CIA information, the subject of this question, in which case, the answer is yes.

- b. *Subject to what, if any limitations or constraints?*

Response. There are some very sensitive technical and operational collection programs that generate information that is provided to a limited number of TTIC analysts.

Question 3. Has any CIA unit been assigned to the TTIC?

Response. Two CIA units were assigned to TTIC: the unit responsible for the Terrorist Identities Database, and the unit responsible for the production of the Terrorist Threat Matrix.

Question 4. Are there plans to assign any CIA unit to the TTIC? (If so, what unit?)

Response. See question 3 above. As TTIC's mission is refined, additional units may be realigned.

Question 5. Will the DCI's Counterterrorist Center (CTC) be fully collocated with the FBI's Counterterrorism Division (CTD) at TTIC's new, non-CIA headquarters facility?

Response. As noted earlier, the Building, located at Tyson's Corner, Virginia is a CIA building that will house TTIC, as well as elements of both CTD and CTC. We defer to CIA regarding the details of the move of CTC to the building.

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TTIC's output

Question 1. Please list the generic titles of all analytic products TTIC routinely produces. If TTIC will produce other analytic products in the future, please provide their generic titles and indicate when TTIC will begin producing them.

Response. TTIC currently produces: a daily terrorist threat matrix, a daily terrorist threat report for the Executive Branch, a daily terrorist situation report, spot commentaries, threat warnings, Community assessments, special analysis reports, and articles for a publication that is provided to a broad spectrum of Government executives. We will add additional products as necessary.

Question 2. Which of the above products are new - original with TTIC - and which are products that other agencies used to produce?

Response. The new products include the daily terrorist threat report for the Executive Branch and the special analysis reports.

Question 3. Could a terrorist threat-related analytic product reach the President or his most senior advisors without first having been evaluated and approved by TTIC?

Response. While anything is possible, the President has directed TTIC to serve as the focal point for information and analysis on the terrorist threat.

Question 4. If so, could such an analytic product be based on information to which TTIC was not given access?

Response. The speculative nature of this question makes an answer inappropriate.

Question 5. The Homeland Security Act requires the Department's Under Secretary for Information Analysis and Infrastructure Protection to "disseminate, as appropriate, information analyzed by the Department...to agencies of State and local governments and private sector entities...in

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order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States" (sec.201(d)(9)).

- a. *Will TTIC itself disseminate any of its analytic products directly to state, local, or private sector officials? Which? To Whom? How?*

Response. No, TTIC will rely on DHS and FBI to serve as the interface with state, local, law enforcement, and private sector officials.

- b. *Will DHS disseminate TTIC products to state, local and private sector officials? If so, will DHS disseminate them as TTIC products and without annotation, additions or editorial changes?*

Response. We are working with DHS to develop the ground rules for the dissemination of TTIC products to State, local, and private sector officials.

TTIC's future

Question 1. When the Information Analysis and Infrastructure Protection Directorate of the Department of Homeland Security (DHS) reaches its statutorily mandated capabilities, won't TTIC be redundant?

Response. We do not believe that TTIC will be redundant. TTIC will merge and analyze terrorist threat-related information, collected domestically and abroad, in order to form the most comprehensive possible threat picture, and disseminate such information to appropriate recipients. DHS/IAIP will partner in fulfilling that mission through its analysts assigned to TTIC.

Question 2. If there is any respect in which TTIC will, at that time, be redundant, is it intended that that portion of TTIC will "sunset" in favor of the indigenous DHS capability.

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Response. There is no plan for any portion of TTIC to sunset.

Question 3. Once the DHS can meet its statutory mandate to "identify and assess the nature and scope of terrorist threats to the homeland", what purpose will TTIC serve that one or more other federal agencies do not also serve?

Response. TTIC will provide for one stop shopping on the terrorist threat to U.S. interests, **both at home and abroad**, integrating all threat information, collected domestically and overseas, into a comprehensive threat picture. The joint venture nature of TTIC provides a venue for all terrorism threat-related activities of the U.S. Government to work together seamlessly. IA analysts working at TTIC will fulfill both their own mission, and participate in the fulfillment of TTIC's mission. We are currently working with the Administration on a further delineation of the responsibilities associated with the various counterterrorism-related analytic units in the U.S. Government. As soon as this work is completed, we will provide you with a more fulsome response to this question.

TTIC and information sharing

Section 3(f) of the March 4 Memorandum of Understanding on information sharing (MOU) signed by the Secretary of Homeland Security, Attorney General, and Director of Central Intelligence provides that "when fully operational", TTIC "shall be the preferred, though not the exclusive, method for sharing [terrorist threat-related] information at the national level" and that "TTIC information-sharing mechanisms and procedures shall be consistent with the DHS Legislation." (i.e., the Homeland Security Act.)

For DHS:

Question 1. Is TTIC the Department's preferred method for sharing terrorist threat-related information with other federal agencies?

Response. We defer to DHS for a response to this question.

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Question 2. Are you aware of any type of information that is shared solely through TTIC?

Response. We defer to DHS for a response to this question.

Question 3. If so, is there a written agreement to that effect? (If so, please provide a copy.)

Response. We defer to DHS for a response to this question.

TTIC and access to information

The President has granted the Department of Homeland Security the authority to clear its employees for access to classified information and required DHS to recognize and give effect to the clearances of those who became DHS employees when their agencies were merged into DHS (E.O. 13284, sec 19(a) and (c)).

Question 1. Is TTIC recognizing and giving full effect to the clearances of DHS-employed analysts that DHS assigns to work in the TTIC?

Response. Yes.

Question 2. Is TTIC imposing any additional requirements on such analysts?

Response. Yes. While TTIC acknowledges that the analysts are cleared, in order to serve as a TTIC assignee, DCID 2/4 requires successful completion of a counterintelligence security polygraph.

Question 3. If so, please provide the committees with a copy of any document that sets forth any such requirements.

Response. A copy of DCID 2/4 is attached.

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TTIC and threat warnings

The Homeland Security Act gives the Under Secretary of Homeland Security for IAIP "primary responsibility for public advisories related to threats to homeland security" and "in coordination with other agencies," requires that he provide "specific warning information and advice...to State and local government agencies and authorities, the private sector, other entities, and the public" (sec. 201(d)(7)).

Question 1. Does TTIC have a role in connection with such public advisories relating to threats to homeland security? Does TTIC have a role in providing specific warnings to state, local and private sector officials and to the public?

Response. TTIC is responsible for providing intelligence information to the Department of Homeland Security to inform its judgment on the need for public advisories relating to threats to homeland security. In addition, TTIC regularly attends meetings of the Homeland Security Council to provide its perspective on public advisory issues. TTIC does not provide warning information directly to state, local and private sector officials or to the public. As stated previously, we use DHS and FBI as conduits for information to both the public and private sector as well as state and local governments.

Question 2. Could TTIC issue a threat warning directly to State officials?

Response. While it seems unlikely that TTIC would issue a threat warning directly to State officials, the possibility exists that TTIC could issue such a threat warning if the urgency and immediacy of the threat was so great as to preclude required coordination.

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SELECT COMMITTEE ON HOMELAND SECURITY
Questions for the Record
Minority
From the July 22, 2003 Joint Hearing
Committees on Judiciary and Homeland Security on
The Terrorist Threat Integration Center (TTIC) and its
Relationship with the Departments of Justice and Homeland
Security

Question 1. What is the difference between the missions of the Information Analysis and Infrastructure Protection directorate (IAIP) and TTIC? How is the TTIC consistent with the Homeland Security Act, which gave the responsibility, in statute, for analyzing and integrating threats to the homeland to IAIP?

Response. With regard to the first part of this question, we are currently working with the Administration on a delineation of the responsibilities associated with the various counterterrorism-related analytic units in the U.S. Government. As soon as this work is completed, we will provide you with a response to this question.

With regard to the second part of the questions, TTIC activities in no way preclude IAIP from fulfilling its statutory obligation to analyze and integrate threats to the homeland. In fact, TTIC is facilitating the fulfillment of IAIP's statutory responsibility. IAIP representatives assigned to TTIC work collaboratively with all major counterterrorism elements across the Federal government to carry out the mission of their parent organization as well as that assigned to TTIC by the President. IA analysts assigned to TTIC ensure that information gathered by DHS (from its own collectors as well as State and local governments and the private sector) reaches TTIC and informs its work and, equally important, that TTIC's work directly supports DHS' unique mission to protect the homeland.

Question 2. Can you explain why, by January of 2003, it was decided that this function should be given to TTIC rather than the Department of Homeland Security?

Response. Under the President's direction, the Administration, prior to September 11, 2001, was reviewing ways to better protect our country against terrorist threats and, more generally, improve our intelligence capabilities. The TTIC was the latest in a series of deliberate, concrete steps the

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President directed to improve our capabilities. Both the CIA and the FBI have undertaken significant internal reforms and have dramatically improved the ways they work together, as well as with the rest of the Federal government, and our State, local, and international partners. TTIC is the next logical step in a series of steps, including the creation of DHS itself, all of which were informed by a careful, considered review of how best to protect the American people in the post-9/11 world. TTIC will build on the successful reforms that have already taken place, and will maximize the benefits of these improvements by integrating the strengthened analytic components of the FBI and CIA, with the full partnership of DHS, to provide a comprehensive, truly integrated view of the terrorist threat.

As a joint venture, the TTIC mission is approached in a collective manner. No one agency is directing the others, but rather, all major counterterrorism organizations in the U.S. Government (USG) are working together, on a daily basis, to carry out the mission of their parent organization, as well as that assigned to TTIC by the President. It is this "jointness" that is already enabling TTIC to make a difference in the war against terrorism.

Question 3. Is it clear to everyone at the Information Analysis office what the responsibilities of the office are, especially in relation to TTIC? Is it clear to the personnel at TTIC? Is it clear to all the federal agencies that are providing information to TTIC and the Department of Homeland Security? Are all federal agencies providing the same information to both TTIC and the Department of Homeland Security?

Response. The mission of TTIC, as assigned by the President, is well understood by all TTIC partner agencies, including DHS, as TTIC implementation details were fully coordinated across partner agencies and they are outlined in DCID 2/4. That said, we are currently working with the Administration to further delineate the responsibilities of those organizations involved in terrorism analysis. We will provide you with a more fulsome response to this question when that work is completed. With respect to the question of whether all federal agencies are providing the same information to both TTIC and DHS, we have not done a comparison and are unable to comment.

Question 4. Is there a document that sets forth what the mission of TTIC is? Is it the Director of Central Intelligence Directive (DCID) 2/4 mentioned in Mr. Brennan's written

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testimony. The committee is not in possession of a copy of DCID 2/4. Please provide a copy to the Committee.

Response. The President of the United States announced the establishment of TTIC in the January 2003 State of the Union address. The TTIC mission, as assigned by the President and outlined in the Director of Central Intelligence Directive (DCID) 2/4 is to enable the full integration of U.S. Government terrorist threat-related information and analysis, collected domestically or abroad. A copy of DCID 2/4 is attached.

Question 5. What are all the agencies participating in TTIC? How many personnel will TTIC have when it reaches its full staffing level? When will that occur?

Response. TTIC is composed of partner organizations including the Department of Homeland Security, Federal Bureau of Investigation, Department of Defense, Central Intelligence Agency, and Department of State. In addition, the Nuclear Regulatory Commission and the Capitol Police have assigned personnel to TTIC. Current plans call for TTIC to grow to three hundred (300) assigned officers by early summer of 2004. Exact end strength may vary based on new requirements levied on TTIC such as those included in HSPD-6, which calls for TTIC to serve as the single source of international terrorist identities information in support of the Terrorist Screening Center.

Question 6. How many individuals are assigned to the Information Analysis office at the Department of Homeland Security? How many individuals will there be when fully staffed? When will that occur?

Response. TTIC defers to DHS for this response.

Question 7. Why will TTIC have more personnel? Is its mission broader than that of the Information and Analysis office of the Department of Homeland Security?

Response. It is unlikely that TTIC will have more personnel than DHS' IA, though we cannot say for sure without knowing the DHS response to question 6. With respect to mission, TTIC's mandate encompasses the terrorist threat-related international responsibilities conferred upon the Director of Central Intelligence (DCI) under the National Security Act of 1947,

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which is broader than the DHS mandate that is focused on protecting the American homeland against terrorist attack.

Question 8. What is the division of labor between the Department of Homeland Security and the FBI in sharing information with state and local officials? Does the FBI communicate only to law enforcement officers, and DHS only with other state and local officials?

Response. TTIC defers to DHS and FBI for this response.

Question 9. By putting the threat integration function in TTIC, under the direction of the Director of Central Intelligence, haven't we disconnected the responsibility for determining what the threats are from those with the responsibility for actually safeguarding the homeland?

Response. Absolutely not. All major federal entities with counterterrorism-related operational and investigative responsibilities are full partners in TTIC. The FBI's Counterterrorism Division, DHS' Information Analysis and Infrastructure Protection directorate, the DCI's Counterterrorism Center, and others are currently working together in the context of TTIC to integrate terrorism information and analysis to provide a comprehensive, all-source-based picture of potential terrorist threats to U.S. interests. In the context of TTIC, terrorist threat-related "dots" are connected by integrating the disparate streams of information available to counterterrorism elements across the Federal government, and then making this information available to all elements of the USG charged with the responsibility for taking action. This approach has all the benefits of competitive, unbiased analysis, free from unintended conflicts of interest.

Question 10. Which entity has the responsibility for establishing collection priorities? The Information Analysis and Infrastructure Protection directorate, TTIC, or both? Is it clear to both entities which organization is responsible? Is it clear to the agencies who are collecting the intelligence which entity has the authority to establish collection priorities?

Response. The members of the Intelligence Community, which include all the partner agencies that make up TTIC, have responsibility for establishing collection priorities. With

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respect to submitting requirements for intelligence information, both TTIC and DHS' IAIP are in a position to identify existing gaps in knowledge and submit collection requirements accordingly. In fact, it is part of the mission assigned to TTIC by the President to identify gaps in knowledge related to the terrorist threat to U.S. interests at home and abroad.

Question 11. Can you explain what the Counterterrorist Center's mission is? How is it different from TTIC or the Information Analysis office of DHS? Isn't the Counterterrorist Center also a center for analyzing terrorism information? How many other different "centers" are there? With numerous "centers," isn't there a lack of accountability if information that could prevent a terrorist attack gets missed? How can it be a wise use of resources to have multiple "centers?"

Response. As noted above, we are currently working with the Administration on a more complete delineation of the responsibilities associated with the various counterterrorism-related analytic units in the U.S. Government. As soon as this work is completed, we will provide you with a more fulsome response to this question. TTIC defers to the DCI's CTC for an accounting of CTC's mission. With respect to the issue of accountability, although TTIC is responsible for providing threat assessments for our national leadership, there exists a shared responsibility for counterterrorism issues and the protection of U.S. interests as delineated by statute. Over the years, new legislation has assigned roles and responsibilities to various federal government entities without relinquishing similar roles and responsibilities assigned to others by statute, with shared responsibilities as a result.

Question 12. Once all the entities are located in one facility, how will the facility be managed? Will employees report to the respective leaders - the FBI Director, the TTIC Director and the head of CTC? Who will resolve conflicts between the various entities?

Response. CIA will serve as landlord of the facility that will house elements of the FBI's Counterterrorism Division (CTD), the DCI's Counterterrorist Center (CTC), and TTIC. All three tenants will continue to answer to their existing chain of command. The collocation of these three counterterrorism elements is intended to enhance collaboration and the Government's ability to thwart terrorist attacks against U.S.

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interests and bring terrorists across the globe to justice. With respect to the resolution of conflicts, each chain of command will make decisions regarding their respective missions.

Question 13. What happens if you get conflicting direction from the agencies led by these individuals? Who resolves the conflict? Will it be the Director of Central Intelligence? The White House?

Response. This is a hypothetical question that seems to be based on an incorrect assumption about chain of command. TTIC will not manage the FBI's CTD, nor will it manage the DCI's CTC. TTIC, CTD, and CTC will simply be collocated to facilitate and enhance collaboration amongst these independent entities. With respect to potential conflicts on information and analysis regarding terrorist threat-related information, the Director of TTIC will resolve any such issue in consultation with partner agencies. Beyond that, in his statutory role as head of the Intelligence Community, the Director of Central Intelligence has oversight of CTC, TTIC, IAIP, and elements of the FBI that are in the Intelligence Community, and therefore the authority to resolve conflicts among these entities.

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COMMITTEE ON THE JUDICIARY
Questions for the Record
Majority
For July 22, 2003 Joint Hearing
Committees on Judiciary and Homeland Security
The Terrorist Threat Integration Center (TTIC) and its
Relationship with the Departments of Justice and Homeland
Security

Question 1. On December 28, 2000, PDD-75 was enacted to improve the national counterintelligence organization and capability of the United States. The organizational structure under which the Directive was implemented included the Counterintelligence Board of Directors and the Office of the Counterintelligence Executive. The CI Executive was to develop a national strategy to protect the nation's most sensitive national security information in coordination with the United States counterintelligence community.

- a. *How has the structure of this office changed since 9/11?*
- b. *Has the mission changed?*
- c. *How does this entity interact with "newly"*

Response. We defer to the CI Executive for a response to this question.

Question 2. On April 9, 2002, FBI Assistant Director David Szady testified before the Senate Judiciary Committee that in response to the increasingly complex intelligence threat environment, several initiatives were underway at the FBI. One element of the initiative was "greatly enhanced analytical support that relies more extensively on highly specialized disciplines and that is interwoven into the intelligence community as a whole."

- a. *How does this analytic component interact with the Terrorist Threat Integration Center?*
- b. *How many separate entities are now involved in analyzing essentially the same intelligence?*
- c. *Is there duplication?*

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- d. *Realizing that in the post 9/11 world, more eyes looking at the same intelligence is generally viewed as a good thing, is there a point when "too many cooks in the kitchen" results in diminished returns?*

Response. We defer to the FBI for this response.

Question 3. In October of 2001, the FBI established the College of Analytical Studies as a part of their Training Division. The cornerstone of the program is the Basic Intelligence Research Specialist Course.

- a. *What is the relationship between this college and the CIA's Sherman Kent School?*
- b. *What is the relationship with the Joint Military Intelligence College?*
- c. *Who attends this course?*
- d. *Is any training conducted for analysts assigned to TTIC?*
- e. *Would it make more sense to have a central training facility for all agencies requiring personnel with intelligence analytical capabilities?*

Response. We defer to the FBI for this response.

Question 4. What is the Global Intelligence Working Group and who runs it? Does it yield any products and if so who are its consumers that receive these products? Is there any sharing of personnel or information with TTIC?

Response. We defer to the CIA for a response to this question.

Question 5. The Congressional Research Service, in a June 20, 2003 report, noted that the House Intelligence Committee had expressed support for a civilian intelligence reserve program that would utilize the expertise of former intelligence officials as well as civilian experts and witnesses.

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a. *Is TTIC utilizing such a reserve force?*

Response. TTIC is not utilizing such a reserve force. However, the DCI's Community Management Staff is exploring the use of such a program for Intelligence Community members.

Question 6. One of the ailments of pre-9/11 intelligence dissemination that the Patriot Act sought to remedy was the wall that existed between the "criminal side of the house" and the "intelligence side of the house". Intelligence and law enforcement are necessarily intertwined, particularly in the realm of domestic intelligence collection. The FBI has a deep-rooted tradition of operating within the parameters of the constitution, laws, and Attorney General guidelines. The FBI has a constant dialogue with the United States Attorney's Office and routinely seeks legal opinions and advice. Additionally, the FBI has their tactics scrutinized by the courts, the press, and the public. Historically, the CIA has not had so many restraints nor have their activities been so publicly debated or reviewed. *Does having TTIC answer directly to the CIA pose potential problems surrounding the protection of civil liberties especially if TTIC mutates to an intelligence collection entity, particularly where domestic intelligence is concerned?*

Response. First, TTIC does not answer to the CIA; the Director of TTIC reports directly to the Director of Central Intelligence in his role as the head of the Intelligence Community. Moreover, TTIC is not a collection entity or law enforcement authority. TTIC's single purpose is to enhance our ability to protect the American people against the very real threats to their Constitutional liberties, and to their lives and property, posed by terrorism. There is great agreement among all of the various bodies that have studied carefully intelligence reform issues in the past decade that the seamless integration of intelligence information on terrorism collected abroad and with the US must be achieved.

In addition, the Intelligence Community (including the CIA), like the FBI, also has a long tradition of operating within the parameters of the Constitution, laws, and

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Attorney General guidelines for the conduct of intelligence activities where US persons are concerned. While TTIC recognizes that there are concerns with the increased sharing of information between the homeland security, law enforcement and intelligence community, we plan to operate within the parameters of the law and will work diligently to ensure that we understand and adhere to Department of Justice guidelines on these matters.

Question 7. In layman's terms, please explain the difference between counter intelligence operations and intelligence operations? Are the two related? Is counterintelligence information coordinated with TTIC?

Response. Because TTIC is neither a counterintelligence entity nor an operational one, we defer to others for a response to this question.

Question 8. In a February 14, 2003 speech at FBI Headquarters, the President announced plans to collocate the FBI's Counterterrorism Division and the DCI's Counterterrorism Center, as well as other TTIC participating agencies, with TTIC itself. Currently the TTIC is located at CIA.

a. *What is the status of relocating TTIC from CIA space to its own facility?*

Response. On 1 May 2004, TTIC will relocate to a new facility, located in Tysons Corner, Virginia. This facility, leased and managed by CIA, will include TTIC, as well as elements of FBI's Counterterrorism Division and CIA's Counterterrorism Center.

Question 9. What is private industry's contribution to TTIC? What "final products" from TTIC are shared with private industry?

Response. TTIC interacts with private industry primarily on a contractual basis to purchase goods and services. Information of intelligence value that might be available from private industry is made available to TTIC, as

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appropriate, from other government agencies such as DHS and FBI. TTIC does not share any "final products" with private industry; instead, we share our analysis with DHS and FBI, who in turn, share our products, as appropriate, with industry officials.

Question 10. On February 26, 2003, Winston Wiley, the Chair of the Senior Steering Group for TTIC testified that TTIC's structure will promote comprehensive analysis of potential terrorist threats and unprecedented information sharing across agency lines to ensure optimum support to a disparate array of customers - not only at the federal level, but also (through the Department of Homeland Security and the FBI) to state, local, and private sector officials who have homeland security-related responsibilities. *How will TTIC work with state, local, and private sector officials?*

Response. TTIC will not share information directly with state, local, or private sector officials. Instead, TTIC will share terrorist threat information and analysis with DHS and FBI, which interact with state, local, and private sector officials. TTIC is committed to making intelligence available to DHS and FBI in a way that is easy to share with non-federal entities. To that end, we are focusing efforts on creating new products and means of dissemination that will make sharing usable intelligence with state, local, and private sector officials a much easier process.

Question 11. TTIC's mission is to "enable full integration of U.S. Government terrorist threat-related information and analysis." The Department of Homeland Security's Directorate of Information Analysis and Infrastructure Protection (IAIP) was established by statute to provide a single entity whose responsibilities include the integration and analysis of all information relevant to terrorist-related threats.

a. *With this in mind, why wasn't TTIC placed in the Department of Homeland Security?*

Response. TTIC was placed under the authority of the Director of Central Intelligence by the unanimous agreement

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of the senior steering group that recommended the formation of TTIC and the unanimous approval of Homeland Security and National Security principals.

Question 12. Can you envision a scenario where TTIC collects information on its own, rather than just analysis of that which comes to it?

Response. No.

Question 13. The CIA has had its own problems with information sharing and turf battles. How will placing TTIC under the Director of the CIA, who also serves as the Director of Central Intelligence improve information sharing and break down bureaucratic barriers.

Response. As the head of the Intelligence Community, which includes not only the traditional intelligence organizations such as CIA, NSA, and NIMA, but also non-traditional elements such as components within DHS, Coast Guard, Department of Energy and FBI (all elements with whom TTIC must work), the Director of Central Intelligence has long-standing access to a wide range of terrorism-related information from throughout the Intelligence Community and is uniquely positioned to encourage information sharing and collaboration. Based on the DCI's experience in protecting intelligence sources and methods, he also is well positioned to make decisions about how to break down bureaucratic barriers in a way that will not jeopardize future collection efforts.

Question 14. The December 2002 Joint Inquiry Report concluded that "Although relevant information that is significant in retrospect regarding the attacks was available to the Intelligence Community prior to September 11, 2001, the Community too often failed to focus on that information and consider and appreciate its collective significance in terms of a probable terrorist attack. Neither did the Intelligence Community demonstrate sufficient initiative in coming to grips with the new transnational threats. Some significant pieces of information in the vast stream of data being collected were

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overlooked, some were not recognized as potentially significant at the time and therefore not disseminated, and some required additional action on the part of foreign governments before a direct connection to the hijackers could have been established." *How are TTIC, IAIP, and the FBI resolving these issues?*

Response. By bringing individuals together from across the federal government, TTIC is in a position to review data from a wider variety of sources than ever before, share that information with coworkers to gain the benefit of their perspective, and "connect the dots" that have not previously been connected. In addition, TTIC is investing in new analytic tools that will allow us to process greater quantities of data and to assist with linkage analysis. The combination of tools and expertise will allow TTIC to improve data analysis and sharing.

Question 15. On February 26, 2003, Winston Wiley, the Chair of the Senior Steering Group for TTIC testified that "TTIC's structure is designed to ensure rapid and unfettered sharing of relevant information across department lines. It will collapse bureaucratic barriers and close inter-jurisdictional seams." Part of that structure, as I understand, will be to "assign" employees to TTIC rather than "detail" employees. *Please explain what the difference between "assign" and "detail", and how this will help collapse bureaucratic barriers?*

Response. There is no express, specific government-wide statute that explicitly addresses details or assignment between government agencies. Authority and rules are derived from Comptroller General interpretations of the Economy Act, the "purpose statute" and the "unlawful augmentation of agencies' appropriations" language. The main difference between the two is that someone detailed to another government department or agency becomes an employee of the receiving department or agency for the period of the detail. Unlike a detailee, an assignee does not become an employee of the receiving department or agency.

Since detailees become employees of the receiving department or agency, detailees may exercise the receiving department or agency's authorities and are under the

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command and control of the receiving department or agency. Thus, all detailees are subject to the rules, regulations, and restrictions of the receiving agency without regard to the requirements of the sending department and agency. For example, if a sending and receiving agency's polygraph requirements differ for access to classified information, the receiving agency's requirements would control.

An assignment, on the other hand, can take various forms. At one extreme, an assignment may simply entail using office space in the receiving agency. Other assignment situations require the assignee to interact constantly with the receiving department or agency in order to achieve the mission or lawful goals of the sending department or agency. In another context, such as the one presented by TTIC, the assignee represent his or her organization on an interagency task force or working group to undertake a joint activity of concern to both the sending and receiving department and agency.

All assignee situations differ substantially from details in one important aspect. Regardless of the assignment form, an assignee does not become an employee of the receiving department or agency.

So, in the case of TTIC, the law enforcement officers assigned from the Department of Justice (DoJ) or Homeland Security (DHS) retain their law enforcement authorities and access to information about US persons and activities in the US that relate to terrorist threat-related information. This means that the provision in the National Security Act of 1947 that prohibits the CIA from exercising police, subpoena, or law enforcement or internal security functions does not apply to DoJ or DHS assignees to TTIC. It is important to note that providing information collected for valid foreign intelligence reasons to law enforcement organizations is not covered by the CIA law enforcement prohibition.

In order to collapse bureaucratic barriers fostered by the physical separation of one department and agency from another and exacerbated by different information systems, while at the same time preserving the expertise of the law enforcement community with respect to the handling of information about US persons and activities in the US that

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relate to terrorist threat-related information, the President directed the FBI, CIA, DHS, and the Department of Defense to merge and analyze all threat information in a single location. On the issue of whether employees from those departments and entities would be detailed or assigned, an assignment was deemed appropriate because each sending department or agency had a slice of the counterterrorism appropriations and mission, but no one department or agency had the entire mission, resources or collection authority to gather in one place information on terrorism threat-related information exclusively for analytic purposes.

Question 16. On February 26, 2003, Pat D'Amuro, former Executive Assistant Director for Counterterrorism and Counterintelligence testified that "the FBI is uniquely positioned to bring both national security and law enforcement authorities to bear in the war against terrorism...the FBI's role and the role of all TTIC participants, must and will remain consistent with the protections afforded by the privacy laws, Executive Orders, AG Guidelines, and other relevant legal authorities in order to protect Constitutional liberties and privacy interests." FBI agents get considerable training in constitutional law, many of the agents are attorneys, and the FBI is quite familiar with judicial scrutiny and congressional oversight, in short, they know the law and the consequences of "messing" up.

a. *What happens to these protections if their duties are transferred to TTIC?*

Response. We do not envision the transfer of FBI collection or prosecution duties to TTIC. With regard to those analytic responsibilities that are transferred, TTIC is committed to protecting sources and methods information and heeding civil liberties concerns.

b. *What training do other TTIC participants get beyond analytical training, i.e., constitutional law?*

Response. All TTIC participants receive introductory training on sources and methods issues. Further, all TTIC participants are extensively briefed on FISA - what it is

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and how to protect related material. In fact, security training takes up the bulk of our introductory training courses. TTIC takes its responsibilities with regard to protection of sensitive information seriously and has instituted appropriate security controls into its IT systems. Moreover, we have a CI officer, Security staff, and legal staff on board; the legal staff has access to two FBI lawyers who have been assigned to work the TTIC account.

c. What assurances are there that these protection and limitations will be respected?

Response. Director, TTIC has committed to abiding by these protections and limitations. FBI personnel assigned to TTIC provide further guarantees in this regard.

d. Who is accountable if these protections are ignored?

Response. The Director of TTIC is ultimately accountable for what happens in TTIC. In addition, the heads of the Departments and Agencies participating in TTIC remain responsible for the activities of their employees assigned to TTIC.

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COMMITTEE ON THE JUDICIARY
Questions for the Record
Minority
For July 22, 2003 Joint Hearing
Committees on Judiciary and Homeland Security
on The Terrorist Threat Integration Center (TTIC)
and its Relationship with the Departments of Justice
and Homeland Security

Question 1. To what degree is TTIC involved or going to be involved in "tasking" the collection of intelligence information by other agencies? How will you ensure that this does not result in the DCI or CIA effectively directing the collection of intelligence by the FBI from domestic sources, including information on U.S. citizens?

Response. TTIC is involved in the tasking of collection in accordance with the existing authorities conferred upon partner agencies participating in TTIC. As directed by the President and delineated in the Director of Central Intelligence Directive (DCID) 2/4, the TTIC mission includes the identification of gaps in knowledge related to the terrorist threat to the United States and United States interests. Among other things, the White House Fact Sheet dated 14 February 2003 states that:

"TTIC will:

- *Make full use of all of our terrorist threat information, expertise, and capabilities to conduct threat analysis and inform collection strategies, though TTIC will not conduct collection operations."*

The DCID 2/4, as coordinated with all partner agencies and beyond, echoes this same point.

With respect to tasking the collection of intelligence from domestic sources, DCID 2/4 states the following:

"The TTIC itself will have no new or independent authority to engage in the collection of intelligence or to mandate the conduct of such collection. Nevertheless, departments and agencies with employees assigned to TTIC (TTIC members) under procedures agreed upon between the Director of TTIC (D/TTIC) and TTIC members, may utilize individual employees assigned to TTIC

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to carry out, under the authority and direction of the assigning TTIC member, any lawfully authorized function of the assigning TTIC member."

Given that no new tasking authorities have been conferred upon TTIC or its constituent partners and that none are foreseen, there is no possibility of the DCI or CIA directing the collection of intelligence by the FBI from domestic sources, including information on U.S. citizens.

Question 2. What existing oversight and accountability mechanisms govern TTIC? How will Congress know whether TTIC is doing a good job and wisely using its resources? In your opinion, is there a need for Congress to impose an oversight structure on TTIC? If not, why not?

Response. The existing oversight and accountability mechanisms governing TTIC are the same as those governing the Intelligence Community, and the individual partner agencies. TTIC recognizes, however, that activities supporting the national approach to combating terrorism and protecting the homeland are of interest to multiple committees on Capitol Hill. TTIC's participation in the 22 July 2003 joint hearing, from which this question is derived, is an example of TTIC's willingness to provide updates of progress made as part of the war on terrorism and to participate in an active dialogue with Capitol Hill.

Question 3. Would you support a Privacy Officer or Civil Rights and Civil Liberties Officer for TTIC like those created for DHS in the Homeland Security Act?

Response. We are mindful of privacy concerns and will explore whether such officers will be needed as TTIC matures. In addition, please note that:

"The TTIC assignees will continue to be bound by all applicable statutes and Executive Orders, including those relating to the protection of Constitutional rights and privacy. TTIC assignees will also continue to be bound by applicable provisions of regulations, internal guidelines and procedures, and memorandums of understanding (MOU) and agreement that are not inconsistent with the MOU on Information Sharing or any presidential guidance."

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Question 4. Does TTIC have an Inspector General? In your opinion is one necessary? If not, why not?

Response. The issue of an Inspector General is addressed by DCID 2/4 as follows:

"The D/TTIC, in coordination with TTIC members, shall designate focal points with existing statutory and regulatory responsibilities who shall be responsible for Legal, Congressional, and Inspector General (IG) matters relating to TTIC. Such focal points will address such matters in consultation, or, as appropriate, in coordination, with TTIC members and other organizations, and in accordance with their respective responsibilities."

Currently, the head of TTIC's legal staff serves as our focal point for IG matters.

Question 5. What guidelines will govern the dissemination of intelligence from the TTIC to state and local officials? Will those guidelines be public? Will you consult with members of the Judiciary Committee in formulating such guidelines?

Response. TTIC is responsible for disseminating terrorist threat-related information to appropriate recipients within the Federal government only. TTIC relies upon the DHS' Information Analysis and Infrastructure Protection (IAIP) directorate to disseminate appropriate TTIC products and analysis as well as information analyzed by the Department to state and local officials and private sector entities, and TTIC relies on the FBI to disseminate appropriate information and analysis directly to law enforcement entities. We defer to DHS and FBI to address the issue of specific guidelines for dissemination to state and local officials and law enforcement entities.

Question 6. Is TTIC using, developing or planning to develop so-called "data mining" technology, which purports to be able to find evidence of possible terrorist preparations by scanning billions of everyday transactions, potentially including a vast array of information about Americans' personal lives?

Response. A specific data mining development program does not currently exist for TTIC. TTIC management is, however, evaluating several data exploitation tools developed by others to assist with the center's mission. None of the tools under consideration are

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designed specifically to collect information on U.S. citizens covered by privacy laws. Rather, the tools will process information collected by TTIC's mission partners in accordance with applicable Federal laws, policies, and regulations. TTIC management will have a legal review conducted of any tools selected for incorporation into the overall information management architecture to ensure those tools are compliant with applicable laws when used in the TTIC environment.

Question 7. What role is TTIC playing with regard to consolidating watch lists? What watch lists is TTIC now controlling? What standards govern the watch listing process? Are individuals on watch lists identified with varying levels of threat or suspicion, such as "known terrorist" vs. "associate of suspected terrorist?" How can an individual challenge the fact that they are on a watch list?

Response. TTIC will play a supporting role in the national effort to consolidate watch lists, as recently delineated by the President in Homeland Security Presidential Directive (HSPD)-6. TTIC does not control any watch list and TTIC is not responsible for the standards governing the watch listing process or the processes that govern individual recourse should they believe their name is included on a watchlist in error.

In accordance with HSPD-6, and the corresponding Memorandum of Agreement (MOA), TTIC will support the national watch list process in that it will maintain an identities database of all known and suspected terrorists. As delineated in the unclassified section (10) of the MOA,

"The TTIC database will include, to the extent permitted by law, all information the U.S. government possesses related to the identities of individuals known or appropriately suspected to be or have been involved in activities constituting, in preparation for, in aid of, or related to terrorism, with the exception of Purely Domestic Terrorism Information."

As further delineated in the unclassified section (13) of the MOA,

"The TTIC identities database will serve, with the exception described in paragraph (10), as the single source for the Terrorist Screening Center terrorist screening database. The Director of the FBI will serve as the source for the Terrorist Screening Center terrorist screening database with regard to Purely Domestic Terrorism Information. The Terrorist Screening

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Center terrorist screening database will be a continuously updated, sensitive but unclassified subset of the Terrorist Information possessed by the TTIC, and the Purely Domestic Terrorism Information possessed by the FBI."

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RESPONSES FROM ELENI P. KALISCH, ON BEHALF OF LARRY MEFFORD,
TO POST-HEARING QUESTIONS



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

December 19, 2003

Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Honorable Chris Cox
Chairman
Select Committee on Homeland Security
House of Representatives
Washington, D.C. 20515

Dear Chairman Sensenbrenner and Chairman Cox:

The FBI has been informed by officials in the Terrorist Threat Integration Center (TTIC) that the House Judiciary Committee and the House Select Committee on Homeland Security posed questions for the record following the July 22, 2003, joint hearing concerning TTIC. While the FBI itself was not directly asked these questions by the Committees, many of the questions were directed to the FBI. TTIC and the FBI coordinated those responses, and they should be reflected in TTIC's cumulative response.

In addition to the questions regarding which TTIC and the FBI coordinated, it is our understanding that TTIC deferred to the FBI with respect to four questions. Attached are the FBI's responses to those four questions.

Please feel free to contact me if we may be of further assistance in responding to these or other inquiries.

Sincerely,

Eleni P. Kalisch
Assistant Director
Office of Congressional Affairs

Enclosure

1 - Honorable John Conyers, Jr.
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

1 - Honorable Jim Turner
Select Committee on Homeland Security
House of Representatives
Washington, D.C. 20515

**Responses of the Federal Bureau of Investigation
Based Upon July 22, 2003 Joint Hearing
Committees on the Judiciary and Homeland Security
Re: Terrorist Threat Integration Center and
Its Relationship with Departments of Justice and Homeland Security**

House Committee on the Judiciary - Majority

2. On April 9, 2002, FBI Assistant Director David Szady testified before the Senate Judiciary Committee that in response to the increasingly complex intelligence threat environment, several initiatives were underway at the FBI. One element of the initiative was “greatly enhanced analytical support that relies more extensively on highly specialized disciplines and that is interwoven into the intelligence community as a whole.”

Response:

AD Szady was referring to the FBI intelligence program that manages and directs intelligence production based on national security requirements. This program has established and is implementing FBI-wide intelligence processes, including the following.

- Intelligence Requirements and Collection Management
- Intelligence Production (both "raw" reports and "finished" reports)
- Intelligence Sharing Policy
- Intelligence Information Technology Requirements
- Intelligence Analyst Human Capital Requirements and Development Plan
- Field Intelligence Structure
- Intelligence Customer Relationships

A core principle of the FBI's intelligence program is that analysts must remain integrated into operational units, but their apportionment against requirements is managed separately from the operational divisions in the Office of Intelligence. Under this construct each operational division (Counterterrorism, Counterintelligence, Cyber and Criminal Investigative) has imbedded intelligence analysts who perform intelligence gap analysis, provide collection direction based on requirements, support operational cases, and produce both raw and finished intelligence products. This same basic structure is replicated in the field, in the form of Field Intelligence Groups. Mr. Szady's remarks describe this construct and are not limited to the counterterrorism mission.

a. How does this analytical component interact with the Terrorist Threat Integration Center?

Response:

The Terrorist Threat Integration Center (TTIC) is an intelligence analysis component, the mission of which is to provide the single, authoritative terrorism threat picture for the entire national security community. The FBI is fully integrated into TTIC and FBI databases reside in TTIC in their entirety for the purposes of analysis. FBI analysts are assigned to TTIC and perform analytic tasks based on TTIC priorities. The FBI Counterterrorism Division's (CTD) strategic analysis component provides finished analysis to TTIC for inclusion in TTIC publications. The CTD strategic analysis component will co-locate with TTIC in 2004 when TTIC's new building is ready for occupancy. In addition, the Deputy Director of TTIC is an FBI Senior Executive.

To effectively accomplish its analysis mission, TTIC requires raw intelligence upon which to base its analyses. The FBI is a collector and producer of raw intelligence. FBI analysts in all operational divisions produce raw intelligence for TTIC and other customers, to include state, local, and tribal law enforcement.

TTIC has an additional responsibility to request intelligence collection based on its assessment of priorities and gaps in our knowledge. As a collector of intelligence, the FBI has the responsibility to respond to TTIC's requests. The first step in responding to such requests is to issue coherent collection guidance to our agents in the field. To do this, the FBI has established targeting desks in the Office of Intelligence. Those targeting desks work with operational analysts at headquarters and in the field to develop collection strategies and taskings. Effective collection management requires an organic intelligence analysis capability that first analyzes what must be collected to respond to the requirement. For this reason, the FBI needs and will retain a core analytic capability within CTD (and all operational divisions and field elements).

b. How many separate entities are now involved in analyzing essentially the same intelligence?

Response:

We are unable to answer this question, as many federal, state, local, and tribal entities receive and analyze intelligence information for the purposes of supporting their own operations and missions.

c. Is there duplication?

Response:

The responsibility for providing the authoritative terrorism threat picture rests with TTIC alone. The FBI does its analysis and production in support of TTIC's mission. We also

use TTIC's analysis to guide intelligence and investigative work in response to threats. This intelligence and investigative work might require additional analysis, but it is in no way duplicative of TTIC's analytic work. The additional analysis is necessary to execute appropriate internal FBI taskings that will result in the analysis and production the FBI ultimately provides to assist TTIC in developing its threat picture.

d. Realizing that in the post 9/11 world, more eyes looking at the same intelligence is generally viewed as a good thing, is there a point when "too many cooks in the kitchen" results in diminished returns?

Response:

There may always be a point at which there are "too many cooks," but we do not believe this is the case in this situation. TTIC fulfills a valuable and unique all-source threat analysis role for the nation. The FBI uses that threat information to drive both its intelligence and investigative work in response to these threats. We believe the FBI and TTIC intelligence analysis and production work is complementary, not duplicative.

3. In October of 2001, the FBI established the College of Analytical Studies as a part of their Training Division. The cornerstone of the program is the Basic Intelligence Research Specialist Course.

a. What is the relationship between this College and the CIA's Sherman Kent School?

Response:

The College of Analytical Studies (CAS) and the Sherman Kent School (SKS) have a very close working relationship. Members of both institutions have collaborated extensively in developing the curriculum for the Basic Intelligence Research Specialist Course. In fact, the SKS developed a two-week block of instruction for the CAS that is used in that course. The CAS also uses a variety of contract instructors from the SKS in their instructor pool.

b. What is the relationship with the Joint Military Intelligence College?

Response:

Many FBI analysts have taken a variety of courses offered by the Joint Military Intelligence College (JMIC). Several have completed the Master of Science in Strategic Intelligence degree offered by JMIC.

c. Who attends this course?

Response:

Each Basic Intelligence Research Specialist course is divided into three populations. FBI analysts make up 50% of each class; 25% of each class is offered to intelligence analysts from the U.S. Department of Justice Executive Office for United States Attorneys; and the remaining 25% is allocated to local, state, and federal analysts assigned to the FBI's Joint Terrorism Task Forces.

d. Is any training conducted for analysts assigned to TTIC?

Response:

The only analysts who have attended the Basic Intelligence Research Specialist course are those who may have attended while they were previously assigned to the FBI.

e. Would it make more sense to have a central training facility for all agencies requiring personnel with intelligence analytical capabilities?

Response:

There are three components associated with analytical training. They are: 1) core training; 2) generic specialized training; and 3) distinct specialized training.

Core Training: Core training pertains to those basic, intermediate, and advanced skills which are used by all intelligence analysts regardless of organizational affiliation. The most practical approach to delivering core training would be to have a central accreditation authority, e.g., the Federal Law Enforcement Training Accreditation (FLETA), establish accredited core training curricula. Once established, FLETA can make these curricula available to all interested parties, e.g., institutions of higher learning, private vendors, etc., and monitor their compliance with the accreditation standards. In doing this, FLETA will enable non-governmental agencies to deliver training which is inherently non-governmental in nature. This will approach is consistent with that of Congress and the Administration, which favor limiting the Federal Government's performance of functions that are inherently non-governmental.

Government agencies can significantly benefit from applying this approach to core training. The greatest benefit of this approach is the ability to train intelligence analysts quickly and efficiently, eliminating the difficulties posed if a government-sponsored, centralized training facility attempts to meet all the core training needs of the various agencies during a time of emphasis on hiring a large number of intelligence analysts across the government. In addition, instead of using agency personnel to provide this core training, agencies can direct their personnel resources to the provision of specialized training, allowing them to develop analysts with deeper and more complex skills.

Generic Specialized Training: Generic specialized training is training that enables an intelligence analyst to become more specialized in that analyst's area of expertise. This type of training could be either inherently governmental or non-governmental in nature. For example, if an analyst needs to learn more about a specific culture, this training would not be inherently governmental and could be provided by various institutions of higher learning. However, if an analyst needs to learn more about a specific culture and the agency requires the development of human sources in that culture, this training would be inherently governmental. Such inherently governmental training would be more appropriately delivered by the analyst's agency.

Distinct Specialized Training: Distinct specialized training is training that enables an intelligence analyst to perform duties in the agency of assignment. For example, an analyst might need to learn how to prepare specific reports or use agency-specific automated tools. Such training would be inherently governmental.

Enabling individual agencies to deliver their own distinct specialized training also affords analysts the opportunity to learn more about their own agencies' missions, roles, and responsibilities. This not only helps employees acclimate to their environments, it affords agencies the opportunity to more efficiently and effectively use their personnel and financial resources.

Although analytical training can be divided into three types -- core training, generic specialized training, and distinct specialized training -- delivering all this training through the same vehicle would not be the best approach. Instead, the training vehicle should be appropriate for the type and level of training involved, allowing agencies to make the best use of their highly trained personnel (who may be used efficiently to provide distinct specialized training but whose value is not best used to provide core training) and their financial resources (less costly core training could be provided by a non-government organization, while more costly distinct specialized training is provided by employees). Therefore, the optimal analytical training approach would be to employ the training delivery vehicle which best supports the training needs in a given circumstance.

House Select Committee on Homeland Security - Majority

TTIC's role

9. Is the Information Analysis and Infrastructure Protection Directorate of the Department of Homeland Security receiving all FBI and CIA reports (including information reports containing intelligence which has not been fully evaluated), assessments, and analytical information relating to threats of terrorism against the United States? (Ref: Homeland Security Act, sec. 202(b)(2)(A).)

Response:

The FBI is furnishing the Department of Homeland Security (DHS) Information Analysis and Infrastructure Protection Directorate (IA/IP Directorate) all relevant information in accordance with statutory requirements and interagency agreements. The FBI recognizes and supports the IA/IP Directorate's role in protecting our homeland, and has initiated meetings and plans to develop functional intelligence information requirement sets to enhance the information flow from the FBI to the IA/IP Directorate.

The FBI is not in a position to address the information passed from the CIA to the IA/IP Directorate.

Select Committee on Homeland Security - Minority

8. What is the division of labor between the Department of Homeland Security and the FBI in sharing information with state and local officials? Does the FBI communicate only to law enforcement officers, and DHS only with other state and local officials?

Response:

Currently, the FBI communicates primarily with State and local law enforcement officials, and DHS works with other State and local officials, such as State and local homeland security coordinators, governors, and mayors. The FBI has substantial interaction with DHS, and has participated in several joint conference calls with them over the last year, so the information obtained through these interactions is shared effectively.

Responses to post-hearing questions from the U.S. Department of Homeland Security had not been received by the Committee on the Judiciary at the time this hearing was submitted for printing.

