TERRORIST THREAT INTEGRATION CENTER (TTIC) AND ITS RELATIONSHIP WITH THE DEPARTMENTS OF JUSTICE AND HOMELAND SECURITY

JOINT HEARING

BEFORE THE

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AND THE

SELECT COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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TERRORIST THREAT INTEGRATION CENTER (TTIC) AND ITS RELATIONSHIP WITH THE DEPARTMENTS OF JUSTICE AND HOMELAND SECURITY

TUESDAY, JULY 22, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,

AND

SELECT COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The Committees met, pursuant to call, at 1:05 p.m., in Room 2118, Rayburn House Office Building, Hon. Howard Coble presiding.

Mr. COBLE. [Presiding.] Good afternoon, ladies and gentlemen. The joint hearing of the Judiciary and Homeland Security Committees will come to order. Chairman Sensenbrenner may or may not appear. He had other duties to attend to, but he may be here imminently. And, I underwent facial surgery yesterday, so I may have to depart before too long. So don't take my departure as lack of interest in this subject. Now, I will try to come back. I appreciate all of you being here.

In the wake of the terror—this will be Mr. Sensenbrenner's opening statement:

In the wake of the terrorist attacks of September 11, 2001, at the height of the shock and horror, the American people asked who? Who would attack so many innocent people so viciously?

The who was answered rather quickly as names, pictures, and affiliations replaced speculation. Then the American people asked why? Why would anyone do this? The answer was somewhat more complicated then determining who, but eventually it was answered—having historical and political roots combined with pure hatred and a wanton disregard for human life.

Eventually, the American people asked how? How could the most industrialized, technologically advanced Nation in the world, with an unmatched military might, fall prey to what essentially amounted to a band of thugs, mostly in their twenties, armed with box cutters? And how could we not see it coming?

As we convene this hearing today, just a month away from the 2-year anniversary of those attacks, we are still examining how. As Congress attempted to answer how this could have happened, it became apparent that our national intelligence apparatus had serious deficiencies. After numerous congressional hearings, briefings, and

reviews, including the Joint Intelligence Committee inquiry, serious shortcomings were identified.

The shortcomings covered all phases of intelligence, including its collection, analysis, and dissemination. In general terms, terms you have certainly heard by now, there was a failure to connect the dots. The world changed on September 11, 2001, and the mission and structure of our Government—including our law enforcement agencies, intelligence agencies, and military forces—are changing to meet the threats of this new world.

As a result, our Nation's laws are evolving. With the passing of the PATRIOT Act, law enforcement and intelligence officials can more freely share information. Many agencies have reinvented themselves since the events of September 11th, the response to specific performance relating to criticism leveled at them.

With so many changes, we must occasionally pause and conduct a pulse check and evaluate how our new organizational creations, technologies, and procedures are performing. We must ensure that these structural changes are real and produce positive results that allow our intelligence and law enforcement communities to effectively connect the dots.

By not connecting the dots, a picture does not emerge; but connecting the dots in the wrong order produces a result that is just as useless. Congress and the Administration must work together to ensure that our attempts at making those connections are logical and unified.

One new creation that evolved from the need to coordinate intelligence information was the Terrorist Threat Integration Center, known by its acronym TTIC. TTIC was announced by President Bush during his State of the Union address on January 28, 2003, with instructions to the FBI, CIA, the Department of Homeland Security, and the Department of Defense to merge and analyze all threat information in a single location.

During our hearing today, the Judiciary Committee and the Select Committee on Homeland Security will examine how the center is working, the impediments that may prevent successful implementation, and its relationship with law enforcement and information collection.

Furthermore, the witnesses need to address concerns some have raised about the future evolution that TTIC might yield. Additionally, I would like to examine where there might be some unnecessary duplication of effort, realizing fully that as a general principle, the more eyes reviewing intelligence information the better.

I look forward to hearing from your panel today, and now yield to the distinguished gentleman from California, Mr. Chris Cox, who chairs the Select Committee on Homeland Security.

Chairman COX. Good afternoon. Thank you, Mr. Chairman. I would like at the outset to thank the Chairman of the full Committee, Mr. Sensenbrenner, for arranging this hearing in which the Homeland Security Committee is participating jointly, and to thank my friend, the Chairman of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, Mr. Coble, for joining me in arranging this very important hearing today.

It is important because between our main witnesses today, the organizations represented have a central role in the war on ter-

rorism. Just as important, this joint hearing is necessary because multiple Committees of the Congress must tackle this matter of mutual interest in a constructive and cooperative way.

I believe we are showing here how we can work together for the good of the country. That is important, because even with the creation of the Homeland Security Committee in the House of Representatives, both the FBI and the CIA lie chiefly within the jurisdiction of the Judiciary and the Intelligence Committees.

So I join Chairman Sensenbrenner, who cannot be with us at the moment, in welcoming all of our witnesses this afternoon. Each of our Committees has a good reason for wanting to hear about TTIC. TTIC is a creation of four principal agencies, including the Department of Homeland Security and the FBI. The Administration's intent was that each agency participant in TTIC would be an equal partner. Representatives of two of those equal partners are with us today. Each agency partner in TTIC, including the Department of Homeland Security and the FBI, contributes its personnel, assigns them to the TTIC, and funds them and their activities.

Each pays its costs. They are not reimbursed. More importantly, each of TTIC's agency participants brings its authorities to TTIC. Without them, TTIC would have none, because TTIC itself has no basis in law. It was not created by statute. It has no authority that is not borrowed from its agency participants. In the private sector, TTIC would probably be called a joint venture. Several different entities have come together to get a particular job done. It is a shared activity that is one of a variety of new post-9/11 partnerships that seek to match information to needs. We are achieving this regardless of traditional bureaucratic boundaries.

The stated purpose of TTIC is to bring together and analyze all terrorist threat-related information available to the United States Government. That is a tall order, but just one part of the Department of Homeland Security's own threefold objective: First, to prevent terrorism; second, to protect our Nation, its population, and critical infrastructure; and, third, since anything else would be irresponsible, to prepare to respond if we are unsuccessful in the first two objectives, because, to prepare for what was once unthinkable is a good way to avoid reliving it.

That brings me to our larger interest. The Select Committee on Homeland Security is the House Committee for ensuring that the Department of Homeland Security reaches its full statutorily mandated potential. This is our 20th hearing. Most of our hearings in one way or another have touched on the Department's analytic responsibilities. This is because the Department's Directorate of Information Analysis and Infrastructure Protection is at the very heart of nearly all of the Department's activities, from cyber security to border protection, to awarding first responder grants.

It enables them, focuses them, prioritizes them. It makes them relevant to the protection of the United States citizens and the prevention of terrorism in the United States. Good, timely, and relevant information analysis enables us to act intelligently to protect our most vulnerable critical infrastructure, much of which is private-sector owned. Last week's hearing of our full Committee also made clear that it is good analysis of the most relevant information that will enable first responders to plan and train to meet the

threats most likely to put the communities they protect at risk, and that will enable them to meet those threats.

We saw an even more pointed demonstration of the need for an expert and independent in-house analytical cadre of the Department of Homeland Security recently when we considered H.R. 2122, the "Project BioShield Act of 2003." That legislation requires the Secretary of Homeland Security to determine on an ongoing basis which chemical, biological, radiological, and nuclear agents around the world constitute a material threat to the population of the United States. This will require a standing in-house capability to analyze all terrorist threat-related information available to the U.S. Government. Any such information that could translate into a risk that the American homeland, our people, our critical infrastructure, and our core interests could be attacked would be relevant for this purpose. The Homeland Security Act itself requires that the Department have direct access to all such information, including specifically raw; that is, unanalyzed, unprocessed, intelligence information.

If the Department of Homeland Security fulfills its statutory mandate, it will be efficient and effective in meeting its responsibilities under the BioShield legislation. Nothing must be allowed to get in the way of this. But just yesterday the Washington Post reported that, "The intelligence unit of the 4-month-old Department of Homeland Security is understaffed, unorganized, and weak-willed, diminishing its role in pursuing terrorists." If there is any truth in this report, it is our job on this Committee and in this Congress to make sure that the situation changes without delay; because this is not about oiling the clattering wheels of the Federal bureaucracy, it is about protecting the American people, our country, and our core interests from those whose declared intention is to destroy them.

We have seen what they can do. And if we had to draw just one lesson from the tragic 9/11 attacks, it would be that we did not have all of the information that we needed and that what we did have did not get where it was needed, when it was needed.

Congress and the President acted immediately. Enactment of the Homeland Security Act of 2002 crushed the bureaucratic barriers that had, until then, been able to obstruct the flow of terrorist threat-related information from where it was obtained to wherever it was actually needed. It created a new Department of Homeland Security whose core responsibility is to consolidate, analyze, and act upon all of the information the U.S. Government has about terrorist-related threats, vulnerabilities, and risks.

For the first time, our law treats all of the intelligence information that taxpayer dollars have purchased as assets of the whole Government, not of the host of individual agencies that may or may not talk to each other. That is critical because our prime objective is to detect, deter, and prevent terrorist attacks on our homeland, not to clean up after them.

Our task now is to make sure that the vision of the Homeland Security Act quickly becomes reality. As we move forward, we must remember that the Department of Homeland Security is as much a part of the President's program as it is a statutory creature of our own. To ensure that the Department reaches its full potential

as quickly as possible is part of the President's program. It is good and it is necessary, and we will continue to do our part. This hearing is one more step.

Today, we want to hear that the Department of Homeland Security is fully and unequivocally committed to bringing its Directorate of Information Analysis and Infrastructure Protection to its full statutorily mandated capabilities. We need to know that the Department of Homeland Security is engaged in a systematic program to build up its analysts' cadre, and to give its analysts cutting-edge tools so that they can conduct the independent analysis the Homeland Security Act requires them to do.

We want to be persuaded that TTIC is a force multiplier for its member agencies, helping them to meet their own responsibilities more effectively. We want to make sure TTIC isn't impeding the Department from reaching its objectives, that TTIC is not, for example, trying to hire the same analysts that the Department of Homeland Security needs, and that TTIC is not a filter through which some but not all terrorist threat-related information is allowed to reach the Department's analysts.

We are also interested in knowing why it is more appropriate for the director of this new center to report to the Director of Central Intelligence rather than, say, to the Attorney General or the Secretary of Homeland Security. We need to be reassured that TTIC will not itself engage in any collection activities whatsoever, as that would be to engage our foreign intelligence agencies in domestic collection activities. That has been a sad chapter of our history that must remain closed.

And we all want to rest assured that mixing all kinds of information and databases in an entity answerable only to the Director of Central Intelligence carries with it no risk to our civil liberties and to our privacy, because part of the point of fighting terrorism is not to surrender our way of life.

I want once again to thank Chairman Sensenbrenner, Chairman Coble, my Ranking Member, and each of our witnesses for joining us this afternoon, and for their work in promoting the Department's success.

I would like, finally, to remind Members how we will proceed today. First, Chairman Coble will take the gavel for half an hour. Then I will take the gavel for half an hour. Members will have 5 minutes each to question the witnesses. We will recognize Members in the order they arrived today, alternating between majority and minority. I regret that we do not have time for every Member of both full Committees to make an opening statement or presumably even to ask questions, but the combined full Committee format requires that we save our time for questions. We hope Members will, nevertheless, submit statements to be included in the record of this hearing.

With that, Chairman Coble, I yield back.

Mr. COBLE. I thank the gentleman. And we have a vote on. But at this time the chair recognizes the distinguished gentleman from Texas, Mr. Jim Turner, the Ranking Member of Homeland Security.

Mr. TURNER. Thank you, Mr. Chairman. Today's joint hearing of the Homeland Security and the Judiciary Committees considers

one of the most important steps that we must take to protect our homeland; that is, gathering, understanding, and sharing information about terrorists intending to attack America.

Following the September 11 attacks, we learned that the agencies of the Federal Government such as the FBI and the CIA had information about some of the hijackers in their files. Although we can never know for sure, it is possible that had the bits of information scattered throughout the agencies been brought together and properly analyzed, we might have had a chance to thwart the attacks.

It is clear that in order to prevent another attack we must make full use of the information available to our Government on terrorist threats. It must be clear to everyone with a counterterrorism role, whether they serve at the Federal, State or local level, where to report terrorist threat information so that it can be analyzed in one center. If it is not clear, it will be too easy for a key piece of information to be lost and ignored again.

It is also critical that we have full participation of State and local officials in the sharing of information. Even if the Federal Government does its job right, it will be of little use if information is not shared with local and State officials who serve their communities where terrorists could be active.

Information sharing always must be a two-way street. State and local law enforcement are in a position to observe unusual activity and provide information that can prevent a potential attack. Information they provide should not fall into a Federal black hole; it must be shared, analyzed, and when appropriate, acted upon.

In order for the information sharing to work, officials at the local, State and Federal level must have a clear understanding of their respective roles and responsibilities. At this very moment, terrorists could be plotting another attack. But who is in charge of making sure that critical information doesn't fall through the cracks? Right now there is more confusion than clarity. For example, the Homeland Security Act states that the Department of Homeland Security will access, analyze, and assess terrorist threats to the homeland. The White House fact sheet announcing the Terrorist Threat Integration Center states that the Center will perform the same functions.

This same fact sheet states that the Center will maintain an up-to-date database of known and suspected terrorists. Yet a recent General Accounting Office report indicates that the Department of Homeland Security had taken the responsibility for maintaining a terrorist watch list. And to date, we continue to have a multitude of watch lists.

Surely almost 2 years after September 11, 2001, we can come up with one consistent terrorist watch list. Senate hearings held on the Terrorist Threat Integration Center indicated that the Center, the FBI, and the Department of Homeland Security all had some responsibility for information sharing with State and local officials. We cannot afford to have this confusion about counterterrorism responsibilities within our Government.

The statutory mandate given to the Department of Homeland Security by the Congress and the role and responsibilities granted to the Threat Integration Center by the President result in a system

where there is unclear division of responsibility and, therefore, no clear basis for accountability.

We want to know from the witnesses today who is in charge of notifying local law enforcement of a threat to their communities. We want to know who will be creating a unified terrorist watch list and distributing it to our embassies, our airport security officials, our Border Patrol and others. We want to know who is responsible for receiving information from local law enforcement and making sure that other agencies are provided access to it.

We want answers to these questions, because if these functions fail and terrorists are successful again, we all will be accountable to the American people. Regardless of who is responsible for performing these functions, the job must get done. One thing we do know, the robust intelligence unit envisioned by the Homeland Security Act does not exist today.

The Office of Information Analysis is not yet equipped and staffed to do the job. This is particularly concerning, because it is the only entity in the Government charged with analyzing threats and comparing them to our vulnerabilities. This is the function that the Department of Homeland Security was given by the Congress. That function is the same as the brain is to the human body. It is the nerve center. It is where the direction, the focus, the priorities on the war on terrorism must be determined. And if we do not have a clear plan on where the terrorist information should be reported and who is responsible for analyzing the information, we run a grave risk of missing a key piece of information that could prevent the next September 11. This is simply not acceptable.

I am very pleased that we have the high-ranking officials before us from the Terrorist Threat Integration Center, the FBI, and the Department of Homeland Security. And I hope today they will be able to shed some light upon these very troubling issues. Thank you, Mr. Chairman.

Mr. CHABOT. [Presiding.] Thank you. The gentleman's time has expired. There is a vote on the floor. So we will be in recess, and I encourage Members to come back promptly after this vote so we can continue. We are in recess.

[recess.]

Mr. CHABOT. The Committee will come back to order.

I now recognize the gentleman from Virginia, Mr. Scott, who will make an opening statement on behalf of the Ranking Member of the Judiciary Committee, Mr. Conyers. Mr. Scott is recognized.

Mr. SCOTT. Thank you, Mr. Chairman. And I appreciate you holding the joint Committee hearing between the Committee on the Judiciary and the Select Committee on Homeland Security. Coordination between the various intelligence and law enforcement entities is the focal point of the hearing. So I am pleased that we are applying the principles in our joint oversight responsibility to this issue.

There is no question that we must have more coordination between our intelligence entities, foreign and domestic, and between intelligence and law enforcement operations at the international, national, State and local level, as well as with our governmental and private-sector partners in our efforts to prevent and respond to terrorism.

It was on September 11, 2001, that we just saw how vital ongoing collection and quick assessment and dissemination of intelligence can be.

These incidents clearly showed that there were shortcomings in our intelligence systems. Through the enactment of the USA PATRIOT Act and establishment of the Homeland Security Department, we eliminated many of the traditional barriers to collection, collation, and dissemination of intelligence. The Terrorist Threat Integration Center, the TTIC, is designed to coordinate and strengthen our ability to efficiently and effectively analyze and disseminate intelligence data.

While I am very much in support of what it is supposed to do, I am concerned about the implications on civil liberties, and I would also be interested in hearing comments from our witnesses on whether it would be better to house this new agency at the CIA, Department of Homeland Security, or the FBI.

Moreover, I am concerned that the proposed placement at the CIA avoids the carefully crafted and vitally important civil liberties and privacy protection issues that are unique to our Nation. Those liberties are much more protected at the Department of Homeland Security and the FBI than they are at the CIA, and that is one of the reasons I have that concern.

So, Mr. Chairman, I look forward to the testimony of our witnesses and working with you to ensure that our intelligence gathering, assessment, and dissemination systems perform in the most efficient and effective way in preventing and addressing terrorism as well as protecting our rights and freedoms.

Thank you, Mr. Chairman.

Mr. CHABOT. Thank you very much.

We will now introduce the distinguished panel that we have before us this afternoon. Our first witness today is Mr. John Brennan, Director of the Terrorist Threat Integration Center, or TTIC. He began his career as an intelligence officer in 1980 with the Central Intelligence Agency's Directorate of Operations as a career trainee. Throughout his career, Mr. Brennan has held numerous intelligence posts, including as head of terrorism analysis in the DCI's Counterterrorist Center between 1990 and 1992. He has also served as the CIA's daily intelligence briefer at the White House in 1994 and 1995, and as DCI Tenet's chief of staff from 1999 to 2001. On March 26, 2001, Mr. Brennan was appointed Deputy Executive Director of DCI and served in that capacity until he was named to be the first Director of TTIC on March 12, 2003. We welcome you here this afternoon, Mr. Brennan.

Our next witness is Mr. Larry Mefford, Executive Assistant Director of Counterterrorism and Counterintelligence in the Federal Bureau of Investigation. Mr. Mefford was just appointed to this by Director Mueller on July 17, 2003. Mr. Mefford joined the FBI in 1979, after serving as a law enforcement officer in Reno, Nevada. He has 30 years experience managing counterterrorism, criminal and crisis management matters. At FBI headquarters he oversaw the establishment of the FBI's Cyber Division, assisted in the interagency weapons of mass destruction contingency planning efforts, and authored the FBI's plan to address a chemical or biological terrorist incident. We welcome you here this afternoon.

Our third witness is William Parrish, who became the Acting Assistant Secretary for Information Analysis in the Information Analysis and Infrastructure Protection Directorate, IAIP on July 3rd. He is a retired U.S. Marine Corps colonel with more than 29 years of leadership experience and a proven record of achievement in antiterrorism training and operations planning. He served as senior advisor to the Secretary of Homeland Security for combatting terrorism and served as the senior Homeland Security representative to the Terrorist Threat Integration Center. In February of 2003, Assistant Secretary Parrish was reassigned from U.S. Customs to the Office of the Secretary for Homeland Security. While serving in U.S. Customs he established the first Office of Antiterrorism on October 23, 2001. We welcome you here as well.

And our final witness this afternoon is Jerry Berman, President of the Center for Democracy and Technology, or CDT. The CDT is a Washington, D.C.-based Internet public policy organization. Mr. Berman founded the organization in December 1994 to address free speech, privacy, Internet governance, and architecture issues affecting democracy and civil liberties on the global Internet.

Thank you all for testifying. We have written statements from each witness on this panel, which I ask unanimous consent to submit into the record in their entirety, and we would ask that each witness please limit their oral statement to 5 minutes. We actually, as you know, have a lighting system here. The yellow light will indicate that you have 1 minute to go, and when the red light comes on, if you can wrap up fairly promptly there, we would appreciate it.

And we will begin with you this afternoon, Mr. Brennan.

STATEMENT OF JOHN O. BRENNAN, DIRECTOR, TERRORIST THREAT INTEGRATION CENTER

Mr. BRENNAN. Thank you, Mr. Chairman. It is a privilege to appear before this joint Committee today to talk about the Terrorist Threat Integration Center, TTIC. I would like to say a few words in my opening statement about the Terrorist Threat Integration Center, many of which have already been stated here by the distinguished Members.

As was stated, the United States faces a very serious terrorist threat to its interests both at home and abroad. Al-Qaeda and other terrorist organizations are trying to do serious damage to our people and to our facilities, whether it be overseas at the many embassies and installations we have, as well as at home. If we are going to counter this threat, the U.S. Government must use all available resources and capabilities, and use all available knowledge if we are to stop repeat attacks such as we saw on September 11, 2001.

By statute, most notably the National Security Act of 1947, as amended, and the Homeland Security Act of 2002, there is a shared responsibility within the U.S. Government for dealing with the terrorist threat to U.S. Interests. In reality, no single department or agency has sufficient authority or capability to deal with the terrorist threat alone. It is this shared responsibility within the Government, as well as the need to combine capabilities and au-

thorities in an integrated framework, that TTIC was established on 1 May of this year.

TTIC is an innovative joint venture comprising at this time over 100 officers from partner agencies. Those partner agencies include the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Defense, the Department of Homeland Security, and the Department of State. The officers in TTIC have full access to the information systems and databases of their parent agencies. Their primary responsibility is to analyze all threat information available to the U.S. Government, to connect the dots if you will, and make their findings and analysis available to those outside of TTIC who are responsible for preventing and defending against terrorist attacks.

As Director of TTIC, I report to the Director of Central Intelligence, but I believe as head of a joint venture that I am equally responsible to the Director of the FBI, to Secretaries Ridge, Rumsfeld, and Powell.

The leadership team of TTIC is an ecumenical one, made up of senior officers from the partner agencies. TTIC is not a separate agency or department. TTIC is not a part of the CIA or any other Government department or agency. And TTIC is not engaged in any collection activity clandestine operations or law enforcement matters, and there is no intention for TTIC to become involved in such activities.

TTIC has a special responsibility to understand how the threat of international terrorism endangers the homeland. Thus, TTIC officers are in constant contact with the partner agencies, sharing analysis and information to help ensure that critical pieces of the terrorism puzzle, including those uncovered abroad, are made available to the Department of Homeland Security and to the Federal Bureau of Investigation.

The expeditious sharing of threat information, as called for in the Homeland Security Act, and which was reinforced by the memorandum of understanding signed by the Attorney General, Secretary Ridge, and Director Tenet earlier this year, requires major changes in how many Government departments and agencies do business. The TTIC partner agencies are working hard to fulfill these obligations, and a joint program office has been formed to ensure close collaboration on the work that must be done.

But there are many challenges. The many challenges involve ensuring that information systems are compatible, that security protocols are well established, that sources and methods are well protected, that declassification processes are streamlined, and that privacy rights of U.S. persons are carefully safeguarded. It is especially important that we address these issues appropriately as we leverage the power of computer technology to deal with the overwhelming volume of data available to the U.S. Government and when we try to find the nuggets that will give us the ability to avoid devastating terrorist attacks.

It is a privilege and a tremendous responsibility to lead the TTIC. With less than 11 weeks at the helm, I have already witnessed the force multiplier effect of having officers from different Government agencies and departments working together in an integrated environment, sharing information, insights and analysis,

and doing their absolute best to ensure the safety of Americans everywhere. The American people rightly expect and deserve no less.

I look forward to taking your questions.

Chairman COX. [Presiding.] Thank you.

[The prepared statement of Mr. Brennan follows:]

PREPARED STATEMENT OF JOHN O. BRENNAN

Good afternoon, Chairman Sensenbrenner, Chairman Cox, Ranking Member Conyers, Ranking Member Turner, and the Members of the Committee on the Judiciary and House Select Committee on Homeland Security.

I appreciate the opportunity to join my colleagues from the Department of Homeland Security and the Federal Bureau of Investigation to discuss the mutually supporting relationship between the Terrorist Threat Integration Center (TTIC) and the Department of Justice/Federal Bureau of Investigation (DOJ/FBI) and Department of Homeland Security (DHS).

As the members of the Judiciary and Homeland Security Committees well know, international terrorism poses a serious threat to U.S. interests, both at home and abroad. Al Qa'ida and other terrorist organizations continue to make plans to carry out attacks against U.S. citizens and facilities worldwide. While many of these plans have been disrupted since the tragic events of 11 September 2001, constant vigilance and proactive efforts on the part of many government departments and agencies are required to prevent the loss of additional U.S. lives in terrorist attacks. In recent years we have learned that terrorist threats that initially appear to be directed at overseas targets may actually be threats against our homeland, with the reverse being possible as well. We need to have all of our efforts—both overseas and domestic—working together in a seamless manner. DHS is a critical part of that seamless effort; TTIC is as well.

A key ingredient of the U.S. Government's counterterrorism strategy is to ensure that the many government agencies and departments involved in the war on terrorism work closely together and share threat information and analysis that could be used to prevent terrorist attacks. The May 1, 2003 establishment of the Terrorist Threat Integration Center is supporting this objective.

TTIC's mission is to enable full integration of terrorist threat-related information and analysis. It is a multi-agency joint venture that integrates and analyzes terrorist-threat related information, collected domestically or abroad, and disseminates information and analysis to appropriate recipients. As of today, TTIC has a little over one hundred (100) officers drawn from partner agencies, and we anticipate a workforce of several hundred by this time next year. As established, TTIC has sufficient authority to accomplish this overarching mission. It is important to note that TTIC does not engage in any collection activities nor does it engage in operations of any kind. It is not part of the Central Intelligence Agency. Rather, it is a joint venture composed of partner organizations including the Departments of Justice/Federal Bureau of Investigation, Homeland Security, Defense and State, and the Central Intelligence Agency. As Director of TTIC, I report to the Director of Central Intelligence in his statutory capacity as head of the Intelligence Community. At the same time, as the head of this innovative joint venture of partner agencies, I believe I must be responsive to the Director of the FBI and to the Secretaries of Homeland Security, Defense, and State. TTIC's roles and responsibilities are spelled out in Director of Central intelligence Directive (DCID) 2/4, which was effective as of 1 May 2003. I have provided a copy of this DCID to the Chairmen and Ranking Members of your committees.

When TTIC opened for business, we were fortunate to have seven (7) DHS and eight (8) FBI representatives assigned. Over the next year, we expect to have approximately forty (40) DHS assignees and thirty (30) FBI assignees in TTIC. From the very first day at TTIC, these assignees were contributing to the development of terrorist threat-related analysis and finished products.

Current DHS representatives assigned to TTIC include two from the Information Analysis and Infrastructure Protection (IA/IP) directorate; an analyst each from U.S. Secret Service, Transportation Security Administration, and Coast Guard; and two analysts from the Bureau of Immigration and Customs Enforcement. Of these DHS representatives, five (5) provide direct support to the development of terrorist threat-related analytic products, while the other two serve as part of the TTIC senior leadership team. Bill Parrish has served as the TTIC Associate Director for Homeland Security and principal senior conduit back to the Department of Homeland Security; as you are aware, he has returned to the Information Analysis and

Infrastructure Protection directorate of DHS and is currently serving as Acting Secretary for Information Analysis.

Current FBI representation at TTIC includes the Principal Deputy Director, Jim Bernazzani, nine (9) analysts and two (2) agents. The inclusion of agents with extensive field experience in TTIC informs the analytic process and helps apply innovative approaches to "connect the dots" in a more comprehensive manner. FBI officers in TTIC maintain close contact with FBI Headquarters elements as well as with FBI field offices, as appropriate, on a variety of important international terrorism issues.

In the context of TTIC, embedded DHS and FBI representatives, and analysts assigned from the other TTIC partner organizations, have exceptionally broad access to intelligence. Within TTIC, there is desktop access to all partner agency networks, which are accessible only by those who are appropriately cleared and have a need-to-know. This extensive access to threat-related intelligence has resulted in unprecedented sharing of information among analysts from a variety of federal departments and agencies. This type of information sharing is critical to the many federal, state, local, and law enforcement entities that are responsible for detecting, disrupting, deterring, and defending against terrorist attacks. Through regular interaction, TTIC, Intelligence Community, DHS, and FBI analysts work hand-in hand to understand and substantiate terrorist threat-related information.

Just as analysts are partnering to address substantive issues, TTIC, DHS, and FBI senior leadership are also partnering on various initiatives. One such initiative is the establishment of a joint program office to implement a systematic approach to inter-agency information sharing. The task at hand is to ensure that all obligations are met, as detailed in the Homeland Security Act and in the Homeland Security Information Sharing Memorandum of Understanding (MOU), signed by Secretary Ridge, Attorney General Ashcroft, and the Director of Central Intelligence (DCI). On behalf of the DCI, TTIC is facilitating efforts within the Intelligence Community—in concert with law enforcement activities—to ensure that the Department of Homeland Security has access to all information and analytic products required to execute its mission. In this endeavor, we must move with alacrity to ensure that we are doing everything possible to support the national effort to protect our homeland, while balancing the absolute need to safeguard the Constitutional liberties of all Americans. These are difficult issues, and we are endeavoring to address them in a conscientious, yet forward-leaning manner.

Progress has already been made. As an example, there are currently ninety (90) registered DHS users and three hundred sixty two (362) registered FBI users of a TTIC-sponsored classified website providing terrorism-related information. This website, which has over two thousand (2,000) users throughout the government is currently being updated to include expanded need-to-know access with rich content available at varying classification levels, from Top Secret to Sensitive-But-Unclassified. Further, it is being updated in a manner that will also enable users to search across disparate data sets in many different ways. The website will increasingly include products tailored for the needs of state and local officials, as well as private industry, such that the DHS and FBI—who are, by mandate, the designated conduits of information to state and local representatives, and private industry—can readily pass this information along. It is my belief that the combination of this increasingly robust website, full implementation of the MOU on information sharing, and the application of advanced analytic tools in a conscientious manner will allow TTIC, DHS, FBI, and the entire terrorism analytic community to stand a far better chance of successfully "connecting the dots" and taking the necessary preemptive actions to prevent future terrorist attacks.

Another area where we are making progress toward enhanced information sharing and streamlined governmental processes is in regard to terrorist identities and watchlisting. As you are aware from the GAO study released this year, there is a critical need to establish uniformity and enhanced access to watchlist information. Through coordinated partnership with entities across the Federal government, we are converting various existing terrorist identities databases into a comprehensive, all-source repository of information.

In closing, this good news story does not mean that we are without significant challenges ahead. But, together we are making progress. I would even venture to say that TTIC itself—as an innovative construct in the Federal government—is serving as a forcing function for progress in addressing long-standing challenges such as inter-agency information sharing. After only eleven weeks in existence, TTIC has been a lightening rod, attracting hard issues and running them to ground through the active collaboration of partner agencies. Together, we are defining issues and systematically addressing them with all deliberate speed to protect the nation, while dedicating significant attention to the protection of civil liberties. We

need your help in these activities and in finding ways to reconcile the inherent tensions therein. We recognize the need for an expanded and ongoing dialogue with various interested committees on Capitol Hill. This will enable appropriate oversight as well as sufficient latitude for us to be effective in supporting the overall national effort to protect America. I look forward to our continued dialogue.

Chairman COX. Mr. Mefford.

STATEMENT OF LARRY MEFFORD, EXECUTIVE ASSISTANT DIRECTOR, COUNTERTERRORISM AND COUNTERINTELLIGENCE, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

Mr. MEFFORD. Yes, thank you, Mr. Chairman. I appreciate the opportunity to testify about this very important topic today. It is also an honor to share this table with several of our partners in this very important initiative, the Terrorist Threat Integration System, known as TTIC.

During a speech at FBI headquarters, President Bush emphasized that the FBI has no greater priority than preventing terrorist acts against America. I want to ensure that everybody clearly understands that in our view TTIC is crucially important to the success of our mission in the FBI and that it will take us to the next level in being able to prevent another terrorist attack on our Nation.

TTIC's mission is to enable full integration of the terrorist threat-related information and analysis, and ensure that this threat product is disseminated expeditiously and appropriately. TTIC will have no new or independent authority to engage in the collection of intelligence. TTIC will assess, integrate, and analyze available threat information collected domestically and abroad to provide a comprehensive threat picture for the Nation.

TTIC members will continue to be bound by all applicable privacy statutes, executive orders and other relevant legal authorities for protecting privacy and our constitutional liberties. Information technology and handling procedures are consistent with the protection of our constitutional liberties. The FBI views TTIC as an important resource, an all-source vehicle to provide integrated threat analysis to the FBI, the Department of Homeland Security, and other Federal intelligence and law enforcement agencies, which in turn can quickly share that information with State and local law enforcement, who are obviously the essential partners in the fight against terrorism.

TTIC analytical products will be shared with FBI joint terrorism task forces located in every major metropolitan area of the Nation, which include our State and local counterparts. The FBI is committed to working with the Department of Homeland Security to push this vital information into the hands of those who need it most.

By September of next year, the FBI hopes to complete the planned collocation of our counterterrorism operational elements into a facility that will also house TTIC. Collocation is important in our view to ensure that the cooperation which is so necessary for our success today not only continues, but grows in the years ahead between, the FBI, CIA, DHS and TTIC.

The attacks of September 11 demonstrated that terrorism knows no boundaries, and neither should the agencies participating in

TTIC who, when working together, greatly enhance the Government's ability to stop future acts and bring terrorists to justice.

In closing, on behalf of the men and women of the FBI, I would like to thank each of you for the support that you have given us. You have provided us with many new and vital tools, and with TTIC I am confident that we carry out our mission to protect America.

Again, I thank you for this opportunity to appear at this joint hearing and look forward to responding to your questions.

Chairman COX. Thank you very much.

[The prepared statement of Mr. Mefford follows:]

PREPARED STATEMENT OF LARRY MEFFORD

Good afternoon Chairman Sensenbrenner and Chairman Cox, I am honored to appear at what may be a very historic hearing. I cannot recall when a witness from the FBI has testified before a combined panel that encompasses over 80 distinguished Members of the House of Representatives.

It is also an honor to share this table with several of our partners in this very important initiative—the Terrorist Threat Integration Center (TTIC). During a speech at FBI Headquarters, President Bush emphasized that the "FBI has no greater priority than preventing terrorist acts against America." I want to ensure that everyone clearly understands that TTIC is crucially important to the success of our mission in the FBI, and it will take us to the next level in being able to prevent another terrorist attack on our nation.

TTIC's mission is to enable full integration of the terrorist threat related information and analysis and ensure that this threat product is disseminated expeditiously and appropriately. TTIC will have no new or independent authority to engage in the collection of intelligence. TTIC will access, integrate and analyze available threat information, collected domestically and abroad, to provide a comprehensive threat picture. TTIC members will continue to

be bound by all applicable privacy statutes, Executive Orders, and other relevant legal authorities for protecting privacy and our Constitutional liberties. Information technology and handling procedures are consistent with the protection of our Constitutional liberties.

The FBI views TTIC as an important resource—an all-source vehicle to provide integrated threat analysis to the FBI, DHS, and other federal intelligence and law enforcement agencies, which in turn, can quickly share that analysis with state and local law enforcement who are essential partners in the fight against terrorism. TTIC analytical products will be shared with dozens of FBI Joint Terrorism Task Forces around the country which include our state and local counterparts. The FBI is committed to working with DHS to push this vital information into the hands of those who need it most.

By September of next year, the FBI hopes to complete the planned co-location of our counterterrorism operational elements into a facility that will also house TTIC. Co-location is essential in ensuring that the cooperation, which is so necessary for our success, not only continues but grows in the years ahead between the FBI, CIA, DHS and TTIC. The attacks of September 11th demonstrated that terrorism knows no boundaries—neither should the agencies participating in TTIC—who when working together greatly enhance the government's ability to stop future acts and bring terrorists to justice.

In closing, on behalf of the men and women of the FBI, I would like to thank each one of you for the tremendous support you have given us. You have provided us with many new and vital tools and with TTIC, I am confident that we can carry out our mission to protect America. I again thank you for this historic opportunity to appear at this joint hearing and I will be happy to respond to your questions.

Chairman COX. Mr. Parrish.

STATEMENT OF BILL PARRISH, ACTING ASSISTANT SECRETARY FOR INFORMATION ANALYSIS, DIRECTORATE OF INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. PARRISH. Good afternoon, Chairman, and I appreciate the opportunity to appear before each of you and distinguished Members of the Committees. This is my first opportunity to appear before our Congress, and I look forward to the opportunity to convey what I think is an important message.

Following changing my uniform and putting on a three-piece suit and standing up the Office of Antiterrorism for then the U.S. Customs organization, one of the things I quickly learned was that there is a very important aspect for agencies to understand each other's capabilities. During my tenure there in Customs, I saw and what I observed was that Government agencies—that once they clearly understood the capabilities of another agency and how they could use this information or intelligence, that the sharing process became much easier.

For example, Customs inspectors at our borders having access to the watch lists of suspected terrorists allows for the collection of information that contributes to the threat analysis and assessment process of connecting the dots. I continue to emphasize this important aspect in knowing the capabilities of other agencies and understanding how they support the national effort in combatting terrorism.

Within the Information and Infrastructure Protection Directorate, we have representation from multiple Federal agencies, both in the Information Analysis Directorate as well as our Homeland Security Operations Center. This exchange of information and recognition of the agencies' capabilities has significantly enhanced the information flow, both internally and externally, of the Department.

As you know from the legislation which you passed, the Information Analysis and Infrastructure Protection Directorate is unique among U.S. Intelligence and law enforcement elements in the authority, the responsibility, and access to information.

IAIP possesses robust, comprehensive and independent access to information relevant to homeland security collected both domestically and abroad. Our mission is to obtain the intelligence and provide the necessary analysis and assessment to ensure appropriate actions are taken to protect against terrorist attacks directed to the U.S. homeland.

The 19 statutory functions listed in the Homeland Security Act of 2002 are being implemented, and progress is being made daily to further enhance our capabilities within each of those functions. The Secretary of Homeland Security has placed the highest priority on expeditiously completing the new home for IAIP, which, when completed, will give us more personnel and the appropriate electronic connectivity.

I am pleased to report that just recently I walked through the new spaces of IA, and tremendous progress has been made. However, in the meantime, we have identified procedures to ensure we are meeting our tasks and accomplishing our mission. Procedures such as employing liaison personnel to other agencies, bringing in

members of other agencies into IA. I have initiated a program, since assuming the position of Assistant Secretary for Information Analysis, to coordinate directly with analysts of the FBI, TTIC, and other members of the Intelligence Community.

This exchange of personnel and direct access to other analysts will provided the face-to-face or voice-to-voice connectivity that will provide essential connectivity to ensure information is shared until all of our IT systems are in place. I am confident that these work-around measures are succeeding in ensuring a timely and efficient flow of information both into and out of the Department of Homeland Security.

In preparation for today's hearing, I reflected back on my time in Bahrain, where I led 120 of America's finest, U.S. Marines from a special antiterrorism unit. We were sent to ensure the security posture of the U.S. facilities in Bahrain following the dastardly attack at Khobar Towers. As I stood on a rooftop at 2 in the morning, talking to a young lance corporal, one of my designated marksman, he looked at me and he said, "Sir, how are we doing?" I responded by saying, "You are doing great, nothing has blown up so far."

There is a correlation here. And thanks to you, to your staffs, to our Federal agencies, to include the law enforcement agencies and the Intelligence Communities of our Government, the dedicated State and local authorities, the private sector, and the American people in general, we are doing well. But we must not become tired nor must we grow weary. The dedication and commitment must continue. And, above all, continuous prayers for the safety and security of this great Nation.

Thank you. I look forward to your questions.

Chairman COX. Thank you.

[The prepared statement of Mr. Parrish follows:]

PREPARED STATEMENT OF WILLIAM PARRISH

Good morning Chairman Cox, Chairman Sensenbrenner and distinguished Members of both Committees. I am delighted to appear before you today to discuss The Department of Homeland Security's role in the President's Terrorist Threat Integration Center.

Currently, I am the Acting Assistant Secretary for Information Analysis in the Information Analysis and Infrastructure Protection Directorate (IAIP). Prior to assuming this position on July 3rd of this year I was the Senior DHS representative to the Terrorist Threat Integration Center (TTIC). In this capacity I served in a senior leadership position as the Associate Director for Homeland Security.

IAIP is unique among U.S. intelligence and law enforcement elements in authority, responsibility, and access to information IAIP possesses robust, comprehensive, and independent access, to information relevant to homeland security, collected both domestically and abroad. Our mission is to obtain that intelligence and provide the necessary analysis to ensure the appropriate actions are taken to protect against terrorist attacks directed at the U.S. homeland. IA has the ability to conduct its own, independent threat analysis based on information and intelligence drawn from other agencies within DHS, the FBI, the CIA , other members of the Intelligence Community, plus state and local law enforcement and private sector entities. This enhances IA's ability to provide threat assessments to the Infrastructure Protection in support of the Department's mission to protect the homeland.

IA has the specific authority and responsibility for providing Federally-collected and analyzed homeland security information to first responders and other state and local officials and, as appropriate, security managers and other key private sector contacts. As such, IA, in coordination with IP, is in the position to effectively manage the collection from state and local governments, and private sector officials, of crucial homeland security-related information that may be, in the first instance, available only to those officials. DHS will continue to work closely with other gov-

ernment agencies to make certain that those who are on the front lines have the necessary information and resources to protect the homeland.

IA is a central information nerve center of DHS' efforts to protect our homeland. IA is responsible for turning the voluminous threat information collected every day at our borders, ports, and airports, into usable and, in many cases, actionable intelligence. IA provides the full-range of intelligence support—briefings, analytic products, including tailored analysis responding to specific inquiries, and other support—to the Secretary, DHS leadership, the Undersecretary for IAIP, and DHS' components.

IAIP will ensure that homeland security-related intelligence information is shared with others who need it as well as support of the Secretary's responsibility to administer the Homeland Security Advisory System by independently analyzing information supporting decisions to raise or lower the national threat level.

As IAIP's anti-terrorism mission is focused entirely on the homeland, some of DHS' work in this area will be carried out in part by IA analysts who are full participants in the Terrorist Threat Integration Center initiative, and physically located at TTIC.

Certain IA officers will be located at TTIC, working day-in-day-out, participating in processing and analyzing terrorist threat-related information, developing, shaping, and disseminating TTIC products, assessing gaps in the available information, and ensuring that TTIC products reach appropriate DHS Headquarters officials, as well as appropriate state, local, and private sector officials.

IA analysts assigned to TTIC will 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's unique mission to protect the homeland.

As provided by Congress and the President, authorities and capabilities to deter and disrupt terrorist threats, particularly overseas, are shared among a number of departments and agencies and such activities often must be undertaken in concert with state, local, and foreign governments. Recent experience has shown that terrorist groups may attempt to coordinate multiple attacks, both overseas and within the United States, and that threats that appear to be directed overseas may actually be directed towards the homeland, and vice versa. This is an essential element of the utility of the TTIC and the partnership of DHS in looking at the correlation of overseas terrorist activities and how they could be tied to activities in the homeland. IA is a key member of the TTIC team and plays an important role in identifying critical pieces of intelligence that must be shared with appropriate DHS agencies as well as state, local and private sector entities.

DHS/IP will rely upon the analysis produced by IA, to help determine threat vulnerabilities that will assist in establishing priorities for protective and support measures of federal, state, and local government agencies and authorities, as well as private sector entities. In support of its mission, DHS components will identify intelligence requirements to IA. IA will submit them to the Intelligence Community, law enforcement, and parts of DHS. This process will identify vulnerabilities and threats which will allow for appropriate protective actions to be taken.

In addition to the critical role of mapping infrastructure vulnerabilities against threats to the homeland, IA also will conduct other analysis distinct from that in which IA analysts participate at TTIC.

- **Tailored Analysis.** IA Headquarters-based analysts will routinely be tasked to take a different "cut" at a similar universe of information as that analyzed at TTIC. For example, TTIC may reach a conclusion about a general terrorist threat to the United States, while DHS Headquarters may want a more targeted and specific analysis directed at how such a threat might affect a particular sector of the U.S. infrastructure. Such threat analysis would be different than that performed at TTIC, but crucial to the overall DHS mission and to our homeland security. Similar tailored analytic products are systematically used by the leaders of other Intelligence Community member Departments and Agencies based on each agency's individual mission.
- **Competitive Analysis.** IAIP analysts located at Headquarters will also conduct competitive terrorism threat analysis to that taking place at TTIC. For example, the Secretary may want an independent look at a particular conclusion reached by analysts—including IA analysts—at TTIC. Such competitive analysis not only is sound practice, but it has been for decades a cornerstone of U.S. Intelligence Community analytic efforts.
- **Red-Teaming.** IA's tailored and, at times, competitive terrorism threat analysis, will take another form as well: "red teaming." IA's analysts will not only look independently at threat data from a traditional analytical perspective,

> i.e., "connecting the dots," but will also undertake "red team" analysis. In this mode, analysts will view the United States from the perspective of the terrorists, seeking to discern and predict the methods, means and targets of the terrorists. The analysis produced as part of this red teaming will then be utilized to uncover weaknesses, and to set priorities for long-term protective action and target hardening.

Everyone is a partner in this new effort and we must work closely to be successful. By working together, we can detect and prevent potential terrorist attacks and identify protective measures that will enhance the security of our homeland.

Mr. Chairman, and Members of the Committees, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.

Chairman COX. Mr. Berman.

STATEMENT OF JERRY BERMAN, PRESIDENT, CENTER FOR DEMOCRACY AND TECHNOLOGY

Mr. BERMAN. Thank you, Mr. Chairman, for this opportunity, and Members, for this opportunity to testify here today. I have spent a lifetime in civil liberties advocacy work, working a lot on national security issues, including helping to draft the Foreign Intelligence Surveillance Act, FBI guidelines, and on the PATRIOT Act with Members of the Judiciary Committee and other Members of Congress.

I am here today to express our concern about what is transpiring in the organization of TTIC and its relationship to the Department of Homeland Security as it affects our civil liberties. As you know, the first response to the grave threat of terrorism, which we all recognize, was that Congress gave our intelligence agencies and law enforcement agencies broad new powers under the PATRIOT Act to collect more information, to disseminate it widely, and to share criminal law enforcement, grand jury and other information. We know what the list is—and the business records, medical records, databases—with mere relevance to an investigation standard.

After stepping back from that, and Congress passing that, it got to the Department of Homeland Security Act, and I think took another look, and said the real issue here was not the lack of collection authority, but the need for better analysis, better integration of information between our agencies. It was clear that information they already had hadn't been shared, so they coordinated it. It was coordinated under the Department of Homeland Security Act.

And that act did two things. It said that the functions which I now hear are being performed by TTIC—and, according to Mr. Brennan, are not under any agency—were supposed to be performed by the Department of Homeland Security; that they were going to do the integration, they were going to do the analysis, they were going to look at the raw data, and they were going to disseminate it not simply among the agencies, but down to the people on the front line at State and local levels.

As citizens of the United States, we want that to work. We want that to work to break down the bureaucratic barriers and make sure that good intelligence gets to our front line.

But at the same time, Congress said we want to make sure that our civil liberties are protected, not just because it is our national value but because those civil liberties are part of the national security mission. Unless the investigations are focused on criminal activity and not wandering and fishing expeditions, unless informa-

tion is reliable, unless information is accurate, unless information is collected relevantly and not on a "Total Information Awareness" kind of way, we are not doing our national security job and we are threatening our civil liberties.

So we welcome the creation of an oversight system within the Department of Homeland Security, a privacy office, a civil liberties office, and we hope that they would get ahold of the guidelines being recommended by the FBI for data mining American files; that they would be able to deal with who is on a watch list and who might be stopped at an airport and suffer the consequence of not being able to travel; who would be investigated, and how they would audit all of these investigations conducted by TSA, FBI, and make sure that CIA is not investigating in the United States.

That is the job that has been given to DHS. My belief is that the organizational creation of TTIC has taken that authority outside of DHS. So that while you have an agency that is doing integration analysis but not the way Congress intended, and the oversight system is not applicable; they can claim that they are protecting all privacy laws, but there was an officer and an office set up to do that. That is not being in place. There is no serious staffing of that function, just as there was no serious staffing, until recently, of the intelligence analysis function. And that, we are on two ticking time bombs. One is that we may not be getting the best intelligence analysis that this country needs and integration done on our homeland. And we may find that our agencies may be collecting the wrong information, making false positives, and leading us down a track where, in the next incident which causes a crisis or a panic, we sweep up the wrong people, for the wrong reasons, and cause a civil liberties disaster.

You cannot simply talk about the potential of a terrorist disaster without saying that our experience of Watergate was that secret intelligence without guidelines, without oversight, without careful scrutiny, without auditing, may start with the best intentions; but a Government of discretion is not what we are, we are a Government of laws. And it is up to this Committee to make it right and bring it back within DHS.

Thank you very much.

Chairman COX. Thank you, Mr. Berman.

[The prepared statement of Mr. Berman follows:]

PREPARED STATEMENT OF JERRY BERMAN

Chairman Sensenbrenner, Chairman Cox, Ranking Member Conyers, Ranking Member Turner, Members of the Committees, thank you for the opportunity to testify today at this important hearing. We commend you for beginning public oversight of the Terrorist Threat Integration Center (TTIC), its role in the nation's counter-terrorism efforts, its relationship with the Departments of Justice and Homeland Security, and its implications for civil liberties. The Center for Democracy and Technology[1] believes that it was a serious mistake for the President to place the TTIC under the Director of Central Intelligence, because it appears to have been cut loose from the oversight mechanisms that Congress specifically created for the intelligence fusion and analysis function that Congress placed at the Department of

[1] The Center for Democracy and Technology is a non-profit, public interest organization dedicated to promoting civil liberties and democratic values for the new digital communications media. Our core goals include enhancing privacy protections and preserving the open architecture of the Internet. Among other activities, CDT coordinates the Digital Privacy and Security Working Group (DPSWG), a forum for computer, communications, and public interest organizations, companies and associations interested in information privacy and security issues.

Homeland Security. Regardless of where TTIC is organizationally located, there are major unanswered questions about the collection, dissemination and consequences of intelligence information that the Executive Branch and these Committees need to address. We urge you, therefore, to continue this oversight process, and we look forward to being of assistance to you however we can.

I. INTRODUCTION

The threat terrorism poses to our nation is imminent and grave. The government must develop a strong organizational structure capable of preventing terrorism to the greatest extent possible and swiftly punishing it when it occurs. Information sharing and analysis are central to success. It is now clear that, before 9/11, the government was unable to use effectively the information that it was collecting. Moreover, it is clear that privacy laws and constitutional principles were not the main barriers to collection, sharing or analysis. Even before the changes put into place by the PATRIOT Act, the government had very broad authority to infiltrate organizations, collect information from public and private sources, and carry out wiretaps and other forms of electronic surveillance. Overseas, of course, there were few, if any, rules. Since 9/11, the power of the government to collect information domestically has been further expanded. Legal barriers against sharing law enforcement information with intelligence agencies have been eliminated. But information sharing and sound analysis cannot be legislatively mandated. With the TTIC, the President has created a structure that he believes will be better able to conduct analysis and promote information sharing. The first important question the Committees are asking today is whether this new structure will in fact produce better sharing and analysis.

At the same time, the Committees are appropriately asking what will be the effect of this new organization on civil liberties. The government's powers, even in this time of crisis, must be subject to checks and balances. Within the United States, surveillance and data gathering should be exercised with a focus on potential violence, guided by the particularized suspicion principle of the Fourth Amendment, and subject to executive, legislative and judicial controls. Yet checks and balances were seriously eroded by the USA PATRIOT Act and Executive Branch actions. When Congress created the Department of Homeland Security in 2002, it attempted to partially address these concerns by creating internal oversight mechanisms in the new Department. If the TTIC is not brought back under the DHS, Congress should respond by establishing standards for sharing of information and its consequences and should establish internal oversight mechanisms for TTIC. Finally, these Committees should continue practicing ongoing, nonpartisan, and in-depth oversight.

II. WHERE IS THE OVERSIGHT OF TTIC?

When Congress passed the PATRIOT Act, it specifically directed the Inspector General of the Department of Justice to designate an official who would review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of justice. The DOJ is required to make public announcements on how to contact this official. And the official is required to submit to the Judiciary Committees a semi-annual report detailing the complaints and findings. PATRIOT Act, Pub. L. No. 107–56, sec. 1001. Last week, such a report was presented to the Judiciary Committee.

Where is the similar function for the TTIC?

When Congress created the Homeland Security Department and gave it responsibility for threat integration and analysis, Congress recognized that the new Department's powers required close internal and external oversight. Congress created within the Homeland Security Department two oversight offices—one for privacy (Sec. 222) and one for civil rights and civil liberties (Sec. 705). Homeland Security may be the only department in government that has such statutorily mandated offices. The Privacy Officer is specifically directed by legislation to take primary responsibility for issues such as:

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(2) assuring that personal information contained in Privacy Act systems of records is handled in full compliance with fair information practices as set out in the Privacy Act of 1974;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department or that of the Department on the privacy of personal information, including the type of personal information collected and the number of people affected; and

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of the Privacy Act of 1974, internal controls, and other matters.

The DHS Civil Rights and Civil Liberties Officer also has an express statutory charge to:

(1) review and assess information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by employees and officials of the Department; and

(2) make public through the Internet, radio, television, or newspaper advertisements information on the responsibilities and functions of, and how to contact, [his office].

Where are the comparable officers for the TTIC?

Other questions could be asked: Who has control over the budget for TTIC? When the FBI's Counterterrorism Division is transferred to TTIC, will the Judiciary Committee still have authorization authority over the Counterterrorism Division?

Who is the FOIA officer for the TTIC? Judicial and Executive Branch interpretations have weakened the Freedom of Information Act as a mechanism for oversight and accountability, but it remains an important element of the system of checks and balances.

What guidelines will govern the dissemination of intelligence from the TTIC to state and local officials? Will those guidelines be public?

These are not concerns that are at odds with the mission of ensuring that intelligence collection, analysis, and dissemination are organized effectively to support the war on terrorism. To the contrary, the answers to these questions will help determine whether TTIC is doing its job. Because the analysis function at DHS is subject to a specific statutory charter, while TTIC lacks one, and because DHS is subject to oversight mechanisms, while TTIC apparently has none, we recommend that TTIC be brought back within DHS.

III. THE NEED FOR A TTIC CHARTER AND GUIDELINES ON INFORMATION SHARING AND ITS CONSEQUENCES

Regardless of where it resides, TTIC needs a charter—something more binding than the testimony you are receiving from government officials today—to delimit what it can and cannot do, including how it can acquire information, how that information can be used, and how individuals obtain redress. In order to appreciate why this is so important, let me describe briefly the domestic intelligence system as it exists today.

Collection Standards: The FBI, the nation's domestic intelligence agency, has both intelligence and law enforcement surveillance powers. In international terrorism investigations, the FBI can exercise either or both sets of powers for maximum collection. Under both the criminal wiretap statute and the Foreign Intelligence Surveillance Act, courts rarely if ever deny requests for electronic surveillance. For access to stored records, the criminal grand jury is a powerful, wide-ranging tool, and Section 215 of the PATRIOT Act gives the FBI the authority to obtain a court order on a minimal showing to compel disclosure of any record in the name of international counter-terrorism.

It has been said that TTIC will not be a collection agency. But it is also said that TTIC will be involved in tasking—that is, in telling other agencies what to collect. Increasingly, CIA agents are working closely with FBI agents. That is in some ways highly desirable and long overdue. But doesn't it mean that the CIA, especially with the TTIC and its tasking function operating under the Director of Central Intelligence, now has access to the very "police, subpoena, or law enforcement powers or internal security functions" that the National Security Act denied to the DCI?

Dissemination: At the same time, the PATRIOT Act broke down the limits on sharing law enforcement information with intelligence agencies. (There were never any statutory limits on sharing intelligence information with law enforcement agencies.) And sharing of information with state and local officials has become a major topic of discussion.

Consequences: What is most significant about this sea-change is that information collected domestically can now be shared and used outside of the confines of the

criminal justice system. In the past, information collected with grand jury powers or Title III powers had to be kept confidential and could be used against a person only when they were accorded the full panoply of due process rights in the criminal justice system. Intelligence information supported the foreign policy process or was used in spy-versus-spy operations, but after the reforms of the Church Committee era was not supposed to be used in ways that affected the rights of Americans outside the criminal justice system. Now that information can be used domestically for other barely defined counter-terrorism and protective purposes. We need to put clearer definition on how that information can be used and what the consequences can be, starting with TTIC.

IV. THE NEED FOR CLOSE CONGRESSIONAL SCRUTINY OF THE EFFECTIVENESS AND PRIVACY IMPLICATIONS OF DATA MINING AND ESTABLISHMENT OF GUIDELINES FOR ANY APPLICATION OF THE TECHNOLOGY

One important avenue of oversight for these Committees is whether, and if so how, the TTIC intends to use the technique known as data mining, 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 such as medical information, travel records and credit card and financial data. We know that other agencies are pursuing this technology, which seems to assume government access to personal information about everyone from any source. The Pentagon's Defense Advanced Research Projects Agency is carrying out research on its Total (now Terrorism) Information Awareness program. The FBI's Trilogy project includes plans for data mining. According to an undated FBI presentation obtained under the FOIA by the Electronic Privacy Information Center, the FBI's use of "public source" information (including proprietary commercial databases) has grown 9,600% since 1992.[2] And the Homeland Security Act provided DHS with explicit authorization to develop data mining technologies.

Two kinds of questions must be asked about data mining.

- First, is the technique likely to be effective?
- Secondly, assuming it can be shown to be effective, what should be the rules governing it?

Current laws place few constraints on the government's ability to access information for terrorism-related data mining. Under existing law, the government can ask for, purchase or easily demand access to most private sector data. Unaddressed are a host of questions:

- Who should approve the patterns that are the basis for scans of private databases and under what standard?
- What should be the legal rules limiting disclosure to the government of the identity of those whose data fits a pattern?
- When the government draws conclusions based on pattern analysis, how should those conclusions be interpreted?
- How should they be disseminated and when can they be acted upon?

Adapting the Privacy Act of 1974 to government uses of commercial databases is one way to look at setting guidelines for data mining. But some of the principles reflected in the Privacy Act are simply inapplicable and others need to have greater emphasis. For example, perhaps one of the most important elements of guidelines for data mining—one that is not part of the Privacy Act—would be rules on the interpretation and dissemination of hits and on how information generated by computerized scans can be used. Can it be used to conduct a more intensive search of someone seeking to board an airplane, to keep a person off an airplane, to deny a person access to a government building, to deny a person a job? What due process rights should be afforded when adverse actions are taken against individuals based on some pattern identified by a computer program? Can ongoing audits and evaluation mechanisms assess the effectiveness of particular applications of the technology and prevent abuse?

All of these questions must be answered before TTIC (and DHS) move forward with implementation of data mining techniques on commercial databases. Congress should limit the implementation of data mining until effectiveness has been shown and guidelines on collection, use, disclosure and retention have been adopted following appropriate consultation and comment.

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[2] *http://www.epic.org/privacy/publicrecords/cpfbippt.pdf.*

V. CONCLUSION

We need limits on government surveillance and guidelines for the use of information not merely to protect individual rights but to focus government activity on those planning violence. The criminal standard and the principle of particularized suspicion keep the government from being diverted into investigations guided by politics, religion or ethnicity. A set of guidelines needs to be issued for the unique intelligence tasking, fusion, analysis and dissemination function now contemplated for TTIC. We believe that those guidelines can best be developed and implemented within the structure of the DHS, with the statutory charter and oversight mechanisms that Congress established.

But first, Congress needs to know what is going on. It needs to see a public, binding charter for TTIC, to define its tasking or collection authorities and protect against mission creep. Congress could start by inquiring into TTIC's use, if any, of commercial databases. And the question of consequences and redress looms large.

Chairman COX. Obviously, there is a vote on the floor. Mr. Chabot, immediately upon the ringing of the bells, went to the floor; I believe the vote is on a motion to rise, a procedure vote; and he is going to come back, so we are going to be able to keep this hearing in open session while Members go to the floor. And I encourage Members to do that at their discretion and leisure.

The Chairman recognizes himself for 5 minutes of questions.

If I may, Mr. Brennan, I want to begin with a fundamental question about how TTIC and Homeland Security, as between those two, are going to work to see to it that nothing that goes on in TTIC is redundant of what is supposed to or is already going on in the Department of Homeland Security, specifically, with respect to threat analysis. And let me just begin with that, and I will follow up with more detail. But I would like to have you address that broadbrush, if you would, to begin with.

Mr. BRENNAN. Okay, Mr. Chairman.

TTIC and DHS officers have met repeatedly over the past several weeks since, in fact, TTIC's stand-up to discuss the relationship and the complementary nature of the TTIC mission and the mission of IAIP Director within the Department of Homeland Security. We see that they are very complementary. TTIC analysts are looking at information that is available overseas and domestically here, sharing that information with DHS analysts, both within TTIC as well as back at DHS headquarters, and IA, and we are making sure that there is this robust exchange.

As you well know, a lot of information that becomes available to the intelligence community is still of a rather generic nature as far as the type of threats that face the United States. So what we see is that we are to be working very closely with IA directorate to ensure that that information is shared with IA, and that IA can actually look at it at a much more fine level.

And working with State and local governments, they are going to try to make this rather generic threat information, sometimes that is available, much more specific so that IP then can take action on it. So we do see a natural hand-off between TTIC analysts and IA analysts.

Chairman COX. Mr. Parrish, do you want to address that?

Mr. PARRISH. Yes, sir. I think it is important to understand first of all the nature of the enemy that we are up against, very decentralized. The intelligence that we get sometimes is very general, as Mr. Brennan just indicated. One of the things that IA is looking

at is our customer base, and that is, the private sector as well as State and local authorities.

If I could, just a quick example of how this may work. Let us say that TTIC receives an intelligence report of SIGINT indicating a potential attack to Chicago. Very general. It is just a threat to Chicago. But yet it is deemed credible based on the source. IA will then begin to look at this threat and analyze it working within the Infrastructure Protection directorate so that they will assess potential target sites within the Chicago area, identifying critical chemical facilities, chemical facilities that may be located near the lake that has an offshore breeze, located in large population centers around Chicago. They may look and see that there is an NBA championship being played, and there are five major conventions being held downtown.

This is the assessment which IAIP does with this intelligence collected from TTIC. This then allows us to serve our customer base, to go back to the Mayor of Chicago, to the Governor of Illinois, and to say there is a credible threat to Chicago, it is general in nature. Our assessment, though, places the following areas of considerable risk or high-valued targets to this, and we would encourage them to take a look at the security posture of those facilities.

Chairman COX. Mr. Parrish, your description suggests that at the time that information comes to TTIC—you gave us a specific hypothetical example—that it is either shortly thereafter or in real-time simultaneously being shared with the Department of Homeland Security. Is that what actually happens?

Mr. PARRISH. That is, in fact, the case. As my bio referenced in the beginning, on May 1, I was the Associate Director for Homeland Security at TTIC. In that capacity, I had access to all of those systems we are referring to that are available within TTIC. I had very timely information that then would be called back to IA that says we have a piece of intelligence we are working right now, and I would convey to them the actions that they should begin to take. So, yes, sir, it was very real time.

Chairman COX. And is it something that doesn't require judgment? Is it automatic?

Mr. PARRISH. It is automatic. I think it is important to understand that within TTIC, we have Department of Homeland Security analysts that are looking at the operational environment of which the Department of Homeland Security is responsible for. So they are looking at it with a set of eyes that may be different from a CIA analyst or for an FBI analyst. They are looking at it from the standpoint of border protection, the maritime picture of the Coast Guard, critical infrastructure to bridges and tunnels, information that must be conveyed back to the private sector quickly.

Chairman COX. Help me understand what is meant in the Memorandum of Understanding among the Secretary of Homeland Security, the Attorney General, and the DCI concerning this point, how information passes to TTIC or to the Department of Homeland Security. Section 3(f) of the MOU provides that, "When fully operational, TTIC shall be the preferred, though not the exclusive, method for sharing terrorist threat information at the national level." That implies rather strongly that sometimes information is going to go first to TTIC and only subsequently, if at all, to Home-

land Security. Does that never happen? What does that portion of the MOU mean if it is automatic? It doesn't require any judgment, and all this information in real-time simultaneously is being provided both to TTIC and DHS?

Mr. BRENNAN. If I could address that, sir?

Chairman COX. Sure.

Mr. BRENNAN. There are different types of threat information. Any threat information that is collected by the intelligence community, by the Bureau is immediately disseminated and is made available to the Department of Homeland Security. I think what Bill was referencing here is that by connecting the dots there are different data points.

Chairman COX. But just help me understand the MOU. When the MOU says that TTIC is the preferred method for sharing information, what does that mean?

Mr. BRENNAN. I think it says may be the preferred. I am not certain on that.

Chairman COX. No. I believe, I am quoting directly, and the words within the quotation are, "shall be." That is what the MOU says in section 3(f).

Mr. BRENNAN. I don't know the context of those words in that statement.

Chairman COX. But you are familiar with the MOU that establishes the procedures for running TTIC that are directing it?

Mr. BRENNAN. Yes, I am. The MOU addresses border issues in TTIC. It addresses the issue of information sharing across the Government. And, as I said, there is a program office now——

Chairman COX. But this particular sentence directly addresses TTIC. It says: TTIC shall be the preferred, though not the exclusive, method for sharing terrorist threat-related information at the national level.

Mr. Parrish, do you care to comment on that while Mr. Brennan is thinking about that?

Mr. PARRISH. I can speak for how the system is working and how it has worked for me when I was——

Chairman COX. And that is what we are concerned with. We want to know what is actually happening.

Mr. PARRISH. And as I was sitting in TTIC, working there, again, working back to IA. If there was a piece of information or intelligence that came in, that I would look to see, in fact, to ensure DHS was on the list to receive that information, I would highlight that back to the IA staff to be sure to pull that table up. If they didn't have that table, I would ensure that they got that information.

Chairman COX. But now that sounds like a system that requires human intervention, that there is judgment and discretion involved.

Mr. PARRISH. I think, in the nature that we are operating against, there is some requirement for that. But, again, what I am looking for is to make sure that the originating agency provided that information to DHS. If it was not, be it an oversight or if it was sensitive information based on sources and methods, I would ensure then to go back to the originator to say there are pieces

here that must be shared with the Department of Homeland Security.

And I will tell you that in all cases when that occurred, I was never denied access to any of that information.

Chairman COX. Well, my concern is that on the one hand we have a paradigm in which the information sharing is automatic, and it is in real-time, and there is nothing going to TTIC that isn't also going to the Department of Homeland Security. And, in the alternative, we have people in TTIC coordinating with the Department of Homeland Security. And if information might be of particular interest to the Department of Homeland Security, then it gets forwarded to them. That is obviously something that takes place subsequently in time. And because of the discretion, judgment, and nonautomatic nature of it, it screams out, willingly or not, wittingly or not, information that certainly, by statute, we would expect that DHS would get as a matter of routine.

Mr. BRENNAN. But a lot of information, sir, is not apparent to be related to the terrorist threat. A lot of disparate pieces——

Chairman COX. Then why is it coming to TTIC in the first place?

Mr. BRENNAN. Because the offices in TTIC have full and unfettered access to their home information systems and databases. And it is not just limited to threat information, it is a more broader set. And a lot of information that is available to the U.S. Government is not, obviously, terrorist-threat-related. But by comparing data, you create new knowledge. You put one bit of data together with something else, and you say there is a match here. And that is what we, in fact, are trying to do in TTIC, to make that knowledge available to other Government agencies such as Department of Homeland Security. But if there is a piece of threat information that is issued by a department or agency, it goes immediately, directly to DHS; it doesn't have to go through TTIC at all.

Chairman COX. Well, as you can infer from this discussion—Mr. Berman has been wagging his head. I should let him comment before I finish.

Mr. BERMAN. I just am reading the statute, where Congress, I think, asked that this function be housed at DHS. In fact, the DHS would even be able to set priorities—I don't want to establish myself as a national security expert. But in meeting with national security experts who have talked about this integration function, the coordination function, there has been, as part of the Markle Task Force on National Security, which has already issued a report, very vital importance that DHS have this function because it is not only that they should be looking and making judgments about what are the threat vulnerabilities; they should be looking at the raw data and making their own analysis. And this sounds like they are getting a finished product which they can then act on or not act on, but that they do not have analytic capability. And that, I think, is not what Congress intended. Congress intended the functions of TTIC that you are talking about would have been done by DHS, on a plain reading of the statute.

Chairman COX. Thank you for that comment. Let me infer from the discussion that we have just had that it is probably impossible either for Congress to write a statute or for the executive branch to write an MOU that reduces all of this to an algorithm. There

is going to be judgment and discretion involved no matter at what level we make the cut. The statutory concept is that raw, unanalyzed information is going to come directly to the Department of Homeland Security. And what I understand is going on right now is possibly consistent with that. That is to say, DHS may be getting in real-time all of the raw, unanalyzed information, but the judgment that is necessarily involved in it is whether that is terrorist-threat-related, or otherwise related to the statutory mission of DHS. And the act of making that cut almost certainly is going to involve some analysis of the raw data.

And so we may have a metaphysical problem that we cannot escape, but the hope is that we are making this cut at a pretty high level so that TTIC does not act as a screen in any way.

I have additional questions, and I think the other Members certainly do. I need to yield because my time has expired to the gentleman from Texas, Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

Chairman COX. And if you would yield further, Mr. Turner. I also would yield the gavel at this point to Mr. Chabot.

Mr. TURNER. This question I would like to address to each of our three Government witnesses. As all of you know, the declassified version of the report of the House and Senate Intelligence Committees on September 11 is expected to be made public in the next few days. While we don't have the full report, the Committees released their unclassified findings and recommendations in December of last year. Their investigation revealed that, prior to September 11, there were bits of information scattered throughout the Federal Government about a number of hijackers. Because the Committees found that these pieces of information were not brought together, they recommended that the Department of Homeland Security develop an all-source terrorism information fusion center.

In light of the creation of TTIC and as a follow-up on the questions that Chairman Cox asked, my question for you is really very simple: As of today, who is, in the Federal Government, responsible for making sure that all the terrorism information in the Government's possession is brought together, analyzed, and shared appropriately? Is it the Secretary of Homeland Security? Is it the Director of the Terrorist Threat Integration Center? Or is it the Director of the Central Intelligence Agency? Or is it someone else?

I would like for each of you, starting with Mr. Brennan, to answer that question for me.

Mr. BRENNAN. Sir, I believe by statute it is a shared responsibility. Again, pointing to the National Security Act of 1947 and the Homeland Security Act of 2002, and a series of executive orders and other statutes, there is a shared responsibility within the Government. There is no secretary of terrorism. And so, therefore, that responsibility is shared among those different agencies and departments. And TTIC is those agencies and departments. We are not something separate from them. And that is why this—the purpose of TTIC was to bring together those authorities and responsibilities within this joint venture.

Mr. TURNER. Well, if it is shared, who ultimately has the responsibility? Who is ultimately accountable to the Congress to get this job done?

Mr. BRENNAN. Sir, I would, again, point to statute to say that there is a shared responsibility by law for tracking transnational threats to U.S. interests, both at home and abroad, among senior Government officials, to include the Director of Central Intelligence, the Director of the FBI, and the Secretaries of Homeland Security, State, and Defense.

Mr. TURNER. So you are telling me that it is not the statutory responsibility of the Department of Homeland Security, as I read the Homeland Security Act?

Mr. BRENNAN. No, sir. I am not saying that at all. I am saying, it is the statutory responsibility of the Secretary of the Homeland Security. But it also is the statutory responsibility of the Director of Central Intelligence and the statutory responsibilities of other Government officials.

Mr. TURNER. Maybe I should go to Mr. Parrish. Is that the way you understand it, Mr. Parrish?

Mr. PARRISH. Yes, sir. I think clearly the Secretary of the Homeland Security has the responsibility, based on the information that is brought to the Department, based on the information that is acquired by the Department, to assess that information of statutory responsibility. But at the same time, it is a shared responsibility, as Mr. Brennan indicated, with the Director of Central Intelligence, with other Federal agencies.

As I indicated before, the nature of the threat does not isolate itself to one single area. It cuts across the entire Federal Government with roles and responsibilities.

Mr. TURNER. And Mr. Mefford, do you concur with those answers, or do you think the FBI has a similar responsibility?

Mr. MEFFORD. We concur with the shared aspect. The FBI is included in that. Clearly, in the world of intelligence, particularly when we talk about the terrorist threat, there is a very complex set of types of information that we may develop. The FBI, obviously domestically, being the primary operational arm of the Federal Government to combat terrorism in the U.S., the FBI has responsibility to deal with our information to ensure that it is passed rapidly and shared broadly, just as we look to the DCI and Mr. Brennan, in charge of TTIC, to have a similar responsibility and also with DHS.

So we agree that there is a shared responsibility based on our statutory and policy issues.

Mr. TURNER. We all know that sharing information is important, and it is only the first step in protecting our homeland. This information that is shared and collected also has to be shared back with local and State officials. The Homeland Security Act gives the responsibility for disseminating such information to the Department; yet, in a hearing earlier this year, Mr. Mefford, your predecessor testified that the Terrorist Threat Integration Center will provide integrated analysis to the FBI, as well as to State and to local officials, and that the FBI's Joint Terrorism Task Forces will have a role in sharing information.

I would like to ask each of you, who is responsible for making sure that terrorism information is disseminated to State and local governments? And I might also add, who is responsible for disseminating information to the private sector as appropriate? Is it the

Department of Homeland Security? The Terrorist Threat Integration Center? Or is it the FBI?

Mr. CHABOT. [Presiding.] The gentleman's time has expired, but you can answer the question.

Mr. BRENNAN. The Terrorist Threat Integration Center has a responsibility to provide information analysis to other Federal departments and agencies. What the TTIC has to do is to anticipate what the needs are of the ultimate consumers, which frequently are the first responders, at the State, local, and law enforcement levels.

So TTIC provides analysis information to the FBI and to the Department of Homeland Security, because they are the duly recognized mechanisms and agencies to share the information beyond the Federal family. And I would leave it to the FBI and DHS to explain that. But we are packaging information up so that they can then readily access it and make it available as appropriate.

Mr. MEFFORD. Sir, the FBI again views our role in the war on terrorism as the primary operational arm of the Federal Government inside the United States to combat terrorism. So in reacting to threats, the foundations of our system are the 66 Joint Terrorism Task Forces that are located throughout the country in every major metropolitan area. We assume a primary responsibility to ensure that threat, terrorism-threat information, is shared quickly and broadly with State and local law enforcement. We look to the Department of Homeland Security to provide that mission with local and State officials and with the private sector. But, again, we have—and perhaps later we will have an opportunity to explain this in more detail.

We have established a very aggressive integration of resources both here in Washington, D.C. at our headquarters level, and throughout the field across the United States with Homeland Security to ensure that that occurs appropriately and efficiently.

Mr. PARRISH. Sir, if I might add. On the morning following the most recent attacks in Riyhad at the Jadawel compound, the Cordoval compound, and the Al-Hamra compounds, as I read that traffic sitting at TTIC, I realized that there were tactics and techniques that had not been conveyed to the private sectors, State and locals. When I reached back to Information Analysis and told them to begin preparing a Homeland Security advisory bulletin and that I would be working the terror line to get this information declassified so that we could get this out to the private sector to identify potential tactics and techniques used by al Qaeda in these attacks, I am here to tell you, at the end of the day, by six o'clock that evening, we had out on the street to the private sector, the State and local, a document that I have before me here of roughly seven pages that captured the tactics and techniques employed, and recommended protective measures that a chemical facility may consider in placing, or any other facilities for that regard.

So the process is working. The information is being collected by Department of Homeland Security. It is being assessed in IA, and then against the Infrastructure Protection Directorate in getting that information out to the critical infrastructure facilities across the United States.

Mr. CHABOT. The gentleman's time has expired.

The Chair recognizes himself for 5 minutes for the purpose of asking questions.

Mr. Brennan, there are many agencies involved in the collection of intelligence and an increase in the number of places and people analyzing intelligence. How does the local police officer patrolling, say, near a bridge or a nuclear power plant receive information about potential threats, either general or specific? And does information automatically flow, or do the local law enforcement officers have to seek out the information on their own?

Mr. BRENNAN. If threat information is received from national sources about a particular and very specific threat to a bridge or a building, whatever, that local law enforcement needs, we, in TTIC and the intelligence agency that actually collected and disseminated the information, would make that available immediately to the FBI, which has, as Mr. Mefford mentioned, the responsibility for then interacting with the local law enforcement.

But we would do whatever we could to ensure and facilitate the sharing, not only the information, but the context and analytic context that that information needs to be understood in.

Mr. CHABOT. Thank you very much.

Let me add another question, Mr. Brennan. What role do Joint Terrorism Task Forces (JTTFs) play in the collection or dissemination of intelligence information? And are they conduits for TTIC's analytical products?

Mr. BRENNAN. Since the JTTFs are part of the FBI, I would defer to Mr. Mefford to explain exactly how that process works.

Mr. CHABOT. Thank you.

Mr. Mefford?

Mr. MEFFORD. Yes, sir. The JTTFs play a critical role. Simply put, they are the foundation and the starting point of all of our operational activity nationwide. Because they comprise almost 3,000 investigators today, from State and local law enforcement agencies, the FBI, and other Federal agencies, including about 330 DHS personnel assigned to these task forces around the country, they integrate and relate to local law enforcement on a daily basis, on a continual basis.

We recognize that we have had some failings in that regard, and we are moving very rapidly to improve to provide additional useful and enhanced information to State and local agencies. We have a variety of initiatives under way today as we speak to improve our efforts to do that.

Mr. CHABOT. Thank you very much.

Mr. Parrish, does the creation of TTIC in any way detract from or interfere with the mission of the Department of Homeland Security or the Department of Justice? And wasn't the new department created to do just what TTIC will apparently be doing?

Mr. PARRISH. Sir, TTIC certainly does not negate our responsibilities as a partnership. As I said before, it is complementary, it is not competitive. One of the things that we are doing here is a recent initiative which began—in fact, I had a large meeting on Friday. There has been some great successes by the FBI, by the CIA, and by the Department of Defense over the past 12 months in capturing key al Qaeda leadership.

When we talk about threats, it is Homeland Security's, CIA's responsibility to really analyze those threats. Our initiative now is to assess the capabilities of these threats. As you mentioned, the police officer that is looking at security of a bridge. I want to go in now and find out exactly how capable are the terrorists in order to effect an attack on a bridge. What were their skill sets? What were their training capabilities? How are they going to acquire the resources necessary to take down a bridge?

This is the information that we have to then develop, analyze, and assess, and then work with Infrastructure Protection to be able to convey this to our customer base, the private sector, the State and local. We want to be able to help them spend their limited resources. So if we can assess a threat that says that we assess their capability as minimal, they then might be able to expend only monies toward surveillance systems, rather than, next time we go to orange, hiring a security force of adding another 150 security guards.

This is where our focus is. This is complementary of how TTIC is providing that information with DHS analysts, with FBI analysts, and the other IC analysts there. This information then is really being assessed there at IAIP in partnership with our Infrastructure Protection Directorate to serve our customers.

Mr. CHABOT. Thank you. And I note that my time is about ready to expire. So rather than ask another question, I will now yield to the gentleman from Virginia, Mr. Scott, for the purpose of asking questions.

Mr. SCOTT. Thank you. We have been talking about the statutory scheme whereby everybody has their responsibilities. Mr. Brennan, it is my understanding that your agency was not created by statute. Is that right? Is it by executive order?

Mr. BRENNAN. I do not have an agency, Congressman. It is a joint venture. It was created by the Administration and reports directly to the DCI, but I am not a separate agency or organization.

Mr. SCOTT. Okay. The Gilmore Commission recommended an agency that sounds like what you do. There would be appointed, the head would be appointed by the President with advice and consent of the Senate. You are not subject to confirmation; is that right?

Mr. BRENNAN. That is correct, sir.

Mr. SCOTT. Now, Mr. Parrish, you indicated a lot of coordination that is going on now, coordination, dissemination, evaluation. Are you in fact duplicating what Mr. Brennan is supposed to be doing, or is he duplicating what you are supposed to be doing?

Mr. PARRISH. No, sir. Our activities are coordinated. It is complementary. I think we have to ensure in the nature of the threat the nature of the enemy and how he operates. We cannot afford to have any gaps or seams. There is going to be overlap, and there has to be overlap. We must ensure that it is a seamless operation in analyzing the intelligence to ensure another 9/11 attack never occurs.

Mr. SCOTT. Mr. Brennan, you indicated that you are not gathering information. When you get all this information before you, are you making recommendations as to what more information might be needed by various agencies?

Mr. BRENNAN. As part of our responsibility to be as knowledgeable as possible about the terrorist threat, one of our other responsibilities is to identify the gaps in our knowledge, and to make those gaps known to those authorized collection agencies.

Mr. SCOTT. And when you talk about terrorist attacks, are you talking about domestic attacks like the Oklahoma bombing case?

Mr. BRENNAN. What we are talking about, right now, are transnational terrorist activities, whether they be manifest on U.S. soil or overseas.

Mr. SCOTT. Let me ask it again. Are you talking about domestic terrorism like the Oklahoma bombing case that, to the best of the knowledge that I have seen, didn't have any international implications?

Mr. BRENNAN. At this point, since TTIC is 11 weeks old, we are looking only at the transnational issues. And the Bureau has the responsibility for analyzing and assessing the threat from homegrown terrorist organizations, militias, other types of white supremacist groups, whatever.

Mr. SCOTT. The Bureau, you mean the FBI?

Mr. BRENNAN. The FBI. Correct.

Mr. SCOTT. You will have information from—you might discover information about domestic terrorism. How would you know the difference if people—you overhear people talking about bombing? You would not—how do you focus on local threats? I mean, do you first, before you go further, try to figure out whether there is an international connection? Or do you find somebody that is storing dynamite, getting ready to bomb something?

Mr. BRENNAN. I will let Mr. Mefford address it, but from my perspective, until something is actually determined to be solely a domestic event, we keep our minds open as far as the potential international nexus there. But just from a threat perspective, any threat information, whether it is here in the United States or overseas, if there is any potential for international connections, we will work very closely with the Bureau and others on it.

Mr. SCOTT. So if you have got an Oklahoma bombing assessment, you wouldn't worry about whether it was internationally connected or not?

Well, Mr. Berman, you want to comment?

Mr. BERMAN. Yes. It is a serious issue here, because we are not going to know what the nexus is in many cases. And there is always a potential for a foreign nexus. So in dealing with Homeland Security, I think Congress thought it carefully through, and wanted to put this under the Department of Homeland Security, namely, the Secretary of Homeland Security. Mr. Brennan was appointed by Mr. Tenet, not by the Congress. And that means that the CIA, in our view, and I think at least arguably and from a policy point of view, is on the cusp of being involved in, at some point, police, subpoena and law enforcement functions which are not supposed to be under the National Security Act.

Mr. SCOTT. My time is just about to run out, and I wanted to ask one other question. And that is, just mechanically, Mr. Brennan, you are getting information from everywhere? I would assume it is tens of thousands of little bits of information. Mechanically, who is analyzing, doing the analysis?

Mr. CHABOT. The gentleman's time has expired, but the gentleman can answer the question.

Mr. BRENNAN. We have the information systems and databases available in TTIC from the partner agencies. We apply analytical tools to that. We apply human analysts to that. It is being analyzed within TTIC with the assistance of the different partner agencies. So we do rely heavily on those analysts that reside within the intelligence community, within FBI and others.

Mr. SCOTT. How many people are you talking about?

Mr. BRENNAN. Right now, within TTIC, we have a little over 100 officers. We are talking about growing to several hundred by next year this time.

Mr. CHABOT. The gentleman's time has expired.

The gentlelady from California, Ms. Sanchez, is recognized. The senior gentlelady from California, the senior Sanchez is recognized for 5 minutes.

Ms. Loretta SANCHEZ. Thank you, Mr. Chairman. You mean senior by seniority? Right?

Gentlemen, thank you for being before us today. I guess we are just trying to understand who all is doing analysis, who is passing information where, and what you all are doing. So I have a question. Are all the Federal agencies providing the same information to TTIC and to the Department of Homeland Security? I mean, what kind of information is coming in to these two different areas that are analyzing things? FBI maybe? Are you——

Mr. MEFFORD. The FBI is rapidly sharing all terrorism-threat-related information with TTIC and all terrorism-related information with the Department of Homeland Security. Clearly, with TTIC, our focus is on international connections. And as you know, threat data can take a variety of forms and often is very complicated. But the FBI is the agency that is responsible for operationally responding to any threat information in the United States.

And, again, as I indicated earlier, we do that through the Joint Terrorism Task Force network that has been established in the country and through our 56 field offices around the country.

Ms. SANCHEZ. I understand that. So the FBI is getting it done through the JTTF, but is the Homeland Security Agency, through its analytical arm of intelligence, also sending information down to the local and State agencies? And what does TTIC do with the same information that you are feeding it and others are feeding it? I mean, are you all doing the same thing is, I guess, what we are asking. And I ask that because I am taking a look at the June 18, 2002 message to the Congress from the President when he talked about the need for a Homeland Security Agency. And in it he writes, you know, all these great reasons why we need a Department of Homeland Security. And, one of the things he says, he says we need one department that would analyze Homeland Security intelligence from multiple sources, synthesize it with a comprehensive assessment of America's vulnerabilities, and take action to secure our highest-risk facilities and systems.

So I am wondering, are we just duplicating all over the place this effort? I mean, it seems to me that 9/11, one of the problems we had was that, first of all, people weren't talking to each other and, quite frankly, our intelligence community wasn't as good as we

thought it was. And so now, we are creating all of these new pieces and new analytical arms, and to what end? I mean, what are we doing with it? What are you each doing that you could tell me is so different than the next? And why don't we have it just in one place like the President asked?

Mr. MEFFORD. Well, in our view, when the FBI relays terrorism-threat data and we also relay it to DHS. In fact, as I indicated, they have a total, between their field personnel and their headquarters components, they have a total of about 342 personnel assigned with the FBI to work shoulder-to-shoulder every day. So they have access, Homeland Security personnel have access to our raw intel in the terrorism world.

We also share that as fast as we can with IA of Homeland Security.

In regards to TTIC, we view that as an interagency process that represents Homeland Security, CIA, FBI, DOD, Department of State, and other entities so that we can quickly share threat information, and that there is one point in time that somebody can look at all terrorism threat information. In our view, based on the nature of the threat that we face today in this country, which we assess to continue to be al Qaeda, which is foreign-based, in our view it is reasonable that the CIA have a significant part in this. But, however, it is a team effort, and it is an integrated effort——

Mr. PARRISH. If I could add.

Ms. SANCHEZ. I am not arguing about the CIA. I am asking why we have—I mean, this looks like the intelligence community, you know, Jobs Forever Program that we have got going here. I am trying to understand, why not under one department? Why in so many different places? My understanding is TTIC doesn't even have a charter. I want to get back to the gentleman on the end about that one, but somebody was about to say something, and I will give you the opportunity.

Mr. PARRISH. If I could. It is important to understand that what we are dealing with is an integration of both operations and intelligence. If I could, the example will be a vessel that comes in to Long Beach, and we put on a maritime boarding crew of the Coast Guard of Customs Border Protection or Immigration Customs Enforcement, because there might have been some intelligence that indicated some of those crew members may have terrorist ties. That search team goes on board, and let us say they find some information relative to a terrorist nexus. This information is then transmitted to the Joint Terrorism Task Force in LA. This information was acquired by a subordinate agency of the Department of Homeland Security, in this case Customs or rather Coast Guard, let us say. It is then compared and shared with the Joint Terrorism Task Force to say we found some, perhaps, phone numbers. And this information is shared to say, is there any nexus here? It is all part of connecting the dots. So there is a close integration of the operational functions of law enforcement agencies and border security agencies, and integrating that into information that becomes intelligence that we can then take a look at between TTIC, Department of Homeland Security, and then make an assessment to see we have a threat.

Ms. SANCHEZ. I understand the operational nature. And Mr. Chairman, I will end on this note. I understand the operational. But it seems to me like TTIC doesn't do operational, the Analysis Department of Intelligence for Homeland Security doesn't do operational. They are just getting information, they are getting it fed from different arenas. My whole question is, why are we duplicating our efforts? You know, if the President asks for one place—it was one of the reasons he asked for this Homeland Security agency, that we set it up, was that we have one place, where we get all the information in one place, and we get it fed in.

I am trying to understand why, you know, why we kept the CIA out in some other place and the FBI out of Homeland Security agency; then we created the Security Agency, now we have created—somebody created TTIC. I am sure that Congress didn't create TTIC. I am just trying to understand why so many places for intelligence gathering. Can't one of you do it right?

Mr. BRENNAN. If I could respond to that. We are trying to do it right. The overwhelming majority of information about the terrorist threat to U.S. interests comes from abroad. The threat emanates from overseas. It is international terrorism that has found its way to our shores. The Homeland Security Act which set up the Department of Homeland Security has given the Secretary of Homeland Security the responsibility for the United States proper, U.S. soil. It frequently requires tedious work sifting through mounds and mounds of information and data that is collected overseas that has no obvious nexus or connection to a threat in the United States that is required in order to surface that threat to the United States. And, therefore, if you want to give just one entity that full responsibility for being all knowledgeable and being able to analyze all the information, when most of it comes from overseas, I think you are putting more responsibility, in fact, than the statute has provided to the Department of Homeland Security. But also more fundamentally, you are giving a very complicated issue and problem to a single department when really it requires the joint efforts of many different agencies and departments throughout this U.S. Government.

Ms. SANCHEZ. Except that you have created this joint issue that wasn't created by us, wasn't thought of by us. And, by the way, it is not just that one I am looking at. We were at NORTHCOM, Mr. Chairman, the other day, and they have got their own analysis and intelligence gathering going on. So my biggest concern is just who is doing what, why are you all doing what seems to me to be the same thing? And, you know, one of the problems we have was lack of coordination of information going to one spot when 9/11 happened, and that is a concern——

Mr. PARRISH. If I may respond?

Chairman COX. [Presiding.] The gentlelady's time has expired, but the gentleman may surely address the comment.

Mr. PARRISH. We do have the representation within the Department of Homeland Security in our operations center, which is 24/7; we have over 15 Federal agencies, to include soon a member of NORTHCOM coming to our staff. We will have the integration of the information intelligence that is coming out there, and Department of Homeland Security Information Analysis Directorate will

abide by the mission that we have been tasked by you all in the Homeland Security Act of 2002. And I am confident that we are doing it today. Can we do better? Yes, we can do better, and we will do better as we continue to increase our numbers, as we increase the IT connectivity. But right now, the information is coming in, it is being analyzed, and we are ensuring, to the best of our ability, that there are no gaps.

Chairman COX. The gentleman from Florida, Mr. Diaz-Balart.

Mr. DIAZ-BALART. Thank you, Mr. Chairman.

I would like to address a threat to our national security that has often been underplayed,and I don't believe I am the only one in believing so. So let me ask these questions primarily to Mr. Mefford, but, of course, if Mr. Brennan or Mr. Parrish have any additional comments, then I would certainly welcome them.

In 1999, it was reported that the Peoples Republic of China is using Cuba as a base for sophisticated spying operations targeting the United States. In 2001, Vice Admiral Wilson, the Director of Defense Intelligence, told the congressional hearing that Cuba has the potential, and I quote, "to use information warfare or computer network attack," "to disrupt our access," he continued to say, "or flow of forces to the region."

Last year, Under Secretary of State Bolton stated, and I quote: "Cuba's threat to our security has often been underplayed." And he went on to say: "Here is what we know. Cuba has at least a limited-offensive biological warfare research and development effort. Cuba has provided dual-use biotechnology to other rogue states. We are concerned that such technology could support bioweapons programs in those states."

The State Department has continued to maintain that the Cuban regime continues to host terrorists and U.S. fugitives, it has permitted numerous Basque ETA terrorists to reside in Cuba, and that it continues to provide safe haven and support to the Colombian Revolutionary Armed Forces, FARC, and the ELN of Colombia, another terrorist group.

Less than a week ago, various press sources reported, and I quote: "The Cuban government has been jamming U.S. broadcasts into Iran since the Voice of America began beaming new Farsi language programming into that country."

In addition to the events that I have mentioned, in the last few years more than a dozen Cuban spies have been arrested, including Ana Belen Montes, a senior DIA analyst. So I have, I guess, a general question and then a more specific one.

The general question would be, what is being done to counter these types of espionage efforts by the Cubans? For example, are there other known Cuban spy networks operating in the U.S., and are we efficiently countering them?

And, my more specific question would be, with regard to Ana Belen Montes, that high-level spy who was arrested, when will the damage assessment be completed, and when will we know the extent to which she compromised U.S. security? Mr. Mefford?

Mr. MEFFORD. Yes, sir. In reference to your general question, we appreciate the potential threat posed by that country. In the terrorism world, because it is a foreign country, this is one reason why, in our view, it seems reasonable that an agency such as TTIC,

closely aligned with the FBI and CIA and DHS focus on terrorist activities.

Chairman COX. Excuse me. The gentleman didn't mean to say TTIC as an agency. Did you?

Mr. MEFFORD. No. Coordinated by TTIC. I am sorry.

So in the example of terrorist activities, in our view, this is a significant reason why TTIC, as a coordinating entity, combined CIA, FBI, and Homeland Security where there is value added.

In regards to the espionage threat posed potentially by Cuban government officials, I would ask that perhaps we could brief you in private based on the sensitivities of this information. I am not at liberty in an open hearing to delve into this today.

In regards to the damage assessment, I do not know the date, but we can get back to you on that.

Mr. DIAZ-BALART. I would appreciate that, because we were informed that it was, when we spoke with your agency—and I would say I have great admiration for—that it was not completed, but it spent a significant amount of time. And a significant amount of time has passed. And it is important to know not only when it would be completed, to what extent that spy compromised U.S. security, for example, and did she pass on any intelligence information about other areas besides Cuba? So if you would please get back to me on that. I understand sensitivity at an open hearing, but I would appreciate if you would get back to me within a reasonable amount of time.

Mr. MEFFORD. We will.

Mr. DIAZ-BALART. Thank you, Mr. Chairman.

Chairman COX. The gentleman from Washington, Mr. Dicks.

Mr. DICKS. Thank you, Mr. Chairman.

I had the pleasure of serving for 8 years on the House Permanent Select Committee on Intelligence, 4 years as the Ranking Democratic Member. And I must tell you that I am concerned about what I have heard here today in that it sounds like we have got a lot of people doing the same thing, and I worry that, when everybody is responsible, nobody is responsible. And this concerns me very much.

As I understand the DHS legislation, TTIC should be inside the Department of Homeland Security. And what has happened here is this creation has occurred, and I still am trying to figure out what are the IAIP people doing at Homeland Security that is different than what is happening at TTIC?

Now, I understand that the TTIC people have access to raw intelligence where the IAIP people at Homeland Security do not. Well, doesn't that defeat what Congress wanted in the first place? Congress wanted DHS to have access to this raw security. And with all due respect to this great international specter here, the CIA has always been responsible for the international aspects of counterterrorism. It is the FBI that is responsible here in the United States and, in my judgment, who failed us before 9/11 having had information that should have been acted upon and didn't, wasn't acted upon.

Now, the FBI still is in charge of collecting the counterterrorism information inside the United States. Is that not correct?

Mr. MEFFORD. Yes, sir. That is correct.

Mr. DICKS. Okay. And then they collect the information on counterterrorism inside the United States, and they translate that information, I guess, to TTIC in a raw form, and then TTIC gives it over to the IAIP people at—or does it go directly from FBI to TTIC and to IAIP? How does it work?

Mr. MEFFORD. Simultaneously, sir, it goes to IAIP and it also goes to TTIC.

Mr. DICKS. Why have these two separate agencies? I don't understand why we just didn't create one entity, as the statute said, inside the Department of Homeland Security and then give to Homeland Security people the responsibility for dealing with the counterterrorism—I mean, with the threat of terrorism inside the United States. That is what we are worried about. And I agree that there are a lot of international implications and foreign entities involved in all of that, but it is the threat in the United States that 9/11 was all about that we have got to be concerned about. And we want to make sure that DHS has the ability to act to thwart the terrorism.

So can somebody explain to me why creating these two separate entities helps DHS in its role to thwart terrorism in the United States? Doesn't it just create confusion and a division that is unnecessary? Can somebody explain why we are doing this?

Mr. BRENNAN. Yes. I will try to explain, again, sir.

There are many different Government departments and agencies involved in the fight against terrorism, different departments, different agencies with different statutory authorities and different capabilities. In light of that, in the view of the Administration and in an effort to be as aggressive as possible against the terrorist threat, the TTIC was created as a joint command. Think of it in some respects like a military command. You have CENTCOM, where you have Marines and Air Force and Navy and Army fulfilling their missions in a joint command structure so that they can bring to bear the capabilities, authorities that they have. TTIC is similar to that. We are not trying to take away anything from the Department of Homeland Security. We are not trying to take away anything from those department agencies that have their responsibilities. We are trying to be a force multiplier. So, rather than creating stove pipes, and I don't like to use that term, but different departments and agencies need to find new ways to cooperate.

Frequently, in a crisis we pull together a task force, a multiagency task force because it makes a lot of sense, because you bring to bear those capabilities that reside throughout the U.S. Government in a determined and concerted fashion. TTIC is similar to that. It tries to bring together those capabilities.

Mr. DICKS. Wouldn't you put TTIC inside the Department of Homeland Security? Why have it out here, this hybrid created without a document, without any Executive order, without any legislative background? It is a hybrid. Why wouldn't you just put it in the Department of Homeland Security where Congress said it should be in the first place? And then you wouldn't have these IAIP people doing much the same thing that these TTIC people are doing over here. You would have one entity that would be responsible for gathering the information from the CIA, the FBI, and whoever else provides the information. I don't get it. Why two sepa-

rate entities? Can you explain that? You have made a nice case for TTIC, but why two separate entities?

Mr. BRENNAN. Sir, if I can, the Department of Homeland Security is receiving this information in compliance with the Homeland Security Act of 2002. Again, our customer base is to serve the homeland, to serve State and local authorities.

Mr. DICKS. Who is TTIC's base? Who are they serving?

Mr. PARRISH. TTIC is serving a wider variety, a wider customer base and taking a look at the international aspects of it, taking a look at the threats overseas to U.S. interests overseas; and I will let Mr. Brennan address that. What DHS is acquiring is taking a look at the intelligence that is coming in that poses threats to the homeland. Looking at our own subordinate agencies, a wealth of information is brought in from our border security agencies, transportation security, the Coast Guard, the Secret Service.

This information is being analyzed within the Department of Homeland Security. Those, if you will, are our operating forces out in the field.

This information is being looked at. It is compared with the FBI reports. It is compared with the State and local reports. It is even compared with a Wackenhut security guard guarding a chemical facility that has reported surveillance operations.

All of this is an effort to connect the dots. This is what IAIP is doing in looking at applying these threats to the protection of the critical infrastructure. TTIC complements this process by having an integration of several intelligence community agencies all operating and looking to see if there is a correlation to potential overseas intelligence that may indicate possible indications and warnings and threats to the homeland.

This is how we are trying to connect these dots. It is a very diverse enemy. It is a very decentralized enemy. Pieces of information sit throughout many agencies of the Government that needs to be brought in and analyzed.

Mr. DICKS. Mr. Berman, have I missed this here or have I got it about right?

Mr. BERMAN. I think you have got the statute right.

Mr. DICKS. I am wondering then what is the analytical function and raw data function for DHS. It would seem that if you subtract the foreign connection, then it is a domestic security agency which raises a lot of issues for both the mission of DHS—if it is just looking at domestic decisions, how does it—why—if the threat is both international and national, I think Congress said we wanted it under one agency and one Secretary so that there would be accountability.

It is more than duplication. It is, when the proverbial hits the fan, who is in charge both from a national security point of view and who do you call up here to explain that they have violated civil liberties or gone too far? That is why, right now, you would be hard pressed to know who was responsible for the next suicide attack or intelligence failure that hit our homeland.

Chairman COX. Mr. Shays.

Mr. DICKS. Thank you very much.

Chairman COX. The gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Thank you. I appreciate the questions from both sides of the aisle, and I want to share some of the same concerns that my colleague from Washington has.

I was involved with a number of hearings with my own Committee on National Security and the Government Reform Committee and involved with establishing the Department of Homeland Security, so I have some familiarity with what we were trying to accomplish. I remember we had a big battle with trying to say to people that the Department of Homeland Security should be a plug in which a lot of intelligence information comes to and that they should have analytical ability. Unlike Ms. Sanchez, I am not troubled that there is operational; I don't want another operational.

I want, though, to know, first off, does the Department of Homeland Security analysis area and the Secretary have the ability to task our intelligence community in operations?

Mr. PARRISH. Yes, sir. If I can, just to clarify when I say operations, information is being collected by our operational forces.

Mr. SHAYS. With all due respect, I would like you to do that on someone else's time.

Mr. PARRISH. As far as the requirement, sir, we have just submitted 28 pages to the DCI——

Mr. SHAYS. Right. So the bottom line is, the answer is, yes, you do have the ability to task. And if you are not satisfied with what you task them to do, who do you complain to? If they don't do what you want, who do you complain to?

Mr. PARRISH. You referring to—who is the who? Who is who?

Mr. SHAYS. Mr. Berman, help me out here. Who do they—if they task someone for the intelligence community, who do they complain to if the intelligence community doesn't respond?

Mr. BERMAN. I do not know.

Mr. SHAYS. Okay. Well, let me go back to you, Mr. Parrish.

Mr. PARRISH. As I said, the DCI has a requirement to go out and submit and solicit intelligence requirements throughout the intelligence community. The Department of Homeland Security is now a member of the IC, of the intelligence community, as you know.

Mr. SHAYS. Would you answer my question, though?

Mr. PARRISH. As I said, we just submitted 28 pages of intelligence requirements——

Mr. SHAYS. I only have 5 minutes, Mr. Parrish. I want to know, who you complain to if you ask the intelligence community to do something and they don't do it? What is the answer to that question?

Mr. PARRISH. That will be back to the DCI to request an answer to the requirements.

Mr. SHAYS. Okay. And do you believe that you have the authority to get whatever you need done in an operational setting?

Mr. PARRISH. Absolutely.

Mr. SHAYS. Okay. That is what I just need to have established for the record.

I am interested to know, it gets to this whole concept of accountability, because TTIC is something that—I think you gave a pretty good answer, obviously, in pointing out the answer in domestic and foreign needs on terrorism issues. But I am still trying to wrestle with who ultimately takes responsibility for TTIC—Homeland Se-

curity, the CIA or the FBI. When some bit of intelligence is not properly viewed or vetted for what it is and something bad happens as a result, who takes responsibility?

I feel like there are too many folks involved here. Who takes responsibility?

Mr. BRENNAN. It is that person or agency that did not do what it was supposed to do with that information in passing it along. So it would be very case-specific in terms of who was responsible for it.

Mr. SHAYS. Mr. Berman, do you think that we would know who it is? Based under the present structure?

Mr. BERMAN. I think, under the present structure, that you would have to have another commission and start to investigate. Because it is not clear whether DHS could say, we told the CIA and the FBI to do this, and they just didn't do it. And the CIA can say, well, that really wasn't our mission because it was foreign or it was domestic, and it should have been the FBI. And it is not clear on the bureaucratic chart where this lands.

Mr. SHAYS. Mr. Parrish, I want you to have tremendous authority. One of things that was very disappointing to me, and I want to say for the record, it was a painful experience for Mr. Redmond when he came and testified, because he has been an outstanding participant in helping our country for well over 26 years. But he told me afterwards that he was told not to have testimony, that his name was attached to someone else, but he also spoke the truth. He said 25 people involved with this pillar. He said no space in which to get classified information. It was deadly. It was the most depressing day I have had in a long time. I want to know what you are doing to correct that.

Mr. PARRISH. Sir, I am pleased to report to the Committee, I talked to Paul Redmond today, and you are right, he is a great American, and he is doing much better in his health.

Mr. SHAYS. But besides his health.

Mr. PARRISH. But to say that he was completely honest, I am here to tell you that I am also completely honest, that right now we are moving very rapidly to move into the new facility, as I said earlier in my opening statement.

I walked through that space a week before last. We have made great progress. We have 53 analysts——

Mr. SHAYS. When will it be ready?

Mr. PARRISH.—on board right now. We look to move in about the 25th of September.

Mr. SHAYS. And it will be able to get all classified information, and you will not be prevented, like Mr. Redmond said, of getting whatever information you need, no matter how classified?

Mr. PARRISH. As I said earlier in my remarks, we now have access in place with a representation of other agencies within IA that have reach-back to their parent agencies. We are seeing that information.

Mr. SHAYS. Let me clarify this one answer to the question. He implied that there is some information you will not be able to get because you do not have the facility. I am just asking a simple question to set the record straight. Will you have the capability to

get whatever intelligence you need, no matter how classified, in this new facility?

Mr. PARRISH. Yes, sir, we will. But I want to caveat that by saying that the Department of Homeland Security and IA respects and understands the sensitivity of sources and methods. We as taxpayers have spent a lot of money on developing sources.

Mr. SHAYS. I am not asking about sources.

Mr. PARRISH. I just want to clarify that for the record, though, sir, because some of this information will not go to all analysts within IA. It may only come to me, of which I go back to that originating agency to say, I need this information broken out to a tear line that I can give to my analysts to work.

Mr. SHAYS. I am comfortable with that. Thank you.

Chairman COX. Mr. Ethridge.

Mr. ETHRIDGE. Thank you, Mr. Chairman; and thank you for this meeting. I am going to follow that line of conversation just a bit. I want to thank my two previous colleagues for their questions and your comments, because I tend to agree with them.

Let me go back to the June 5 Subcommittee meeting, when Mr. Redmond was here and also Mr. Pat DeMoro. Mr. Redmond said at that time that the IAIP's job was to provide intelligence information to State and local governments. The FBI at that time said TTIC would provide intelligence analysis to States and local governments. My question is, can you tell us who has responsibility for collecting intelligence and threat information from State and local governments for analysis and providing intelligence products to those State and local governments?

Mr. PARRISH. Yes, sir. The Department of Homeland Security in our homeland security operations center, which is manned 24 by 7, we have a State and local desk that is there. We have an initiative ongoing with the regional information system, RISNET, of which we will establish connectivity in a pilot program right now with several State and local officials as well as to encourage the private sector.

So reporting back to State and local is a responsibility—State and local authorities, the homeland security advisories, the first responders, as well as the private sector, we have a responsibility to report back to them information that we acquire, we analyze. It is either developed within DHS, IA, or comes in through TTIC. We have a responsibility to get that information out.

Mr. ETHRIDGE. I only have 5 minutes. I don't want to cut you off.

Mr. PARRISH. At the same time, though, the important factor, though, is we then open up this dialogue and exchange of information to allow them to get information back to us that can be valuable pieces of information.

Mr. ETHRIDGE. It is interesting that you say that, but let me tell you what my first responders are telling me. What they are saying is—this is in my district, we may be unique, anyplace in the United States. I don't think so. They are saying that the threat information they receive from Washington is usually outdated and so general that it is useless, and also it lacks the security clearances that have hampered the dissemination of specific data that they could use.

So by that I ask, which agency is responsible for providing security clearances for State and local responders so that they can get the information they need to identify and prevent threats of attack? Because if you can't give them the information you have, then we have thrown this money and all of this effort and it really isn't going to be effective at the local level where we need it.

We have a responsibility to assist and work with our State and local partners to get the right clearances. The homeland security advisors now within each State have a secure means, a secure secret clearance, of which we can fax classified information to them at the homeland security level.

Mr. PARRISH. I will defer to Mr. Mefford to talk about the JTTF and the State and local representation with their security clearances.

Mr. ETHRIDGE. In answering that question, let me go a step further, because it is important. Are we doing training of the local officials so they will know what information to receive, what information they will get, what is available to them, so someone will have the clearance to accept the data? And who is responsible for that?

Mr. PARRISH. Sir, that is a great question. We do have a program we are getting ready to work as we move into this new facility. Within IA, we are going to have an information——

Mr. ETHRIDGE. Do you have a time line?

Mr. PARRISH. I would expect that we should have something in place in the late October time frame. What I want to be able to do is to bring in State and local individuals for about a 2-week period to work in our fusion cell to help them understand how to analyze information that they receive from Washington, from us.

Mr. ETHRIDGE. Well, all right. In October. How long is it going to take to get everybody in so they will be up to speed, though? This is a big country and a lot of people.

Mr. PARRISH. That is just one aspect of it. We also are working on a training program that earlier had been initiated to get out and give some intelligence analyst training, and that program is being worked aggressively within the Department of Homeland Security. I don't have the exact time line on that, but I will get an answer to you.

Mr. ETHRIDGE. We would like to have that time line, because that is critical. Because we are now a long ways since 9/11, looking at—and this is what the agency was created for, so we don't have this kind of thing. If locals don't see something happen, we have got problems.

Mr. PARRISH. I agree.

Mr. ETHRIDGE. Thank you, Mr. Chairman. I yield back.

Chairman COX. The gentleman from Arizona, Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

Mr. Parrish, I want to begin by letting you know that we on this Committee want you to do well. We are deeply concerned. I regret that the hearing with Mr. Redmond didn't go well. I think it was two ships passing in the night. Perhaps his skills were elsewhere and not in presenting the best case to this Committee.

But some disconcerting information came out in that discussion, and I think it is simply important that we try to move forward, and we in the oversight role obtain assurances that you are making the

progress you need, in part because if you need resources or if we need to revise the law, we want to work with you to do that.

I think many of us are concerned that it is not clear to us where TTIC came from and whether or not TTIC is getting resources that you ought to be getting. I, quite frankly, don't pretend to know what the right role should be. I do know as a lawyer that I can read the homeland security statute that Congress wrote, and I know that it imposes substantial—I would say intelligence analysis responsibilities on you.

I guess my first question of you is, just to get you on the record, I would like you to assure me that you have read the section of law, the Department of Homeland Security statute that assigns you these various responsibilities to analyze intelligence data.

Mr. PARRISH. Yes, sir, I have.

Mr. SHADEGG. Okay. And from your testimony and your prepared statement, I gather that you view your relationship with TTIC to be positive in that regard, not negative?

Mr. PARRISH. I do, sir.

Mr. SHADEGG. Okay. A reading of the statute could lead one to conclude that it imposes an independent burden of analysis on you. Would you agree with that?

Mr. PARRISH. No, sir.

Mr. SHADEGG. You would not agree with that. You think that the statute allows you to obtain your intelligence information and the conclusions you operate on derivatively and not independently analyze it?

Mr. PARRISH. Yes, sir. We still have ability to independently conduct our own analysis.

Mr. SHADEGG. Well, I guess my question isn't what ability you have. I hope you do have that ability. My question is your understanding of the statute.

As I read the statute, I think it imposes a duty on you to independently analyze the data that you gather, that is to say that you could get information from TTIC or from CIA or from wherever else is appropriate but then that you are supposed to, as I read the statute, independently analyze it. And your testimony before this Committee is you do not agree with that. You do not believe you——

Mr. PARRISH. Sir, I misunderstood. We are independently analyzing this information. I am sorry. I misunderstood. We are. And we have the authority, based on that legislation, to acquire and access any information, unfettered information, of which, right now, I have not been denied any information when I have asked for it.

Mr. SHADEGG. Great. I am happy to hear that. My question wasn't so much do you have the authority, because I think you clearly do understand the statute, my question is: Do you understand that you have the responsibility? And your answer to that question is, yes, you do understand you do have that responsibility. Am I right, sir?

Mr. PARRISH. I do, sir.

Mr. SHADEGG. The reason I raise that point is that—and I can understand and have immense sympathy with the challenge that the Department faces. Trying to stand up a Department of the size

of DHS under these circumstances for this pressure to meet is incredibly difficult.

What was disconcerting about the conversation we had as a Committee with Mr. Redmond is that he didn't seem to understand that that was a responsibility of his, and I am very much encouraged by the fact that you recognize that you do have that responsibility of independently analyzing that data.

The reason that is important to me is because I think the American people understand what the statute says; and if something is to happen, or if something does happen, they are going to look at the Department and say, why didn't you stop this? Or why didn't you catch this? Or why didn't you discover this? And at that point it may be an adequate answer to say, look, we weren't provided the proper data, nobody knew, but it won't be an acceptable answer under the wording of the statute to say, it wasn't our job. And you would agree with me on that, is that right?

Mr. PARRISH. I do, sir.

Mr. SHADEGG. Okay. As I understand your current schedule, your testimony to this Committee today is that, A, we have—how many analysts did you say?

Mr. PARRISH. Currently, we have 53 on board in IA. That is analysts as well as liaison personnel.

Mr. SHADEGG. And you are rapidly acquiring more and will have space for them as of—did I hear you say September 30?

Mr. PARRISH. Yes, sir. That is, the targeted date is 20, 25 September.

Mr. SHADEGG. Okay. And in the interim I understand you believe you are getting very adequate information from the agencies that are responsible for providing information to you, is that correct?

Mr. PARRISH. Yes, sir, we are. Through the workaround with personnel assigned within IA.

Mr. SHADEGG. Okay. And that would then also be true of your relationship with TTIC?

Mr. PARRISH. Yes, sir.

Mr. SHADEGG. Okay. I would like to ask Mr. Brennan, if I could, you are—are you currently responding to all of the requests you are getting from the Department of Homeland Security and from Mr. Parrish?

Mr. BRENNAN. Yes, we are.

Mr. SHADEGG. And you would agree, also—well, let me ask you this. Have you read the Department of Homeland Security statute that imposes an independent analytical burden on them?

Mr. BRENNAN. Yes, I have.

Mr. SHADEGG. So you would agree with me that it is your duty to provide sufficient raw data for them to perform an analytical function as well as simply accepting whatever conclusions you might provide them in addition to that data, would that be correct?

Mr. BRENNAN. That is correct. But the collection agency is the one that provides that raw data to DHS.

Mr. SHADEGG. And do they provide it also to you?

Mr. BRENNAN. Yes, we have access to that.

Mr. SHADEGG. In that regard, do you independently analyze it as well?

Mr. BRENNAN. We analyze the information that we have access to, yes.

Mr. SHADEGG. And provide it to DHS as one of your customers?

Mr. BRENNAN. As appropriate, yes, we do.

Mr. SHADEGG. So you would pass on to them not just conclusions that you had reached but also basic data from which they can form their own conclusions?

Mr. BRENNAN. Right, and they would have had that data already, but it will be included in our products.

Mr. SHADEGG. Mr. Parrish, the specific issue when Mr. Redmond was here, or at least a specific issue that I am deeply concerned about, is the bioterror threat. As you know——

Chairman COX. The gentleman's time has expired.

Mr. SHADEGG. I yield back the balance of my time.

Chairman COX. I think there will be an opportunity for a second round very shortly. Thank you very much.

Mr. Markey, the gentleman from Massachusetts.

Mr. MARKEY. Thank you very much.

Mr. Brennan, do you participate in the development of the National Intelligence Estimate?

Mr. BRENNAN. No, I do not.

Mr. MARKEY. Okay. If the CIA learned that al Qaeda was planning or thinking about planning on blowing up an American passenger plane because they knew that they could sneak on, in the cargo, on any passenger plane in America an explosive because we don't screen cargo that goes on American passenger planes, and if the CIA learned about that, that al Qaeda was thinking about it, would you automatically have to learn about that or could they decide not to pass that on to you?

Mr. BRENNAN. Could CIA decide not to pass that on to me?

Mr. MARKEY. Yes.

Mr. BRENNAN. Our analysts or our officers have real-time access to CIA information flows.

Mr. MARKEY. So they would have to give it to you?

Mr. BRENNAN. They don't have to provide it. We have access to it.

Mr. MARKEY. They do not have to provide it to you?

Mr. BRENNAN. We have access to it. It doesn't require an action on their part.

Mr. MARKEY. They don't have to provide all of their information to you, is that correct, because you are not part of the National Intelligence Estimate construction?

Mr. BRENNAN. That is two different issues. The National Intelligence Estimate is an analytic product. That is a product that is put together by the community.

Mr. MARKEY. So they have to pass on all of this raw data to you as well so that you can decide?

Mr. BRENNAN. We have access to that data by the fact that we have CIA information systems in TTIC.

Mr. MARKEY. So would you get it automatically?

Mr. BRENNAN. Yes, we would have access to it.

Mr. MARKEY. Now, after you get it, do you automatically have to pass it on to Homeland Security, or can you make a decision that Homeland Security should not get that information?

Mr. BRENNAN. CIA, which is the collection agency, has a responsibility to ensure that all information that DHS requires to fulfill its mission, even without requesting it, is made available to it. So it is CIA that would provide that information directly to DHS.

Mr. MARKEY. So it would not go through you. CIA would have to decide whether or not DHS got the information about al Qaeda potentially thinking about using this wide-open gap that allows for cargo to be put on passenger planes without any screening?

Mr. BRENNAN. Yes, it is CIA's responsibility to make sure that information is provided directly to DHS. It would not have to go to TTIC.

Mr. MARKEY. So that would not be your responsibility. You would not feel any responsibility to pass that on because you think that the CIA has the principal responsibility for passing that on to Homeland Security?

Mr. BRENNAN. CIA has the responsibility for passing on information that it has collected.

Mr. MARKEY. Would you pass it on in redundancy? Would you pass it on just to make sure that there had been no mistake, or would you have to get permission from the CIA to pass it on?

Mr. BRENNAN. I would not have to get permission. I would ring the bell long and loud, and I would make sure that everybody that needed to know that information was aware of it as soon as possible.

Mr. MARKEY. What if the CIA asked you not to pass it on and you evaluated it to be a greater risk than the CIA did because you have a greater homeland security orientation than the CIA has?

Mr. BRENNAN. I don't envision anything that——

Mr. MARKEY. No. I am asking you what happens if there is a conflict.

Mr. BRENNAN. If there is a conflict, I am a direct report to the DCI. I would be in the DCI's office within a minute, and I am sure that the DCI would have no problem with that information being passed to DHS.

Mr. MARKEY. Right. What if the head of the CIA told you: I don't want it passed on. That has happened before. We have seen that.

Mr. BRENNAN. The Director of Central Intelligence is the head of the CIA.

Mr. MARKEY. I know who it is. That is why I am saying, what if the head of the CIA now says to you, I don't want you to pass it on?

Mr. BRENNAN. If there is threat information——

Mr. MARKEY. We just learned that in Niger they make decisions like that. Don't pass it on.

Mr. BRENNAN. I wouldn't equate the DCI with the situation in Niger. So I think the DCI understands his statutory responsibilities to ensure that that information is passed on.

Mr. MARKEY. The rest of America didn't know that there was a threat that did not exist in Niger, that was not passed by—on by the DCI. So I am questioning you on whether or not, if there was a risk, it is also potentially possible that the opposite could be true, that they asked not to pass it on. So what happens in that—who breaks the tie? Can he tell you, I am not passing it on? Or can you, in turn—can you say to him, I am sorry, sir, I am passing on that

information to Homeland Security. I disagree with your analysis. Can you say that to him?

Mr. BRENNAN. I am sure that information would be passed to DHS.

Mr. MARKEY. No. Can you say, no, I disagree with you? Do you understand?

Mr. BRENNAN. If I feel as though U.S. lives are at stake, and is a theoretical possibility, which I find far out of the realm of possibility, I would make sure that the information is provided to that department or agency that requires the information to act on it. Yes, sir, I would.

Mr. MARKEY. Just so you understand, the Congress now realizes that there was not a full disclosure of all of the information with regard to the presence of weapons of mass destruction in Iraq. So you may think it is a remote possibility, but, believe me, there are many Members of Congress and the American public that do not believe it is a remote possibility, because it just happened.

So you can sit down there and you can say, well, don't worry about it, we are all going to work it out. But I want to know if you are accepting the responsibility if the information is there and it doesn't get passed on, because we saw before 9/11 it wasn't getting passed on.

That is the very reason we are having this hearing. We know that in Arizona, we know that in Minnesota, we know that in other places it wasn't acted on. That is why we are setting this up. We want to see here who has got the responsibility for ensuring after 9/11 and pass it on and who is accepting that responsibility. It is not a theoretical impossibility. It is a very real possibility. Because it already happened.

Mr. BRENNAN. I didn't say it was a theoretical impossibility. I said, in my estimation, it is an exceptionally unlikely possibility. But if you wanted to address theoretical possibilities, that is fine.

Mr. MARKEY. So he cannot order you not to pass it on? Is that what you are saying?

Mr. BRENNAN. I can't tell him what he can and can't order me to do.

Mr. MARKEY. Well, if he orders you not to do it, what is your responsibility at that point?

Mr. BRENNAN. My responsibility is to my conscience and to the American Government, and I would make a decision about needing to do that.

Mr. MARKEY. Legally——

Chairman COX. The gentleman's time has expired.

The gentleman from Virginia, Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Mr. Chairman.

I am having a problem understanding the rationale for the existence of this agency as well. I wonder, Mr. Brennan, how are you funded? I am sorry I haven't heard the whole testimony here. But where do your funds come from?

Mr. BRENNAN. Right now, our funds come from the partner agencies that have provided funds to us in 2003. Right now, there is a discussion under way with the Hill about how our funding is going to be handled in fiscal year 2004.

Mr. GOODLATTE. Where does your staffing come from?

Mr. BRENNAN. My staffing comes from the partner agencies.

Mr. GOODLATTE. And I take it there is some distinction here between assigned and detailed. Are your employees assigned or detailed?

Mr. BRENNAN. They are all assignees. We are not an agency or an organization. Therefore, somebody cannot be detailed to something that doesn't exist.

In addition, we have assignees because they bring with them their authorities from their parent organizations. That is the express intent, in fact, of TTIC, that we would have under the umbrella joint venture a joint command, if you will, sir, the authorities as necessary to combat terrorism.

Mr. GOODLATTE. And why is this necessary? Why can't these agencies simply cooperate amongst themselves?

Mr. BRENNAN. I think it takes a lot more than cooperation. As we see from our military experience, with the command structure in terms of the central command where you bring together the different types of capabilities in order to go after your target, this is—the same is true within the intelligence community and the war against terrorism.

No single agency has the authority or the capability or the statutory mandates to understand and to deal with the terrorist threat that comes from abroad but is manifest here in the States. Therefore, this TTIC was an attempt by the Administration, and it makes a lot of sense from my estimation, having worked terrorism issues for a long time, bringing together those people so they can have the access that is available to the U.S. Government and then empower those departments and agencies that have the statutory responsibilities to help to prevent terrorist attacks from taking place.

Mr. GOODLATTE. Can you envision a scenario where TTIC collects information on its own rather than analysis of that which comes to it?

Mr. BRENNAN. No, sir. I envision no scenario whereby we would collect information. We just analyze the information and understand it.

Mr. GOODLATTE. But, Mr. Parrish, you will have that capacity at the Department of Homeland Security?

Mr. PARRISH. Yes, sir. The subordinate agencies that I mentioned before—the Customs Bureau of Protection, Immigration Customs Enforcement, Coast Guard, Secret Service—all of those operational forces at times do pick up information that can be used in connecting the dots once it is analyzed.

Mr. GOODLATTE. Thank you.

Mr. Brennan, Mr. Mefford, in December of 2002, the 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 system of data being collected were overlooked, some were not recognized as po-

tentially 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 is TTIC, IAIP, and the FBI resolving these issues?

Mr. BRENNAN. From TTIC's perspective, this is one of the reasons why TTIC was created, to ensure that we don't have, through some type of oversight, information available to us that we can prevent terrorist attacks. It is bringing together all of the information available to the U.S. Government on threats, applying the analytic tools, and ensuring that there is, in an integrated framework and environment, those officers from different parts of the Government who can shed insight and context as well as requests for additional information on it, so we can be connecting the dots.

It is particularly for that reason that——

Mr. GOODLATTE. So are you reviewing again all of the information that these various agencies that assign employees to you are already reviewing in the first place?

Mr. BRENNAN. They are reviewing the information that they may have available to them. But TTIC has unmatched access, in fact, to information that is available on threat information in the U.S. Government.

Mr. GOODLATTE. Mr. Mefford.

Mr. MEFFORD. Yes, sir. After September 11, Director Mueller has created a layered system throughout the United States, starting at the foundation with the Joint Terrorism Task Forces situated around the country all of the way up to FBI headquarters to the National Joint Terrorism Task Force where we have integrated DHS personnel, CIA personnel and others so that we can have a more coordinated, efficient approach to this issue.

We also agree that the value of TTIC to the FBI is that it is a center that the FBI can contribute to and provide one-stop shopping for the analysis of threat information, both overseas and domestic.

Mr. GOODLATTE. Is TTIC operational at this point? Are you actually receiving information?

Mr. BRENNAN. We have been operational since 1 May.

Mr. GOODLATTE. Okay. So that is not a very long period of time to judge. But, Mr. Mefford, are you getting back information from TTIC, from other information sources that would not otherwise be available to you that is proving useful to you in combatting terrorism?

Mr. MEFFORD. Yes, sir, we think we are, on a daily basis.

Mr. GOODLATTE. Mr. Berman, do you have a comment on that?

Mr. BERMAN. One point. I think that the—the issue—TTIC has been established, and it is operational. And the question—and there is, I think, some duplication of what at least the statutory framework for DHS wanted there. But I think it was clearly Congress's intent that this function of coordination analysis and really looking at information which can be very sensitive—and you want it both from a national security and public policy point of view—that it operate under a charter; and Congress created that charter when it created the Department of Homeland Security Act.

I think there are serious policy issues that are raised and cannot be answered, the Markey questions, your own, about who is accountable, unless this TTIC function is brought under some charter. It is operating outside of the balance of clear, specified law about what its function is, who it is accountable to and, for example, from my point of view, who is going to mind the store in terms of making sure that national security and civil liberties are balanced, which Congress wanted done when it passed the Department of Homeland Security Act.

If TTIC is going to continue, it should be operating under that charter, or Congress should create a charter for TTIC if it is going to have a new agency, because that is what it has.

Mr. GOODLATTE. Are you seeking such status, Mr. Brennan?

Mr. BRENNAN. No. At this point I don't believe that there is any additional authorities needed for the TTIC mission. We are learning about it every day. I would not exclude the possibility that there should be legislation at some point in the future, but it is still taking shape at this point. We are working with the different departments and agencies that have partnered with us. So at this point, no, we are not seeking any type of legislation.

Chairman COX. The gentleman's time has expired.

The gentleman from New Jersey, Mr. Pascrell.

Mr. PASCRELL. Mr. Brennan, I know you mentioned—someone mentioned about the budget before. Who has control over the budget of the Terrorist Threat Integration Center? Who controls the budget?

Mr. BRENNAN. The budget will be falling within the National Foreign Intelligence Program budget, the NFIP, which falls under the DCI, which falls within the oversight Committees of the intelligence community.

Mr. PASCRELL. If you can follow that you are pretty good. But do you know what that sounds like to me?

Mr. BRENNAN. That is the Senate Appropriations Committee and the House Appropriations Committee and HASC and SASC in terms of appropriating the budget.

Mr. PASCRELL. You know, just put as much stuff in there as possible. It is stew. You are having the same problem that we have. It is our fault, not your fault. And the problem is that—the question of jurisdiction. The Speaker put it very specifically when he said on the opening day of this session that he would preserve the jurisdiction of the standing Committees.

So we have a joint Committee today, but the people who have shown up, I believe, are mostly from—mostly from, except for one or two, the Homeland Security Committee. And we have more problems defending turf than we really get to the objective of protecting the American people.

And I disagree with the gentleman, my good friend from Washington. I have a lot of confidence in the FBI. They are going to make mistakes. And, boy, the Congress makes mistakes—I have sat with the FBI and their antiterrorism folks—about situations in my own State of New Jersey and the Northern part of the State. And I have sat and talked with them at length about al Qaeda and its network throughout the United States and the world. And much

of that is, of course, confidential, secret, top secret. But I have confidence in them.

I don't have confidence in what I heard today. It is absolutely critical—you have all said it in different ways—that the Government develop a strong organizational structure that is capable of collecting, analyzing, and interpreting and disseminating intelligence so that we can prevent terrorism to the greatest extent possible.

But that is in doubt. You know, Kurt Vonnegut would have a field day. He used to use the word "materialize." This agency, or whatever you want to call it, materialized. And it could very easily dematerialize. Because we certainly didn't put it together, not by any act which we had anything to do with; and that concerns me. And, you know what, it has got to create anxieties in terms of what all of you are trying to do.

So I would like each of you to respond to the following statement. I would like to get your response to a statement which you made, Mr. Berman. I would like to get the three gentlemen's response to this statement. You said—on page 3 you said that when Congress created the Department of Homeland Security in 2002, he writes, or spoke, "It attempted to partially address these concerns by creating internal oversight mechanisms in the new Department."

If the TTIC, better known as the Terrorist Threat Integration Center, is not brought back under the Department of Homeland Security, Congress should respond by establishing standards for sharing of information and its consequences and should establish internal oversight mechanisms for TTIC.

Finally, these Committees should continue practicing ongoing nonpartisan and in-depth oversight. I will talk about nonpartisanship at another time, not today. I would like three of your quick responses to that statement which the gentleman to your left made.

Mr. BRENNAN. TTIC has a very special responsibility in terms of handling the information that it has access to. There needs to be very strict rules put in place, which we have done within TTIC, working with our partner agencies. We have, in fact, oversight of every individual agency that is a part of TTIC. We also have oversight of a number of different congressional Committees as well. So does there need to be oversight of what we do? Yes, there needs to be. We already have, though, existing in place within TTIC what we needed to do in our first 10 weeks to ensure that information is handled appropriately and to the spirit and the letter of the Constitution.

Mr. PASCRELL. Mr. Mefford. Thank you.

Mr. MEFFORD. Yes, sir. When the FBI assigns personnel to TTIC, we don't relinquish any of our responsibilities for the actions of those individuals, and we think that there are adequate safeguards and oversight abilities today that exist directing and overseeing the FBI operations that would suffice for our personnel assigned to TTIC.

We also agree with Mr. Brennan's statement that, clearly, as a coordinating entity, as a joint venture, TTIC has internal guidelines which we support and contributed to, to ensure appropriate oversight.

Mr. PASCRELL. Thank you. Mr. Parrish.

Mr. PARRISH. Sir, TTIC is enhancing the capabilities of the Department of Homeland Security and Information Analysis. The presence of the DHS analysts over there are very sensitive to their responsibilities, especially in conveying rapidly the information that comes in to TTIC so that it is shared back to IA in a timely fashion, to ensure that IA has that information, which in most cases they already do have, and that this information is rapidly processed, assessed and placed in the hands of the people who need it.

Mr. PASCRELL. Mr. Chairman, can I just have a quick question? Final question.

Chairman COX. The gentleman seeks unanimous consent to extend his time for an additional minute. Without objection.

Mr. PASCRELL. Thank you.

Mr. Brennan, who made the decision to house you at the CIA headquarters in Langley, in the complex? Who made that decision?

Mr. BRENNAN. That decision was made as a result of the need to stand up TTIC by 1 May in an area that was sufficient to accommodate our size, in an area where we could ensure that there would be secure connectivity to the information systems that we needed to have access to.

Mr. PASCRELL. Who made the decision?

Mr. BRENNAN. The decision was made by me, when the CIA building was the only available place at the time.

Mr. PASCRELL. Thank you.

Thank you, Mr. Chairman.

Chairman COX. Thank you.

The gentleman from Arizona—but, Mr. Brennan, if you would just clarify for the record, it is my understanding that, in fact, TTIC will not be located at Langley and that you have other plans, is that correct?

Mr. BRENNAN. That is correct. In May of next year we are moving out to a separate facility.

Chairman COX. The gentleman from Arizona, Mr. Flake.

Mr. FLAKE. I thank the Chairman.

So that the witnesses don't have to plow old ground, because I wasn't here to hear it, Mr. Shays has some questions, and I yield to him.

Mr. SHAYS. Thank you very much.

I was taken back, Mr. Brennan, by your comment that you can't have anyone detailed to you because you don't exist. And I know you didn't mean it that way. I want you to set the record straight, or if you meant it, I need you to clarify it.

Chairman COX. Clarifying. Mr. Brennan does exist.

Mr. BRENNAN. What I think I said, or what I meant to say, that is, we do not exist as a separate agency or department that has been set up by statute. Since we don't exist as that separate agency or department, an individual, a U.S. Government employee cannot be detailed to something that doesn't exist.

Mr. SHAYS. Okay. The challenge I am still trying to reconcile—and I did ask Mr. Berman to respond. I mean, he basically was saying, as it related to the issue of who ultimately takes responsibility, TTIC, Homeland Security, CIA, FBI, when some bit of intel-

ligence is not properly viewed for what it is and something bad happens as a result, Mr. Parrish, I really believe that your job is to be the—to do extraordinary analysis of information that was—you tasked in some cases and in other cases it was done without you tasking.

But I view you as basically being that conduit that takes this information and does your own analysis, and I don't think you basically disagree with that. But what I am unclear about is it seems to me we have the intelligence community, that the CIA is an intelligence gatherer, and you have the FBI which is evidence gathering. So you already have cultural problems between the two, and now we have TTIC kind of stuck in here doing a lot of what I thought would be done out of this new pillar of DHS. So I need you to talk to me about ultimately bad data, not getting it—or bad data getting there or good data never getting to you. I need to know who takes responsibility.

Mr. PARRISH. Sir, if there is intelligence information that is held by an agency within the Federal Government, it is their responsibility to convey that information to appropriate agencies. As legislation states, we have unfettered access to that.

In the example used by Congressman Markey, I will tell you that in my position, as far as Bill Parrish is concerned, and when I sat there at TTIC as the Associate Director of Homeland Security, that intelligence report that comes in from an agency that says this needs to be contained and not shared—I have already had a career. I am in this for my grandson. I will ensure that that report is provided appropriately to the agency that needs to take immediate action.

Mr. SHAYS. But I think——

Mr. PARRISH. That process is now working in TTIC.

Mr. SHAYS. I know that the Chairman may want a little time yielded, but let me just understand this other part. It seems to me that you don't exist, but you do exist, and you are funded by the legislative Appropriations Committees. Is that what we are hearing, Mr. Brennan?

Mr. BRENNAN. Defense. We are funded by the Defense Appropriations Committees, since the National Foreign Intelligence Program falls under——

Mr. SHAYS. You are really a creature—you owe your—and tell me——

Mr. DICKS. If the gentleman would yield. This is part of the Defense Appropriations bill. Because we fund all of foreign intelligence, the budget for the CIA, and the National Foreign Intelligence Program, which this is part of. I am sure that it would be funded through the money that goes to the Central Intelligence Agency.

Mr. SHAYS. Let's just clarify. The bottom line is you are basically in the black part of the budget?

Mr. BRENNAN. Well, with one exception. All of the officers being assigned to TTIC, they bring with them their personal services and nonpersonal services dollars, so that each agency will be contributing to the TTIC effort.

Mr. SHAYS. Just a big concern, Mr. Parrish. I hope you are not losing your spot as a pillar on DHS with this TTIC process. And I thank Mr. Flake for yielding me time.

Mr. PARRISH. Sir, I can assure you that I am not losing anything, nor is Secretary Ridge, in the relationship that we have with TTIC. I am confident that the information that is being looked at at TTIC, and looked at simultaneously within IA, we are providing to this Nation the best intelligence assessment of potential terrorist threats to the country.

Mr. DICKS. Mr. Chairman, just a quick observation—30 seconds.

Chairman COX. The gentleman from Arizona still controls the time.

Mr. FLAKE. I will yield to Mr. Dicks.

Mr. DICKS. Thank you for yielding.

The one thing that my experience tells me—it is one thing to share information, gather information. The problem is acting upon the information. That is where judgment and experience really counts. And when I said—I did not mean to demean the FBI—the information flowed up to the New York office of the FBI, and it wasn't acted upon. And the challenge for you gentlemen, I believe, is knowing when to act upon the information and how to act and what to do. Because we want to prevent these things from happening. That means forceful action by the agencies involved.

Thank you for yielding.

Chairman COX. The gentleman's time has expired.

The gentlelady from the Virgin Islands, Dr. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

I had looked forward to this hearing hoping that having both the director of TTIC and IA here would have helped them clarify some of these issues and the maze of conflicting processes, but so far that hasn't happened.

My first question, Mr. Brennan. You know, it has been stressed over and over again—and I guess this is a follow-up to the gentleman from Connecticut's question. It has been stressed repeatedly that TTIC is not an agency. Why is that important?

Mr. BRENNAN. Because, I believe it takes an act of Congress to create a U.S. Federal agency or department.

Mrs. CHRISTENSEN. Mr. Berman, I wanted to ask if you had any take on why repeatedly this is being stressed, that it is not an agency?

Mr. BERMAN. I think it is being repeatedly stressed because it happens to be a fact. It is not an agency, and that means that its accountability is floating somewhere and hasn't come to ground.

In my view, it is left to the Department of Homeland Security a mission that the President, the Congress and the American public thought was critical and in fact which has been the conclusion of every commission that has studied what happened pre-9/11 from a national security point of view, that the—that what we needed was, if we were not going to create a new intelligence agency, that—to replace the CIA or the FBI, that we at least needed someone, a new culture of information sharing and a new shake-up and that DHS was supposed to provide that by bringing in new blood, new analysis and new people to work with the existing agencies.

And what I see is TTIC has floated out of the Department of Homeland Security; and in my view, as I sit here and listen today, the CIA and the FBI continue to make decisions about how to break the logjam of information sharing that was a problem before 9/11.

Mrs. CHRISTENSEN. Well, that is basically my next question. I know Mr. Brennan has been asked in various ways over and over again, but I understand the need for the coordination that takes place at TTIC. But why is it better outside of the Department of Homeland Security, in your opinion? Why shouldn't it be in the Department of Homeland Security?

Mr. BRENNAN. Because, as I mentioned earlier, that the overwhelming majority of information about the terrorist threat to U.S. Interests comes from abroad. To understand that information, to analyze that information, it takes an understanding of that environment, that overseas environment. That is not the Secretary of Homeland Security's responsibility.

Mrs. CHRISTENSEN. But why can't the same analysts that are now sitting where your office is, coming from all of the different agencies to take in this information and analyze it, why aren't they sitting in the Department of Homeland Security? The same—the CIA analysts, the FBI analysts, State Department analysts, why aren't they best seated in the Department of Homeland Security, which is where the information is going to be acted on?

Mr. BRENNAN. Many officers from those other agencies are, in fact, sitting in the Department of Homeland Security. But TTIC has those partner agencies as the TTIC foundation, and so we need to have those different perspectives not just because of different information systems and databases that they bring, but they also bring a number of different perspectives that really help our understanding of the terrorist threat and to connect the dots.

Mrs. CHRISTENSEN. I have a concern also about the dissemination of information. Because if I understood the different testimonies and responses to questions, TTIC disseminates information directly to the local agencies. Is there a difference in who TTIC disseminates information to and, Mr. Parrish, who you disseminate your information to?

Mr. PARRISH. No, TTIC does not disseminate information down to the State and local. That is the responsibility of the Department of Homeland Security. That is why we work in this partnership, if you will, to assess the information together, to ensure that in a timely fashion we put an actionable product back out into the hands of our customers.

It is easy to put out just an intelligence report, but it is more important that we give to our customers some protective measures so as this intelligence flows up through TTIC, as it is analyzed in IA, as it is correlated in infrastructure protection, we are able to put out a product that says, here is a piece of intelligence posing a threat to your sector and here are some recommended protective measures that we would encourage you to review and consider to deter this attack, potential attack or threat, I should say.

Mrs. CHRISTENSEN. Well, who disseminates information to the Joint Terrorism Task Forces?

Mr. MEFFORD. The FBI is responsible for that role.

Mrs. CHRISTENSEN. So TTIC disseminates it to you, gives you that information, and you direct it to the local task force?

Mr. MEFFORD. If it is threat—terrorism threat information, the FBI, the Counterterrorism Division of the FBI here at FBI headquarters in Washington, D.C., through the National Joint Terrorism Task Force, which is an entity formed here in D.C. that comprises 35 Federal agencies. Soon certain State and Federal and local law enforcement agencies will be a member. That entity integrates with the JTTF network around the country, and we have the responsibility in the FBI to ensure that relevant terrorism threat data is shared very rapidly with the agencies that have a need to know.

Mrs. CHRISTENSEN. Do you also simultaneously share it with the Department of Homeland Security, or does your JTTF have to get it first, or do they get it first? How is that coordinated?

Mr. BRENNAN. There are many ways to disseminate information. Mainly, it is done now electronically. There are classified systems, Web sites, that are available to different Government agencies.

When threat information comes in, sometimes it is referred to as raw information or raw intel. A signals intelligence report, a HUMINT report is a raw piece of intelligence. If it is threat information, it gets posted immediately on that Web site so that it is immediately available to those officers at the Department of Homeland Security, at the FBI, at the JTTFs and other places. So what we are trying to do is to streamline the processes so that we can make that information available as quickly as possible so it doesn't have need to have human interventions, so it doesn't need to be handed off by somebody, so it is immediately posted and made available to the officers and analysts that need it.

[3:55 p.m.]

Mrs. CHRISTENSEN. Now, Mr. Parrish, you said that you——

Chairman COX. The gentlelady's time has expired. But by all means, ask the question you were in the middle of.

Mrs. CHRISTENSEN. It will be quick.

You independently analyze. If you analyze this data and TTIC analyzes the same data and comes up with different conclusions, what happens then?

Mr. PARRISH. The analysis that is done by the Information Analysis Directorate will be that information that we move forward in putting out to our customer base. The information we look at, again, we are looking at it from the eyes of our customers, the private sector, the State and local, to make sure that this information we are putting out there is something that they can actually react to, not just a generalized threat.

Chairman COX. The gentlelady's time has expired.

The Chair recognizes himself for 5 minutes.

Let me just take a moment to step back from where we are, because you have all been seated at this table for a while, although at least we got some unscheduled—actually, you didn't have any unscheduled breaks; we did, we got walking time—and let me just state that if any member needs to absent himself for any purpose, any member of the panel, please feel free to do so and I will address my questions to whoever remains.

But then please come back.

Second, because we are drilling down to some very specific questions at this hearing, I think it is appropriate to take a step back and remember why we are all here and the debt of gratitude that we owe to everyone at this table. We are very grateful, and we can't say so often enough, for the work that you are doing to defend our country.

We just want to make sure it works. We want to make sure that the bureaucratic design that Congress wrote only a year ago in statute is implemented in a way that both fulfills the intent of Congress, but more importantly, fulfills the objective that we are trying to seek.

And so, as we discuss the relationship of TTIC, for example, the Department of Homeland Security, keep in mind that is what you have in mind and what we have in mind, and we are on a joint mission here.

I was at the FBI on Valentine's Day when the President fleshed out the recommendation that was carried in the State of the Union message for the creation of TTIC. And I have stated publicly on many subsequent occasions that I view TTIC as a good thing for a number of reasons, signal among being that it is combining elements that are already there.

We are creating the Department of Homeland Security, in some respects, from scratch, and it takes time to get things up and running. And I consider TTIC to be there for, if nothing else, an expedient so that the American people are protected on Day One.

And the question arises, where are we going over the long term? And what will this relationship look like? And will TTIC at some point recede in favor of a more robust capability that is ultimately constructed within the Department of Homeland Security?

Last June, the DCI testified in support of this new organization. He stated that it will, quote, "merge under one roof the capability to assess threats to the homeland."

Mr. Brennan, I just want to make sure if that is your understanding.

Mr. BRENNAN. Yes, sir. My understanding, that is what he said.

Chairman COX. No. But is that your understanding of the mission?

Mr. BRENNAN. The mission is to integrate the information so that we can understand the threat to U.S. interests both at home and abroad.

Chairman COX. This idea of doing everything under one roof that is the essence of his comment; is that how you understood your mission?

Mr. BRENNAN. I understand the mission as under this joint venture umbrella that we have at our disposal those agencies that have a share of the responsibility for this. So I agree with that, all the things that you said leading up to that question in terms of TTIC's providing this type of assistance now to the Department of Homeland Security.

It may be an expedient. We don't know where it is going to go in the future. But it is trying to have all the different agencies do the right thing together.

And so TTIC does have broad-based responsibility for the Homeland Security as well as foreign terrorists.

Chairman COX. Well, the reason I mention that is that the—I was deliberately ambiguous in my question when I stated that this new organization will, quote, "merge under one roof the capability to assess threats to the homeland," because what the DCI was testifying about was not TTIC, but the Department of Homeland Security; and I am personally very confused about how it is different. Because that, to me, is a very key reason for the Department of Homeland Security.

It is a statutory mandate. And we have a similar mandate for TTIC. I might say, by extension, that we have a similar mandate for the FBI, because I have been very impressed with the Director's efforts to focus on the terrorist threats to the homeland. But he has made that job one of the FBI's preventing terrorism.

That is also the job of Homeland Security, job one of its three missions, preventing terrorism. I don't think it is necessarily bad that we have multiple people, multiple agencies with capabilities, after all, working on this. We just need to make sure that in the Homeland Security realm, this all fits together and that it all works.

And it is a challenge, because there are things about TTIC and things about Homeland Security, things indeed about the FBI that not only overlap, but if you take them apart, look exactly identical to one another.

You mentioned earlier, Mr. Parrish, that you have not been denied any information that you have asked for. In addition, I take it that you are getting all of the information that you haven't asked for.

Mr. PARRISH. That is correct, sir.

Chairman COX. Because the statute is very clear that you are not supposed to have to ask for information except in narrow categories. And I think it is vitally important that all the participants in this process understand that; because if I were you, or if any person were you, our unique inability would be to ask for things we don't know about. We can only ask for what we suspect we need to know, but we can't possibly know what we are not getting, and, therefore, we are entirely dependent upon the other agencies to fulfill their statutory mandate to provide, in this case, unanalyzed information.

Mr. PARRISH. Sir, if I might just add on that comment just very quickly. We are getting better and better each day, but I will be honest, it is not a push-pull system at this point. And I think that was kind of the intent of your comment, and that is why I made that remark early on about the work-arounds of having the representation of other agencies inside IA and being able to explain why this piece of information is germane to an organization in Homeland Security, why this is important to a critical aspect of the mission of Homeland Security. Once that is explained, the lights come on.

As I mentioned earlier, Friday, over 40 people gathered from a wide variety of intelligence communities, predominantly Department of Defense, as I was pulling the string on some debriefings of some detainees, because there is critical information. As I explained how we used that information to our customer base, the private sector, the public, State and locals, it was a new concept.

So each day we are making progress when we educate our partners in this fight.

Chairman COX. I want to thank you. My time has expired, and I am going to ask unanimous consent for 1 additional minute to leave the panel with a question, and then I will yield the time without objection.

First, to the Department of Homeland Security, Mr. Parrish, I hope that you can assure us that TTIC's rapid development will not be allowed to delay or otherwise hinder the Department of Homeland Security's information analysis capability from reaching its full statutorily mandated scope; and, also, your mandate to conduct independent all-source analysis of terrorist threat information.

And, second, to our other two witnesses—both, if you can speak on behalf of your parent agency, Mr. Brennan, the CIA, and if you can answer on behalf of the FBI: Will sharing information with TTIC either as a matter of routine or on occasion meet the Agency's statutory obligations to share information with the Department of Homeland Security?

And those are my questions, and I appreciate the indulgence of the panel. And I will allow time for responses and then yield.

Mr. PARRISH. Sir, the Under Secretary for Information Analysis and Infrastructure Protection, Frank Libutti, is very committed toward rapidly standing up the IA capability to its fullest extent possible.

TTIC is a force multiplier right now. It is an enhancement; it complements what we are doing. But it is also making sure that we have the mechanisms in place to ensure we have no gaps and we have no seams. It is not slowing down the progress that we are pushing hard to get us up to a full 100 percent capability.

Mr. MEFFORD. The FBI, sir, recognizes our responsibility to share terrorism threat information with TTIC and all terrorism-related intelligence with the Department of Homeland Security.

Chairman COX. Thank you, Mr. Mefford.

Mr. BRENNAN. Each of the agencies has a responsibility to share information with DHS. Sharing it with TTIC does not obviate that requirement. My understanding, based on the MOU, is that only by a separate written agreement, in fact between the Secretary, Secretary Ridge, and the DCI or one of the signatories to the MOU, may information be shared exclusively with TTIC. But it does not, in my mind, mean that information that is shared with TTIC should not be shared with the home agency.

Chairman COX. Thank you for your answers.

And I next yield to Ms. McCarthy.

Ms. MCCARTHY. Thank you, Mr. Chairman, and I thank the witnesses. They have been here a long while and answered every question, and we are very grateful for that.

I wanted to follow up briefly on a line of questioning Mr. Etheridge had with you a little over an hour ago, with regard to your role in providing information to the State and local governments who need it.

And my concern—and I very much appreciated your response to him, but, Mr. Parrish, if a State or local government officer finds information that should be reported to the Federal Government, to you or what other appropriate individual, my concern is whether

the officer will know where to report that information and whether there are guidelines for that kind of information being reported.

You know, I am just worried. I have had a lot of meetings with my local responders back home, which everybody is doing, and it is of great interest to them and to us. But I am not sure that it is clear to the State and local officials and law enforcement what types of information should be reported. This has come up over and over again in meetings that I have had.

Is there training on what kinds of information might be indicators of terrorist activity? Who is responsible for training those State and local officials? Will it be through the FBI, the DHS? The Federal Government has chosen my district, Kansas City, to receive funds for technology to upgrade their communication skills with each other, which is important for my fire chief and my police chief to be able to talk together and to get training for that. But as far as information-sharing goes, there are a lot of questions and concerns about, what do we know and when do we know it, and when do we share it if we do know it, and if we know it, is it what we are supposed to know.

Any thoughts you have on that, on plans for the future to help our local responders, I would be grateful for your information today or whenever it is appropriate. Thank you.

Mr. PARRISH. We are moving forward as quickly as possible. As you know, the Office of Domestic Preparedness now falls under the Department of Homeland Security. One of the things that I am looking to do is to rapidly establish a training program exactly for that reason, to help the State and local, again in coordination with FBI who has that responsibility.

But you are exactly right. They need to understand what is a critical piece of information.

During the 4th of July weekend, the Department of Homeland Security Operations Center, which is manned 24/7, reached out and established connectivity throughout the country with a lot of local departments and operations centers for that very reason, to report suspicious activities.

As you recall, Operation Liberty Shield when our Nation went to a high state of alert, an orange, in anticipation of hostilities in Iraq, again our operations center was receiving phone calls from State and local, reporting things. And it is not just the State and local, but he is getting a phone call from American citizens that are saying, I saw something out there that appeared to be strange. That is the means of connecting the dots.

And, again, the Department has only been up and running since March 1. I know that may seem like a long time to some, but we are making progress. But that connectivity is critical to the information flow that must come into IA so we can assess that to see, is there a correlation to the surveillance at one chemical facility in Warrensburg as compared to another facility maybe over in Liberty. And then we could take corrective action and take a look at what we are dealing with.

So it is a great question, and certainly it is a high priority, at least from my perspective, on getting that training out to the field.

Ms. MCCARTHY. I thank you for your response. And please keep the Chairman, Ranking Member, and Committee Members ap-

prised of anything we might do to help further that effort that you have, especially if it is funding issues or other means where we may be of assistance.

I know it is a commitment of every Member to be able to make sure that those homeland first responders have the knowledge that they need to take the action that they should in a timely and correct way.

So thank you for making this a priority. I very much appreciate your testimony and the thoughts that you all shared with us today.

And I yield back, Mr. Chairman.

Chairman COX. The gentleman from Texas.

Mr. TURNER. Thank you, Mr. Chairman.

This hearing has been very interesting to me in trying to sort this out. And I think, if we go back and look carefully at the transcript that will be produced of your testimony, we will probably have even more questions.

For example, the suggestion was made, I believe by Mr. Brennan, that you had a responsibility at TTIC to look at foreign intelligence that came to CIA, and you look at that. I don't know if it was you or Mr. Parrish that suggested that the Department of Homeland Security looks at domestic intelligence, inputs domestic intelligence. There seemed to be an effort there to distinguish the two roles that you have.

But when you go and read Mr. Parrish's testimony, it clearly says that the Information Analysis section of Homeland Security has the ability to conduct-and I am quoting here—"its own independent threat analysis based on information and intelligence drawn from other agencies within the Department of Homeland Security, the FBI, the CIA, or the members of the intelligence community plus State and local law enforcement and private-sector entities."

Now, I would be very frightened if anybody told me that the only intelligence that they were going to look at was the domestic side and that the foreign intelligence is somebody else's role. Obviously, in fighting terrorism they overlap and intertwine. Maybe what we are coming down to here is, when I look, Mr. Parrish, at the last page of your written testimony, you speak in terms of the Department's analysts who are located at your headquarters. You say that they will also conduct competitive terrorism threat analysis to that taking place at the Terrorist Threat Integration Center.

For example, you say the Secretary may want an independent look at a particular conclusion reached by analysts, including IA analysts, at the Terrorist Threat Integration Center. And you acknowledge that such competitive analysis is a sound practice and has been followed for decades in the intelligence community.

So what you may be telling us today is that both of you are going to do the same thing because we need to do it twice, maybe. And when I hear the FBI telling us that your role is to notify local law enforcement of what you know and the information you collect through the Joint Terrorism Task Force, and I hear Mr. Parrish say that his job is to notify local officials, which, to me, includes law enforcement, then it seems to me that we are doing the same thing through two different channels.

And I am not going to suggest to you that I have concluded, that is a bad thing. It could very well be that all three of you are going to do all the same things in terms of information collection analysis.

The one thing that I do understand that is only done by the Department of Homeland Security is an evaluation and analysis of our critical infrastructure. And it is in that role that the Department seems to have a unique responsibility. That is, we look at the threats on the one hand and our critical vulnerabilities on the other, and we match them up, and out of that flows action on the part of the Department and other agencies to be sure that we are protecting America.

Out of that activity also should flow the priorities for funding by the Congress, because there is no other place that I know of that we have created the expertise to decide what are the most important things for this Congress and the American people to spend money on to protect this country, unless that function within that department takes place.

So maybe we have come to a conclusion here, after listening to all of you, that all three of you collect the information, all three of you analyze the information, all three of you receive it from the various sources that all of you can get, and then you share it. And then Mr. Parrish at the Department of Homeland Security takes that information, matches it against our critical vulnerabilities, and comes up with action on the part of the Government to protect America and recommendations to this Congress on what we ought to be spending our hard-earned tax dollars on.

Now, do any of you want to comment on my conclusions, and tell me that I am wrong and haven't been hearing you correctly today?

Mr. Parrish, you seem anxious to give me the first response.

Mr. PARRISH. Sir, I think you have listened well today.

Then, what you said—I would like to clarify, when I say "domestic intelligence," really what we are looking at is all of the intelligence toward the domestic threat. In other words, there is overseas intelligence that has a string possibly to a domestic threat, so IA is assessing it in that regard.

But you are exactly right. We are trying to assess the information and intelligence against the critical infrastructure, identify the vulnerabilities in that to help prioritize the spending plan of the Federal Government, to help the spending of the private sector as they enhance their own security postures, to confront their border directors to say, we need to increase security.

This is a team effort. It is a partnership across the entire Federal Government, State and local and private sector. But I am very positive that we are making progress in this team effort.

Mr. MEFFORD. Sir, I have just a slightly different view of that.

While we agree that the team approach and the coordinated entities both at the headquarters level in D.C. and, even more importantly, throughout the country regionally are critical to success in the war on terrorism, where we work very closely with Federal agencies and State and local agencies.

In the FBI's case, we have a very focused mission, and that is to prevent terrorist attacks, to actually respond to terrorist threats; and we think that we have the responsibility to make sure that an

attack does not occur. That is why the Director has prioritized the prevention of terrorism as the number one focus of the FBI today.

In that approach, it is very important for us as an agency to work with our State and local partners and with our Federal partners in the JTTFs to establish a comprehensive intelligence base domestically in the United States in conformance with all constitutional standards and parameters. And by doing that, we bring our law enforcement mission, fused with our intelligence mission, to focus on identifying terrorist threats in the United States, both domestic- and foreign-based.

It is absolutely critical that we work closely with the CIA and with Homeland Security to fulfill that mission, and consequently, the mechanisms that have been created, we think—and we see advantages in the collocation and the integration of these agencies while they maintain their separate status.

Mr. TURNER. And all the information that you receive from your Joint Terrorism Task Force and your other intelligence-gathering activities, you immediately share with the Threat Integration Center and immediately share with Homeland Security simultaneously?

Mr. MEFFORD. Yes, sir. The threat information goes to TTIC, and then the raw intelligence information goes to Homeland Security.

Now, to clarify this issue, as you know, one of the weaknesses that the FBI has experienced is in our automation tools. And we have a very aggressive, under Director Mueller's leadership, IT program to enhance our capabilities. That is scheduled to come on line later this year.

Because of that fact, the fact that we do not have the automated tools today, we have to do many things, as my counterpart, Mr. Parrish, has indicated, in a roundabout or work-about fashion. That is why we have 342 DHS personnel assigned to FBI JTTFs and at FBI Headquarters, because there is no other way to do it today.

But we have improvised to make sure that all the information is shared.

Mr. TURNER. Mr. Brennan, do you want to comment on my view of where we are?

Mr. BRENNAN. Just a couple comments. I think you made reference to the fact that we all collect, analyze, process, disseminate intelligence. TTIC alone, here at the panel, does not collect information. Again, I just want to make that very clear.

Secondly, I think you are absolutely right, and it was mentioned here before, knowledge and information for the pure sake of knowledge may be self-gratifying, but it doesn't do any good in terms of preventing terrorist attacks. We have to make sure that that information and knowledge is shared appropriately and provided so that action is taken. It is actionable intelligence that we are looking for.

Third, I would really like there to be very bright lines between our respective responsibilities in the U.S. Government, between the different departments and agencies. It would probably make all our lives a lot easier. Unfortunately, though, as I look closely at the statute—and I have done a lot of reading of the statutes over the last several weeks and months—there are not the bright lines there. And so what we are trying to do here in TTIC is find an in-

novative approach to meet and fulfill the obligations of the different statutes.

The Homeland Security Act is a wonderful act. I think there are a lot of things in there—there are a lot of things that are going to take time to realize. Because just saying it has to be done is not something that in the Government can happen very quickly.

So what we are trying to do is understand fully those obligations and make sure we work closely with the FBI and DHS to realize all those goals and objectives laid out in the Homeland Security Act.

Mr. BERMAN. Mr. Chairman, just one comment on it.

I hear different agencies are doing similar functions. And I want to remind the Committee that we are talking about very information-intensive analysis of threats, and that when they say that there may be—they may not be collecting, but when they say there is a gap or the threat is scuba divers, then that may trigger 6 billion background checks of scuba divers. Or if they say it is bank records, and foundations are funneling money to al Qaeda or to possible threats, that means bank records of American citizens are being scanned or patterns are being looked at by combing through credit records, bank records, under very loose authority which says, give it to the Government, give them the discretion, and let them use high-tech technology and look at the threat analysis.

Those are significant privacy issues. And it was the intent, I believe, of the President and the Congress and whoever worked on this act that that would come under some oversight system, that there would be standards, audits, and accountability of what is being collected, how it is being collected, and how it is being disseminated.

And I urge the Committee that whether it lets TTIC continue to float or watch the experiment grow, that we have to answer the question of how this accountability is going to be structured and how they are going to operate.

Simply saying the privacy laws in the Constitution doesn't help you here, because, as you know, our privacy laws are mostly based on policy decisions, particularly for information not held by you in your home. And we have a whole regime of laws, regulations, so forth, with the private sector, that are much stricter.

The Government does not have those restrictions, and we do not know what the rules are and what data is being collected and how it is being used, without that oversight system that Congress called for, which is in section 221, I believe, of this act.

Mr. TURNER. Thank you, Mr. Chairman.

Chairman COX. The gentleman's time has expired.

The Chairman recognizes himself.

This has been an excellent discussion, and I just want, before we finish, to see if I have inferred the proper understanding of what you are trying to make sure we understand. Let me begin with the question of redundancy, which has been a major theme of questioning here today and which you have addressed repeatedly, redundantly perhaps.

I understand, Mr. Brennan, that you are at least indulging the possibility that if DHS ultimately achieves its full statutory man-

date and potential, that TTIC might be, in the final analysis, an intermediate expedient; is that right?

Mr. BRENNAN. I think TTIC is going to continue to grow and evolve, and I would like to keep it flexible so that we can adapt to the requirements over time. And so where TTIC is going to be or what it is going to look like 2, 3, 5 years from now, I can't say. I am open-minded on the issue, certainly.

Chairman COX. But I do believe that you said in response to an earlier question that one of the things that might happen is that it might sunset in favor of the capability that has been established in the Department; is that right?

Mr. BRENNAN. No. I think I agreed with your statement that it may be an expedient at this point in terms of facilitating the stand-up of DHS and helping DHS fulfill its mission.

Chairman COX. So it is not even within prospect that it might sunset then? It is your view that it is permanent?

Mr. BRENNAN. No. I am saying that—I was just stating that I agreed with your earlier characterization, which means that I would say that, yes, there is the possibility that it, in fact, should have at some point a different type of role or responsibility.

Chairman COX. But do you——

Mr. BRENNAN. There is no sunset clause right now in any of the documents that have been setting up.

Chairman COX. Right. But I am just trying to understand what is within the range of possibility.

TTIC, thus far, is an expedient; and one of the things that we can do is set it up in statute and make it permanent. Another thing that can happen is that it can sunset. And it seems to me that everything else is in between.

I am wondering whether you think all of those are, at this point, possibilities, or whether you don't see any circumstances under which TTIC would sunset.

Mr. BRENNAN. No. I think, by definition, they are all possibilities.

Chairman COX. Thank you.

Next, let us assume that it does not sunset and let us assume that IAIP within DHS has reached its full potential and its statutory mandate.

What is it then that TTIC is going to be doing that DHS does not do? And I would address that to Mr. Brennan and Mr. Parrish.

Mr. BRENNAN. I would say, first of all, as I talked about before, that the overwhelming majority of information available on the threats to the homeland comes from foreign intelligence sources. It frequently requires a lot of digging analysis of that information in order to identify potential threats to the homeland. So I would see TTIC still having a role, along with the other partner agencies—with the partner agencies to understand that threat.

Chairman COX. Mr. Parrish?

Mr. PARRISH. Yes, sir.

Again, the function of IAIP is really taking a look at the threat to the homeland as far as the threat mapping that we do to the critical infrastructure in the country. At the same time, we also have responsibility to our subordinate agencies to ensure that we are providing intelligence products to Customs and Border Protection, to Immigration and Customs Enforcement, Secret Service,

Coast Guard, so we have a constituent both within the Department, as well as getting products of threat assessments out to the State, local, and private sector.

Chairman COX. And so what is TTIC doing that you are not once you have reached your full potential?

Mr. PARRISH. Well, TTIC will continue to be doing the intelligence analysis, and providing that information to us that we will again——

Chairman COX. But you are going to be, when you reach your full potential, doing the intelligence analysis; and I am just wondering what it is they are doing that you are not doing.

Mr. PARRISH. Again, I would agree with Mr. Brennan on the standpoint of looking at some of the international aspects of it. Again, we are looking at domestic threats, so we are really trying to look at the international threats for the domestic nexus. Their focus is more—broader in that area.

Chairman COX. But let us take al Qaeda as a fairly relevant example.

Al Qaeda is located within the United States, so intelligence collection on al Qaeda is domestic; al Qaeda is located overseas, and so intelligence collection on al Qaeda is foreign. Are you suggesting that Homeland Security is not charged with foreign intelligence analysis?

Mr. PARRISH. No, sir. We are.

Chairman COX. So you are doing both domestic and foreign intelligence analysis. What is the TTIC doing that you are not doing?

Mr. BRENNAN. If I could jump in here, they are not evaluating the threat to U.S. interests abroad. TTIC is.

Chairman COX. All right. So the difference is that the threat to U.S. interests abroad is what remains for TTIC. And what the Department of Homeland Security will be doing is looking at both domestic and foreign intelligence with a view to the domestic threat.

All right. Is that acceptable to you, Mr. Brennan, that once—that is to say, do I properly state your understanding? Because I don't want to put words in your mouth.

Mr. BRENNAN. I still am very much in favor of an integrated environment where you can have the representatives from these different agencies working collectively together, not just in one agency or another, but in a task force command, joint venture activity. Because there are synergies that develop from that environment that you can't replicate in any individual department or agency.

Chairman COX. Mr. Parrish, we have been speaking of some time in the future when the Department of Homeland Security's IA function reaches its full, statutorily mandated potential. When do you think that the IA subdirectorate will be at full potential as contemplated by the statute?

Mr. PARRISH. In fiscal year 2004 funding, we have the appropriations, once passed, that we should be able to hire the additional analysts that are required. So what I would expect of IA, somewhere in—hopefully, by this time next year is that we would have the full complement of personnel required to do the analytical as well as the assessments necessary.

Chairman COX. Now, from the testimony, I inferred that in terms of its contribution to TTIC, we expect by the end of the year DHS will have about 40 analysts contributing to TTIC; is that right?

Mr. PARRISH. Right. The manning for TTIC, what we are looking at really is kind of a rule of thumb: 10 percent of the total TTIC manning at a given time, we would have 10 percent of that number of DHS analysts. So, for example, as Mr. Brennan has indicated, right now they are at about 100; we are somewhere—between seven and ten analysts is what we will have over there. Currently, there was six, plus the Associate Director for Homeland Security. By May of 2004, if TTIC reaches their number of 300, we would envision then probably 30 analysts representing the Department of Homeland Security.

If time allows, I would like to explain a little bit of the concept there, because I think it is very important to understand the DHS analysts.

Chairman COX. Mr. Parrish, I wonder if I might—in deference to my colleagues, I would like to give you that opportunity to explain it, and I shall. But my time has expired, and so I would like to recognize Ms. Jackson Lee. And I will be sure to ask you that immediately when it is my time again.

Ms. Jackson Lee is recognized.

Ms. JACKSON LEE. I thank the Chairman very much. I probably will abbreviate my questions, and ask unanimous consent that my statement be submitted into the record.

Chairman COX. Without objection, so ordered.

Ms. JACKSON LEE. Let me point my question to Mr. Brennan.

The President announced the formation of TTIC, I believe, in his State of the Union address. My question to you is, and I will make a few comments before I ask you to answer—my concern with all the work that we are doing, though I know that we are certainly with good intentions, both the Select Committee on Homeland Security, various jurisdictional Committees, TTIC; is that why Rome is burning?

We are idly sort of treading water. I see that with respect to processes with first responders. I see that in terms of local communities being prepared for terrorist attack.

I see a certain malaise developing. Oh, it hasn't happened. It was 9/11; we talk about that in historical terms. We are mourning, we are certainly overwhelmed by the tragedy and the enormous loss of life, but we are not ready, and I don't believe that we are at the level of seriousness that we need to be.

My question to you, as the head of TTIC as I understand it, are we synergized, energized, and interrelated?

The CIA is known as having a history of not sharing information. That was one of the concerns we had after 9/11, along with certainly enormous questions with respect to the FBI. What has occurred that I should feel more comfortable that there is some sort of interrelatedness? And what do you need from this Committee to ensure that that happens?

Mr. BRENNAN. I believe there has been a lot of energy and synergy created over the past year, in particular with regard to Homeland Security issues and the sharing of terrorism information.

There are a number of initiatives under way right now to ensure that we put in place the best information systems, the best business practices, the best security procedures and declassification efforts to move threat information as swiftly as possible from its point of collection to the point that needs the information in order to defend against terrorist attacks.

So I think TTIC's being stood up is an indication of the seriousness with which certainly CIA views the importance of sharing that information, because within TTIC right now CIA information systems and databases are made available, and that information is made available to their colleagues, their fellow analysts within TTIC, to ensure that there are no oversights, intentional or otherwise.

Ms. JACKSON LEE. And where does that information go once it is analyzed in TTIC?

Mr. BRENNAN. It is provided, as appropriate, to those Federal agencies and departments that have a responsibility to take that information and then to act upon it.

Ms. JACKSON LEE. What about to local law enforcement?

Mr. BRENNAN. We rely on FBI and the Department of Homeland Security to do that.

Ms. JACKSON LEE. So then you give it to the FBI and Homeland Security, and then they are supposed to trickle it down to local?

Mr. BRENNAN. It is their responsibility, yes.

Ms. JACKSON LEE. So I am concerned about layered responsibilities, because it was my understanding, or at least my misunderstanding, that that information would go directly to a need-to-know—on a need-to-know basis, so that if there was a potential attack in California, Texas, Seattle, Washington, Jackson, Mississippi—and I randomly say these names, so I hope I don't get calls from the constituents there. I am not saying there are any terrorist attacks at all; I am only using those as examples.

Then they would have to wait until it trickled over to and then down to the local communities? Is that the way it functions?

Mr. MEFFORD. No, ma'am. Threat information is relayed immediately. And it is our view that we have made tremendous progress since 9/11.

Prior to 9/11/01, we had 35 Joint Terrorism Task Forces in the country; today, we have 66, growing to 84. They will be in every major metropolitan area, incorporating State and local law enforcement and our other Federal partners in the war on terrorism.

The FBI has rolled out brand-new, very aggressive training programs to provide basic and advanced counterterrorism training to these folks. We have created the national JTTF in D.C. to coordinate the Federal Government's efforts operationally. We send out a weekly Intel bulletin to the 16,800 police agencies throughout the United States. We are in the process of establishing a system through law enforcement on-line, known as LEO, so that we can refer relevant terrorism information, not just specific threat data, because that will be transferred directly to the JTTFs, but other relevant information that would be helpful to State and local law enforcement.

We have created a brand-new position——

Ms. JACKSON LEE. Mr. Mefford—is that Mr. Mefford—let me, because my time is going to run out. If we had a situation where an area of this country was under immediate threat, am I to understand that there is the SOS ability to get it directly in the hands necessary? Or I am to hear—and I appreciate what you are saying to me, a whole long sort of grid that I am hearing, but I am sort of seeing stars.

I want to know if we can get the word about a terrorist attack pending—let us not say "attack"—to the appropriate entity quickly, without detail and without bureaucracy?

Mr. MEFFORD. Yes, absolutely.

Ms. JACKSON LEE. Let me ask Mr. Brennan. Are you in a state of organization, or you are in place working? Is this still in an organizing mode, or are you in place so that you are actually functioning with all of your particulars in place?

Mr. BRENNAN. We have been functioning since 1 May. But we are a growing and evolving organization. We have about 100 folks now, but we are growing to about 300 or so by this time next year.

Ms. JACKSON LEE. Let me finish on this point. I am concerned, as well, that we balance getting direct information and avoiding terrorist acts and terrorist disasters with civil rights and civil liberties. Is there a component in TTIC that deals with that? Or do you embrace or work with other agencies on that issue?

Mr. BRENNAN. We are working very closely with all the partner agencies, the Department of Justice, the FBI. I have spoken to the Attorney General about the importance of this issue. Within TTIC we have rules in place. We are trying to make sure that we do everything possible to ensure that there is no abridgement of U.S. citizens' privacy rights.

Ms. JACKSON LEE. You would be open to Members of this Committee visiting TTIC and having a walk-through and also probing these questions a little bit further?

Mr. BRENNAN. I would certainly not be opposed to that.

Ms. JACKSON LEE. Thank you.

Thank you, Mr. Chairman. I yield back.

Chairman COX. The gentlelady's time has expired.

Now, Mr. Parrish, I want to allow you the opportunity to complete your thought.

Mr. PARRISH. Just quickly, sir, I appreciate it.

But as we look at the Department of Homeland Security analysts, I like to look at that as somewhat of a hybrid. It is a new organization. It is melding together, as you know, 22 agencies. But bringing from the operational perspective of Customs and Immigration and Customs Enforcement, Coast Guard, Secret Service, we are bringing them together in NIA.

We will have a fusion cell there that will be kind of the incubator, if you will, of developing this new hybrid analyst who is looking at operational information that may be collected by a Customs inspector or a maritime boarding team from Coast Guard, information that is acquired, and training them within IA. And then they will be the ones that will eventually be the IA or DHS analyst that will be assigned to TTIC and rotate through there on either an 18-month or 24-month basis.

I think this will be healthy for the entire process. It will establish continuity and will certainly represent, within TTIC, individuals who understand the operational environment of the Department of Homeland Security.

Chairman COX. Thank you.

Now, my understanding is that—from your testimony, Mr. Brennan, that TTIC is now a little over 100 officers.

Mr. BRENNAN. Total officers, yes. About 65 or so analysts.

Chairman COX. Sixty-five or so analysts.

That the complement from DHS lies somewhere between the seven that we had when TTIC opened its doors and the 40 we expect to have at the end of the year. Is that right, Mr. Parrish?

Mr. PARRISH. At TTIC, actually the number will be about 300. If the total number of TTIC by May of 2004 is at 300, we will have about 10 percent. So roughly 30 would be our personnel assignment to TTIC.

Chairman COX. About 30 is what you expect to have by what date?

Mr. PARRISH. Looking at May of 2004 when TTIC moves to its new facility.

Chairman COX. And what is it just now?

Mr. PARRISH. Right now, it is seven. So we are looking at bringing over, I believe it is six additional.

Chairman COX. And how many analysts do we have at IA right now?

Mr. PARRISH. It is 53 and a liaison person.

Chairman COX. And where is the Department getting its analysts? The reason I ask is that if you are attracting them from other United States Government agencies, won't the Department of Homeland Security have to compete with TTIC as we add people?

Mr. PARRISH. I don't think we will see the competition. Again, I think right now we have analysts, some that are detailed from other agencies as we are standing up for that capability. But we look to hire then, on a full-time employment basis, the total complement of analysts.

We are also looking internally at some of the analysts that reside within the subordinate agencies of the Department of Homeland Security, intelligence analysts that may exist in some of the other agencies where we could draw upon their expertise and bring them in.

Chairman COX. Now, at 53, you are part way along the road to where you intend to be. When you are at the end of that road, how many analysts will you have?

Mr. PARRISH. The total number we are looking at within IA—again, I would come back with an official number for you at a later time. But it is roughly at about—150 is the number we are looking at.

Chairman COX. And when do you think that would be?

Mr. PARRISH. Our target goal—obviously, as I said before, next summer, if we could achieve that, would be great.

In 2003, we have space for, I believe the number is a total of 86 within IA. And, again, IA is both the Information Analysis where we have our Risk Assessment Division and also our Information Management Requirements Division. So the total number in that

area 86 for 2003, we will continue to hire more during 2004 with a goal of, as I said, about 150 analysts.

Chairman COX. Now, as you look to treble the number of analysts from present to a year from now, going from roughly 50 to roughly 150, you are absolutely certain that this will not place you in competition with TTIC for recruiting analysts from other agencies of the U.S. Government? You are not going to be looking toward any of the same people?

Mr. PARRISH. I think it would be, obviously, premature for me to say specifically "no" to that at this point in time. Really, we haven't gone out there and tested the market at this point.

Chairman COX. The Department of Defense over the last year has stood up NORTHCOM. The Committee went out and met with the people at NORTHCOM, and learned a great deal during our visit. In terms of analysts, they have since last year grown to 300 from a standing start of zero.

The 300 analysts at NORTHCOM, who are looking at the same thing, in large measure, that TTIC is looking at and the Department of Homeland Security is looking at with respect to domestic threat, according to the diagram that was presented to us during our visit—we were there qua congressional Committee—they are relating to the Department of Homeland Security through TTIC. Is that your understanding?

Mr. PARRISH. The relationship with NORTHCOM is still being developed. We look to have some NORTHCOM representatives up in our operations center, again, 24/7 coverage. Reaching back into NORTHCOM to coordinate with them on some of the products that their analysts do is certainly going to be an additive to receiving that information.

You are right, the Department of Defense has a significant number of analysts and resources available of which we are closely coordinating with Secretary Paul McHale's office in accessing DOD information.

Chairman COX. Mr. Brennan, is it your understanding that NORTHCOM is going to go through TTIC to the Department of Homeland Security?

Mr. BRENNAN. I would defer to NORTHCOM on what they are going to do vis-a-vis Homeland Security.

Chairman COX. What is your experience? Is that happening?

Mr. BRENNAN. We are working with NORTHCOM and other commands to establish exactly what the type of relationship we are going to have with them. So we are developing our relationship with Department of Defense commands and agencies currently.

Chairman COX. I will say that it took Members of the Committee by surprise, because in the same diagram that the Department of Defense showed us, all the other members of the intelligence community had a direct relationship to NORTHCOM, and the only member of the intelligence community that did not was the Department of Homeland Security.

Surely if the mission of NORTHCOM is protecting the homeland, we ought, it seems to me, to have a direct relationship. And here, I would hope that TTIC would become, as you say, a force multiplier and not interference and not a filter.

So I direct your attention to that. I realize it is a work in progress.

Mr. PARRISH. I might add, it is maybe your visit then, but we are getting a NORTHCOM, as I say, liaison into our operations center. So I may be coming back and saying thank you.

Chairman COX. Well, anything we can do.

On this question of foreign intelligence, I am a little bit puzzled, still. In this future that we are describing in which the Department of Homeland Security has fully realized its information analysis capabilities, and we are doing, as the statute requires, the full scope of global analysis of the domestic terror threat, we are going to be looking at foreign intelligence, because, for example, al Qaeda is overseas and yet they pose a threat to us here in the United States.

Are we not going to be looking at the threat to U.S. assets overseas? Because I understood in the earlier discussion—Mr. Brennan, at least—you to say that TTIC is going to be looking at threats to U.S. assets overseas, but the Department of Homeland Security should not do that.

I am a little bit troubled by that, because when I take a look again at al Qaeda, the main paradigm that prompted the creation of this entire Cabinet department, we have an antecedent event, several of them, actually. But take, for example, the bombing of the Cole; al Qaeda did that. Surely, if you are piecing together the al Qaeda threat to the United States here, you would want to look at all of that information.

And we would want the Department of Homeland Security to look, therefore, not only at foreign intelligence that relates to attacks on the United States, but also foreign intelligence that relates to U.S. assets overseas, because it is the global threat that DHS is responsible for; isn't that right?

Mr. PARRISH. Sir, if I misrepresented, we certainly are looking at the international intelligence picture from that standpoint to connect the dots, if you will, of what might be developed in planning an attack that occurs overseas, could the same occur in the United States.

With regard to threats to U.S. interests, U.S. businesses overseas, we work very closely with the Department of State that has—as you know, the Overseas Advisory Council that has a mechanism of conveying these threats to U.S. businesses overseas.

I will defer to Mr. Brennan, but the State Department now, I think, is a team member of the TTIC, or soon, and that intelligence piece is being worked through the State Department.

Chairman COX. Mr. Brennan, do you want to elaborate on your earlier comment that down the road, when DHS is fully staffed up and it has complete capability to do global threat analysis vis-a-vis the domestic threat, that the difference between TTIC and what DHS is doing is that you are going to also look at threats to U.S. assets overseas?

I mean, is that—because I think Mr. Parrish is saying they are going to be looking at some of that, too.

Mr. BRENNAN. I don't think there is anything in the Homeland Security Act that gives DHS the responsibility for analyzing and evaluating and assessing the threat to U.S. interests abroad, in terms of having that responsibility. I believe that still falls with,

in fact, the Director of Central Intelligence, the Secretary of State, Secretary of Defense, and others. They are going to have access to that information as they need to in order to understand the threat to the homeland.

But to evaluate the potential for al Qaeda to carry out attacks against the embassy in Amman or against U.S. citizens in India or Pakistan, that is not what the purpose of their looking at the information is for. It is to understand better and evaluate the threat to the homeland. TTIC and other agencies represented within TTIC have the responsibility for understanding that threat and making sure information analysis is made available so that actions can be taken to prevent those attacks.

Chairman COX. And so what we find is that the CIA ultimately is looking at the same information, but in major part for a different purpose; is that right?

Mr. BRENNAN. Many times we are looking at the same information for different purposes, exactly right.

Chairman COX. And isn't that why we created the Department of Homeland Security? Because we have the CIA, which is in chief responsible for certain overseas operations, but also foreign intelligence analysis; we have the FBI, which is responsible for domestic counterterrorism. And yet we have a domestic threat that is located both here within the United States and overseas, and we don't want to put the CIA in charge of domestic collection in any respect.

So, in part because we have had sharing problems in the past and we want to overcome that, we want to create a new structure, and in part because we don't want CIA to be in charge of it because of civil liberties concerns, we created the Department of Homeland Security.

And, Mr. Berman, what am I missing here? Do you want to respond?

Mr. BERMAN. You are not missing a thing. I think that is why the Congress did it, and there is a significant oversight issue and policy issue being raised by this dual authority that is TTIC. It doesn't fit that scheme of ensuring that the CIA is not involved in domestic law enforcement activities, because the CIA Director hired the head of TTIC. They may not be doing collection activities, but they—when they say there is a gap, that certainly triggers activity down at the FBI or abroad for the CIA; and it triggers collection.

And I think that in terms of information sharing, Congress' concern that these agencies were not—did not have a culture of sharing and are trying to bring in new blood, new direction, new leadership through the Department of Homeland Security. And I think there is a very serious question on whether that is being carried out today.

Chairman COX. My time has expired.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. And I thank our witnesses for their indulgence.

I think the comments that you made, Mr. Chairman, focus on one of the things that occurred to me that we—right after 9/11, I thought the idea was that we noticed that the CIA, the FBI, and the Department of Defense weren't talking to each other, so we got

the Department of Homeland Security together to try to coordinate everything. And then we looked up, and after all the dust settled, the CIA, the FBI, and the Department of Defense weren't even in the Department of Homeland Security. So rather than three people not talking to each other, now you have got four people not talking to each other.

This, the TTIC, frankly cannot fit in any statutory framework because it is not part of any statute. So whatever is going on is not part of a statutory framework.

Mr. Brennan, you indicated you had hundreds of people working—your title is Director of the Center, so I assume you are talking about 100 people now working at the Center or with the Center?

Mr. BRENNAN. There are a little over 100 people who are working in TTIC right now.

Mr. SCOTT. Now, do you have a personnel budget?

Mr. BRENNAN. We have people coming from all the different partner agencies, and they bring with them their personal services dollars, along with nonpersonal services dollars, to provide them support as far as training and other types of requirements.

Mr. SCOTT. Now, who are they reporting to after they show up?

Mr. BRENNAN. I have day-to-day management responsibility for the individuals within TTIC. They are still representing their agencies. So they are assignees, again with the full authorities of their agencies.

Mr. SCOTT. And who picks them to be with your agency?

Mr. BRENNAN. It is a combination of my reaching out to those agencies and making recommendations about the type of people, as well as the agencies identifying individuals who can meet our needs within TTIC.

Mr. SCOTT. In practice, out of the 100 people, how long did you pick and how many were selected to go?

Mr. BRENNAN. I selected maybe 10 percent of them. I interviewed another 10 percent of them or so, and the others came from the agencies.

Mr. SCOTT. In addition to this, is there any other staff that you have working?

Mr. BRENNAN. I have the people that are assigned to TTIC, and I have the support of the partner agencies, and a lot of support from them, for TTIC.

Mr. SCOTT. I mean, you have got millions of pieces of information coming in in your direction, kind of floating. I mean, just mechanically, when you get all of these little bits of information, is there a staff to look at them, or are these individuals—where do these 100 individuals come in?

Who is actually looking at the hundreds and thousands and hundreds of thousands and, I assume, millions of little pieces of information? Who is looking at them?

Mr. BRENNAN. A lot of different people are looking at them. We could have a very long conversation about the disparate data sets that are available to the U.S. Government and the different types of information systems, and the difficulty of being able to search across those different information systems and databases as a result of legacy practices and procedures within individual agencies.

What we are trying to do is apply the analytical tools to make sure that we have the capability, the computing power that can identify that information which is important to our understanding of the terrorist threat. If we can narrow down the field, narrow down the volume of data, then what we want to do is to put eyes on those pieces of traffic so that we can understand it. But this is a very tedious process and a very complicated process as far as making sure that in the wealth of data that is available to the U.S. Government, we narrow it down into a field that is manageable, but also contains the dots that we are looking for.

Mr. SCOTT. Well, and I mean, so you people are working on computers? I mean, I am a little lost as to how all of this information gets out of the FBI field office and into your office.

And, well, whose idea was this? Who asked for it? Did Homeland Security come up with this idea?

Mr. BRENNAN. There was a decision made within the Administration that there needed to be—especially with the stand-up with the Department of Homeland Security and with the Department of Intelligence within the FBI, it made a lot of sense to a lot of people working terrorism issues to bring together in one integrated environment representatives from those different organizations so that there would be full access to the information that is needed in order to understand the full array of threats to U.S. interests.

Mr. SCOTT. And we thought that was what we were doing when we set up the Department of Homeland Security.

Mr. Berman, what concerns should we have, in terms of privacy, about the overlapping and duplicative information-sharing with all of these different agencies? What privacy concerns should we have?

Mr. BERMAN. Our major privacy concern is that while we have a privacy officer appointed at the DHS, we do not have guidelines in place for audits, for standards of investigation, for retention of data, for under what circumstances they are shared and what happens when there are consequences of—agencies are talking about keeping people off of airplanes because of certain information that they have collected. We want to make sure that if that information is false, there is a consequence for that.

So that privacy violations as—that might happen out of data mining or data collection have the same consequences and have the same kind of oversight as we have over the detainees by the Justice Department's Inspector General, who just issued a report saying there are violations, how do we deal with them.

A system was set in place to do that within the Homeland Security Act, but we need a status report on how that is going and what kind of guidelines are TTIC and the information—and DHS operating under. It is very uncertain, and I think that the Committee really has to press. Because what information are they collecting? How are they disseminating?

Under what guidelines should be, in my view, a publicly debatable issue. And it was, from Watergate, a debatable issue on the domestic side for the FBI; it has become less so since their new guidelines were issued in July. But DHS should be engaging in the same public process of telling us how they are going to collect what standards and what kind of technology they are going to pick.

The issues that Congress has raised about the Total Information Awareness research program and stop funding for it, and very important that privacy questions haven't been asked, but I think that is a research program.

What we have are ongoing programs of data mining and data collection, by FBI, TSA, and so forth without Congress coming together and exercising significant sufficient oversight over—under what guidelines, circumstances, standards are they doing it? And please—would you please make those public so we can discuss them?

Mr. SCOTT. Let me follow up a little bit on that same issue, because we have gotten kind of different answers to the same question.

Mr. Brennan, are you doing domestic information evaluation?

Mr. BRENNAN. We are evaluating any information that is available in terms of the terrorist threat to U.S. interests domestically or abroad, international terrorist threats.

Mr. SCOTT. International terrorism?

Mr. BRENNAN. Yes. The FBI has the lead role in terms of assessing the domestic terrorist group threat to the United States interests.

Mr. SCOTT. Well, they have primary. What about you? Do you have any role to play——

Mr. BRENNAN. At this point, no, we do not.

Mr. SCOTT. And if there is a known terrorist threat of unknown origin, are you evaluating that information if you don't know whether it's international or domestic?

Mr. BRENNAN. I don't know how it would come to us in terms of what you are referring to, this theoretical possibility. But if it is undetermined and we have access to it, yes, we are going to see if it is a dot that needs to be connected to something else.

Mr. SCOTT. Mr. Berman, are you concerned about all of this analysis of things that may be totally domestically oriented?

Mr. BERMAN. Absolutely. A threat in Oklahoma is going to be looked at by TTIC because there is a possible foreign connection. And I believe that the assumption would be, until it is ruled out, they are going to take a look at it. And even if they looked at it and it wasn't there, apparently, they are going to look very deeply into it now to see whether it came from Iraq. Or who—you know, where did the materials come from.

So we are going to have a crossover between foreign intelligence and domestic intelligence. In fact, with the lines between law enforcement and intelligence, Congress brought down because they—in some respects they are—those lines don't make sense. So you are—that transparency, that wall between intelligence and law enforcement, is down.

You can now prosecute under both FISA and investigate for law enforcement and intelligence reasons. So, therefore, you must look at the standards for investigation depending on the threat and what kind of information they need to become more intrusive.

Mr. SCOTT. The significance of that wall going down is that you can get information on the intelligence side without the traditional——

Mr. BERMAN. Traditional fourth amendment standards.

Mr. SCOTT. Probable cause. You can just get the information?

Mr. BERMAN. You can get the information.

Now, if it is—if you have a—now, if you have a FISA warrant on a terrorist organization, or someone aiding or someone abetting, you can get significant third-party information on any information relevant to that investigation whether—regardless of whether it pertains to the target of the investigation. So it can be everyone in the apartment building that you are living in, because they suspect that you are a terrorist.

I didn't mean that, Mr. Scott, but——

Mr. SCOTT. Well, none of that information is protected, because it is going to be shared over all——

Mr. BERMAN. It can be shared. It is under no—we have done a chart at my organization of restrictions from different statutes; and we have red lights for warrants, and green for the Government gets it with a piece of paper, or with nothing, no, just give it to us. And it looks like the whole country of personal information went green. It is a green light.

Now, I am not saying that we should—that they may not need some of that information, but that is enormous discretion. And that discretion should be bound by guidelines, rules and accountability. And the only reason that we are sitting here and not—you know, we don't know what is going on, and because we haven't had a second 9/11, we—there is—that is both a—that is a blessing.

But we certainly, before we have another one, ought to know who goes into the different boxes and what the boxes are for standards, collection, dissemination and so forth. And that is a public policy issue that this Committee needs to address.

Chairman COX. The gentleman's time has expired.

Does the gentleman from Texas wish to be recognized for a concluding statement?

Mr. TURNER. Thank you, Mr. Chairman. Our thanks to all four of you for your testimony today. It is my hope that out of it, we can continue to further define and specify the various responsibilities that each of you has so that we can be more efficient and effective in the way that we carry out this task.

I know, Mr. Parrish, you have plenty of room to grow in terms of the development of your agency and the particular division of your agency. We were all shocked to hear a few weeks ago from Mr. Redmond, as we were pursuing our efforts to develop the Project BioShield legislation, to learn that you have only one analyst in the department that knows anything about the threat of bioterrorism and the vulnerabilities that we face.

I would assume you are probably in a similar posture today. But I also know that your intent would clearly be to expand that manpower to ensure that we can deal with that effectively.

So all of you have a very tremendous responsibility, one that I know all of you take very seriously, and all of you, I hope and am confident, carry out your task with the sensitivity to the issues that Mr. Berman raised today.

So we want to be supportive of your effort. But we also want to know that you are accountable to the Congress, and that the intent of the Congress and the legislation that we have passed in the De-

partment of Homeland Security Act will clearly be carried out and the full realization of its purpose will be achieved.

But we thank you, and we appreciate the good work that all of you do. Thank you, Mr. Chairman.

Chairman COX. Thank you.

I too want to join in thanking our witnesses, Mr. Brennan, Mr. Mefford, Mr. Parrish, Mr. Berman, you have been very patient and very helpful. I think the Committee has gained, our Members and our staff, a much better appreciation of the jobs that you are seeking to discharge, the responsibilities that you carry.

And I think, just as there is a difference at this juncture between the Homeland Security Act, and the Department itself, because it is a work in progress, so too there is a difference between what on paper we have set out to do with TTIC and where we are finding ourselves at present.

This is a people business. And the three of you, Mr. Berman, not being a member of this group for this purpose, the three of you sitting at this table have as much reason simply to talk to each other as to consult with your lawyers about how, allegedly, you are to interact.

And I do hope that you will infer from the questions that we put to you some of Congress' aims, some of our aims in the House of Representatives, with respect to both the Department of Homeland Security and TTIC.

TTIC, which is led by the CIA, most importantly, from the Chairman's standpoint, must not be allowed in any way to impair the development of the Department of Homeland Security. That is the Hippocratic Oath for homeland security; First, do no harm. Our aim, as it has been represented by the witnesses today, is far from doing any harm: to multiply our force, to make the Department of Homeland Security more effective at what it does, to make the FBI more effective at what it does, to make the CIA, likewise, more effective, and all of the participants within TTIC. I know that is your aim, and I hope that we can make that happen.

Second, the Department of Homeland Security's information analysis responsibilities are global. I think it is vitally important for us to recognize going in—both going into the construction of that capability within the Department of Homeland Security and going into TTIC—that that is so.

I will say that as a Member of Congress, my estimation of the scope that we have planned for the IA function within the Department of Homeland Security is modest. At 150 analysts, as compared, for example, to the 300 analysts already put in place over the last year at NORTHCOM, is not an overpowering ambition. I hope that the statutory—but it is not my job, and the statute certainly doesn't say how many numbers of analysts that we have to have to determine what that figure is.

But I hope that we do focus on results and that we have enough people, enough resources, to do that job; and that we set out to accomplish it as rapidly as possible.

And, lastly, I have inferred from this hearing that the Terrorist Threat Integration Center is a good thing. I am glad we have it because it works, because it is functioning in a way that even with

the best of intentions and armed fully with congressional statutory language, the Department of Homeland Security cannot do this yet.

But the Department of Homeland Security is beginning to do this, and I hope that whereas presently we don't have, therefore, too much redundancy, as that redundancy inevitably develops, that we do scale back what we are doing at TTIC, and that we not seek simply to morph it into something else. Because—after all, it is there, and the rule of bureaucracy is that things never go away—I think it would be vitally important for us to recognize that that, in the long run, would not contribute to homeland security, but actually contribute to a diffusion of responsibility.

This is for the Congress, as well as for the executive branch, a work in progress. And I look very much forward to working with all of you.

I want to end with a comment that I made earlier, in the middle of the hearing, which is that I and, I think, every one of us, has enormous respect for you gentlemen and for what you are doing—and in that group, Mr. Berman, you are included—both within and without the Government.

Homeland security more than any other function in the national security area is involving the private sector, and so we have got to do this together.

We have kept you here very late tonight. You have been absolutely stalwart, and so we look forward to working with you in shorter bursts in the future. Thank you for being here today.

The hearing is adjourned.

[Whereupon, at 5:10 p.m., the joint Committees were adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE JAMES R. LANGEVIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF RHODE ISLAND

Opening Statement of Representative James R. Langevin (RI-02)
Joint Hearing of the Select Committee on Homeland Security and the Judiciary Committee
Regarding the Terrorist Threat Integration Center (TTIC)
July 22, 2003

Mr. Chairman, thank you for the time, and I greatly appreciate your decision, and that of Chairman Sensenbrenner, to hold this important hearing. For months now, I, and many others on this Committee, have struggled to understand the respective roles and responsibilities of TTIC and the Department of Homeland Security's IA/IP Directorate, and I hope that today's hearing will finally provide some of the answers we have sought. I want to thank our distinguished panel for being here today to help shed some light on this issue.

One of the most important issues facing our Committee is that of integration and cooperation among the different intelligence agencies – we need to know how DHS is receiving and analyzing information, what kind of intelligence the agency is getting, whether the process is efficient and streamlined, and whether DHS and the rest of the intelligence community understand their roles and obligations clearly enough to ensure there is neither too much overlap, nor too much falling through the cracks.

Along these lines, it is absolutely critical that we look at the relationship between TTIC and DHS. To many of us, their roles sound strikingly similar, and it has yet to be made clear how they will interrelate and work together. I look forward to getting some clarification from our witnesses about the responsibilities of each, as well as how DHS is fulfilling its statutory mandate with regards to information collection and analysis, given the creation of TTIC for what appears to be the same purpose.

In addition, we must ensure that our state and local law enforcement agencies are properly equipped to share information with, and receive intelligence from, the federal intelligence community. I hope to hear from our panel about what mechanism exists for gathering information from law enforcement and other first responders, and whether state and local personnel are receiving sufficient intelligence from DHS to effectively allocate personnel, funding and other resources.

Finally, as we endeavor to identify threats before they become real dangers, we must be ever vigilant of the civil liberties of our citizens. Protecting the homeland does not need to run counter to protecting privacy and freedom. We should make sure that intelligence tools are used judiciously, and we must work always towards a balance that ensures both security and liberty. I look forward to hearing Mr. Berman's thoughts on this issue.

Again, let me express my appreciation to both Chairmen for holding today's hearing, which I think is one of the most important we have had so far. I thank our witnesses for their participation and eagerly await their testimony.

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,

Cynthia R. Bower
for John O. Brennan

Enclosure

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?

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?)

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.

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.

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.)*

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.

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.

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

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.

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.

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?*

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.

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.

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);

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?

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.

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

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.

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.

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.

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.

UNCLASSIFIED

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

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

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,

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

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.

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.

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 Judicary 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 entitities are now involved in analyzing essentially the same intelligence?*
c. *Is there duplication?*

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.

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

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

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

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

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

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

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

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.

UNCLASSIFIED

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

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."

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

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

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."

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 Maser 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.