

## Intelligence Integration: A Congressional Oversight Perspective

*Interview with Jon Rosenwasser*

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*In the aftermath of 9/11, what do you think were the most important issues that the ODNI was created to address? What issues were not covered in IRTPA?*

In creating the Office of the Director of National Intelligence (ODNI), the IRTPA principally addressed three failures. The first was the Intelligence Community's poor operational integration and collaboration evident on 9/11, particularly between its foreign and domestic components, and its poor collaboration with the law enforcement communities. In the months prior to 9/11 there were troubling indicators everywhere. The system was "blinking red," as then-Director of Central Intelligence George Tenet recalled, but the IC was unable to integrate disparate intelligence threads into a coordinated, persuasive presentation of intelligence adequate to cause policymakers to implement more aggressive counterterrorism policies. Central to this critique was that the IC suffered from a "failure of imagination" to envision low-probability/high-consequence events (like terrorists hijacking commercial airplanes and flying them into iconic buildings). The creation of the ODNI as an institution, separate from CIA, was meant to foster greater functional integration across the IC, while the creation of an intelligence division in

FBI was meant to strengthen connective tissue with the law enforcement community.

The IRTPA was also a result of the disastrous consequences of the IC's errors assessing Iraq's WMD program. To many, it seemed as if the IC had fallen prey to the politicization of intelligence—the most damning accusation to level at the analytic community—to hew to the view that Saddam Hussein was harboring an active WMD program. IRTPA's codification of standards for analytic integrity and creation of an IC analytic ombudsperson were designed to address these issues.

The third failure was one of organizational design in the counterterrorism community. The government needed a more robust and stable bridge between agencies focused on events abroad (principally the IC) and those focused on events at home (principally FBI and state and local law enforcement, and then the Department of Homeland Security). IRTPA addressed this by creating the National Counterterrorism Center in ODNI and bestowing it with: a governmentwide strategic operational planning function; authorities that covered both foreign intelligence and handling of sensitive data on US persons; and staffing it with personnel with foreign intelligence, military, and domestic law enforcement backgrounds.

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The IRTPA was noteworthy for what it did not do. It did not create a US version of Britain's MI5 to deal with domestic intelligence matters. It also did not create a Department of Intelligence, instead reaffirming the confederated nature of the US intelligence system, with IC elements tethered to departments and their statutory missions (with the noteworthy exception of CIA and now ODNI). Finally, it did not fundamentally change the collection authorities outlined in Executive Order (EO) 12333. The IRTPA left the basic authorities of the IC intact.

*After the passage of IRTPA, what were the DNI's relative strengths and weakness in terms of the authorities, resources, and tools needed to advance intelligence integration? How did these evolve over time?*

The ODNI has proved to be remarkably resilient and adept, despite its congenital constraints. The IRTPA specified that the DNI was the principal intelligence adviser to the president and the NSC; had the exclusive authority to develop, determine, and implement the National Intelligence Program (NIP) budget (now separated from the Military Intelligence Program [MIP] that supports DoD's tactical intelligence requirements, which remained under DoD's control); and was head of the IC. In addition, the IRTPA codified the DNI's roles over the IC in a number of different areas, including maintaining analytic integrity and standards, leading the science and technology

enterprise, overseeing foreign intelligence relationships, setting personnel policy, setting priorities for collection and analysis, and managing standard headquarters functions, like budgets and information technology.

In addition, the IRTPA created two mission centers—NCTC and NCPC; created an Intelligence Advanced Research Projects Activity (IARPA, modeled on DoD's Defense Advanced Research Projects Agency); and absorbed the National Counterintelligence Executive (now the National Counterintelligence and Security Center). In all of these areas, the ODNI has taken up the mantle of leading the Community: from managing the PDB to overseeing the budget and programmatic process for the NIP. IC elements have generally sought the DNI's leadership for issues that affect the Community at large.

There was an important unanticipated role that the DNI would play—serving as a political heat shield for the IC and the White House when politically thorny intelligence matters surfaced. Reauthorization of sections 215 and 702 of the Foreign Intelligence Surveillance Act; public scrutiny of the CIA's rendition, detention, and interrogation program; and Edward Snowden's unauthorized disclosures were but three cases in which the DNI assumed a prominent public role—while allowing other IC elements to remain in the background. The DNI became the public face of intelligence on behalf of the

administration, absorbing political attention that would have otherwise been trained on the operational activities of the NSA and CIA.

The DNI's formal authorities in the IRTPA appeared clear on the surface, but they were circumscribed by those in Congress, CIA, and Defense who wanted to limit the DNI's power. Under section 1018 of the IRTPA, no departmental authorities were abrogated, meaning that the DNI lacked authority, direction, and control across the IC except within ODNI. As such, the Washington national security ecosystem was only partially affected by ODNI's creation.

Most notably, the CIA retained significant access to the White House, partly the result of its long heritage in leading the Oval Office presentations of the PDB, regular presence at NSC meetings, and its role in covert action (a uniquely presidential foreign policy tool). And, DoD through its newly created undersecretary for intelligence (USDI, now undersecretary of defense for intelligence and security) exercised greater control over the defense intelligence enterprise—NSA, DIA, NGA, the NRO, intelligence components of the military services, and other specialized capabilities.

Second, ODNI was constrained by the capacity of its workforce. It was able to attract significant talent at the top-levels of the organization with storied figures like Michael Hayden, Tom Fingar, and Mary Margaret Graham joining the leadership. But in the early years, ODNI had difficulties recruiting quality staff officers from the IC, given hostility toward the ODNI and uncertainty over whether the organization would endure. As such, the ODNI resorted to hiring

methods any new organization in Washington might employ: targeting personnel with limited experience, offering promotions to make the uncertain career move attractive, and hiring a large quotient of contractors. The ODNI had sprawling functions and authorities but wound up with a workforce only partially equipped to fulfill them.

Over time, the ODNI generally found an equilibrium. It made peace among rivals. It integrated the PDB under its own auspices, with CIA as the executive agent, and it broadened IC participation to include analysis from agencies other than CIA. As DNI, Dennis Blair tested the proposition of not necessarily selecting CIA station chiefs as the DNI's representatives, but the White House under President Obama rejected that notion, ensuring CIA's principal role in foreign liaison relationships.

Internally, the ODNI settled a few sources of instability. After initially being located at CIA headquarters and then DIA, ODNI principally moved into a campus in McLean, Virginia, known as Liberty Crossing. It adopted a durable model to maintain the balance between ODNI cadre (permanent staff) and those on joint duty from the rest of the IC, complemented by contractors, who provided expertise, continuity, and capacity.

The ODNI developed a reasonable division of labor with DoD, establishing "lanes in the road" between the NIP (under the DNI's control) and the MIP (under the secretary of defense's control) and dual-hatted the USDI as a Deputy DNI for Defense Intelligence to formalize DoD's consultative role.

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One source of instability that has remained is in leadership. While Jim Clapper endured for six years as DNI, others have had far briefer tenures. The particularly tumultuous tenures of Acting DNI Ric Grenell and DNI John Ratcliffe during 2019–20, in which the objectivity of the organization's leadership was called into question, represented a nadir in the ODNI's credibility. Avril Haines, the first cabinet-level official of the Biden administration to be confirmed—appears to have stabilized the ODNI's role in the IC and its accountability to Congress and the public.

*How did the oversight committees' roles change with IRTPA?*

For Congress, a primary benefit of the IRTPA was modest centralization in its oversight target, much in the same way that the National Security Act of 1947 and the Goldwater-Nichols Act of 1986 allowed the armed services committees to focus their oversight on the secretary of defense and the chairman of the Joint Chiefs of Staff. The DNI is a weaker figure than either the secretary or the chairman, and the IC is not a department, so the intelligence committees still oversaw CIA, NSA, and other IC elements directly, but now they could use the DNI to address issues that spanned multiple IC elements or extended to the policymaker community.

Although this was not an explicit goal, the creation of ODNI has also generally had the impact of allowing

the congressional intelligence committees to delegate basic oversight of the IC's elements to ODNI, while it focused on strategic issues facing the IC and their consequences for policy. This question can be looked at by differentiating between the committees' roles as customers of intelligence and overseers of intelligence.

As customers of intelligence, the congressional intelligence committees generally welcomed the creation of the DNI. Under the pre-IRTPA DCI construct, while the committees theoretically could have benefited from competing sources of intelligence, in practice they normally defaulted to CIA because the DCI construct favored the CIA. The existence instead of a DNI has, almost paradoxically, generally afforded the committees with greater access to competing perspectives and assessments from across the IC, enriching its understanding of the global environment.

As overseers of intelligence, the committees have similarly lifted the committees' gaze. Before the advent of the DNI, when the committees had a question that spanned multiple IC elements, they needed to canvas each of them separately, standardize the inputs they received, and draw their own conclusions. With the ODNI in place, the committees could rely on ODNI frequently for that entire data collection and analysis effort to the ODNI. The committees no longer need be mired in the details of each IC element's activities and can reserve energy for strategic

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assessments. The confederated nature of the IC allows the committees to still address concerns at individual agencies, but generally now the questions they pursue are fewer and more focused.

*Initially, what were some of the more successful steps the DNI took to advance intelligence integration?*

The DNI initially drove integration on five fronts:

- The first was in 2008 to update EO 12333, the foundational presidential directive on intelligence authorities. The document had been written in 1981 and needed to be updated to reflect changes in the threats, departmental authorities, and the creation of the DNI. The DNI championed this effort at the end of the Bush administration and successfully stewarded a rewrite of this complex executive order for the NSC.
- The second was the Comprehensive National Cybersecurity Initiative in 2008, which served as an important foundation to focus government-wide efforts to advance cybersecurity. Cybersecurity had been recognized as a growing area of national vulnerability that needed coherence and rigor, but lacked conceptual or programmatic coherence. The DNI integrated the views of the FBI, NSA, CIA, and others in a manner that would previously have been quite difficult and helped galva-

nize an action plan to which the IC could contribute.

- Third, the DNI played a central role in personnel vetting reform, leading updates to adjudicative and investigative guidelines that stood at the heart of how the government grants access to classified information, i.e., security clearances. A 2008 executive order would ultimately name the DNI as the government's Security Executive Agent, which was statutorily codified in the Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020.
- Fourth, the ODNI tackled several thorny Community-wide policies and shared services. It codified a joint duty policy to facilitate personnel moving across the IC, managed controlled access programs to ensure their security, and set standards for data's accessibility and discoverability. It also created a classified information technology backbone, known as the IC IT Enterprise (ICITE), and managed the National Intelligence Priorities Framework to help agencies prioritize their analysis and collection efforts.
- Finally, pursuant to the IRTPA, the ODNI absorbed the National Counterintelligence Executive (now the NCSC), in recognition of counterintelligence's national importance and consequence as a part of the bigger IC. CI had long been fragmented among FBI, DoD, and the IC, leading

to strategic vulnerabilities from adversarial states with aggressive intelligence capabilities. The IRT-PA brought CI under the broader intelligence umbrella, integrating the two interrelated functions and allowing the ODNI to more effectively advocate for CI in inter-agency decisionmaking venues.

An important mission area where the ODNI has begun to integrate intelligence efforts is the space domain. As the threats have become more abundant and space capabilities more affordable, the need for interagency coordination has grown. The DNI has effectively aligned the requirements, capabilities, operations, and budgets of the IC with those of DoD.

*From an oversight point of view, what are the key measures or indicators in determining successful intelligence integration? How do the committees acquire and track this information?*

Successful intelligence integration generally means that when IC agencies present analysis and findings to policymakers and Congress, they have already consulted and coordinated within the IC, which committees previously often had to do themselves. Simply asking the question, "Have you consulted with other elements in this work?" is one way to achieve integration. The committees do not keep track of the answers, instead relying on a general sense as to the extent of IC integration.

*Can you comment on the respective roles of the NIMs and the NIOs and the relationships between these two types of IC leaders. How effective have the NIMs and NIOs been in carrying out the DNI's goals?*

Since the creation of the NIC in the 1970s, the NIOs have been the government's leading intelligence officials on a range of regional and functional topics. They were the leading briefers at interagency meetings and presented the IC's coordinated view in national intelligence estimates, intelligence community assessments, and other products. But they never fulfilled the ambition of reviewing, evaluating, and advocating for the Community's broader posture against their mission areas—the adequacy of the various kinds of collected intelligence, the robustness of the workforce, counterintelligence risks and opportunities, and the appropriate level of resources, etc.

ICD 900 on mission management gave the DNI authority in certain areas, which were used to empower NCTC for the counterterrorism mission and NCPC for the counterproliferation mission.

The principal conceptual innovation for the IC under DNI Jim Clapper was creation of National Intelligence Managers to fulfill that ambition across the rest of the IC's missions. The NIOs in his judgment were analysts and neither postured nor inclined to fulfill the broader mission management function. In his view, the NIMs would be the leaders of their mission areas, supported by an NIO, a National Intelligence Collection Officer, and a National Counterintelligence Officer. The NIM would then serve as the one-stop for customers and oversight.

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The reality has been a mixed picture. The “voice of the mission” is now far louder and clearer in ODNI decisionmaking forums about resource investments and collection priorities. When tradeoffs need to be made, the mission impact is now far more readily available and heard. That is a welcome contribution to quality ODNI decision making.

However, the authority and effectiveness of the various NIMs have been uneven. The IC has historically not cultivated such cross-trained senior officers, unlike the military, which systematically prepares officers to lead at the next level of command. The IC trains, develops, and promotes analysts, collectors, and other specialists within each professional sub-discipline, although they may get exposed to multiple topics during their careers. As such, the NIMs have varied in acumen and ability.

In interagency deliberations and before Congress, which official—the NIM or the NIO—represents the IC (or serves as the “plus one” for the DNI) is not consistent, undermining building durable and predictable relationships. And for purposes of oversight, the number of officials has now doubled, leading to confusion and fractured accountability. When a committee wants the IC-wide perspective, does it enlist the NIM or the NIO? The answer, “it depends,” neither breeds confidence nor repeatability. Given that swirl at ODNI,

interagency partners and congressional oversight committees look to other IC elements who have more coherent representation and are fierce advocates for their capabilities, most notably CIA which has regional and functional mission centers.

*As the head of the IC, how has the DNI promoted a more collaborative working relationship among the IC agency leaders?*

The DNI-led governance mechanisms have provided credible venues through which the IC's leaders gather, discuss, and address issues they collectively experience. Despite the lapse in the regular usage of these venues during the last part of the Trump administration, they remain the principal forum for the IC's leadership. The DNI's multiple subordinate bodies—e.g., the National Intelligence Analysis Board, National Intelligence Collection Board, IC Requirements Council, IC Chief Financial Officer Council, IC Chief Human Capital Officer Council—provide additional opportunities for collaboration. Each seems to provide an indispensable glue for their communities of interest to enable shared work.

*Overall, looking across the ODNI's 16 years, to what extent has the DNI succeeded in advancing intelligence integration? Where has it fallen short?*

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The ODNI has significantly advanced intelligence integration since its creation in 2005. Intelligence's multiple facets and capabilities are more tightly woven than ever before because of ODNI efforts on personnel policy, IT, and governance. It has fallen short in fully executing its authorities, including over budgets and personnel, and in representation of the IC to Congress. This is for three reasons.

- The first is that the ODNI has suffered from an enduring perception that it is too large (although a review of its many statutory functions justifies much of its size) and a steady stream of efforts to limit its growth and influence.
- Second, stakeholders—other IC elements, congressional committees, Office of Management and Budget and the National Security Council—did not all immediately embrace ODNI and needed to learn how to work with it.
- Third, CIA tended to have equal, if not at times greater, access to the White House resulting from its seven decades of experience supporting presidents, its responsibility for executing covert action (a function with a distinct presidential imprimatur), and a tremendously expert staff (especially in contrast to the early ODNI staff cadre). Areas where the ODNI still has room to grow in advancing intelligence integration include more analytically based resource decision making, workforce management and development, and commonality in security protocols.

The DNI's shortfalls are less attributable to ODNI's acumen than a reflection on what our political leaders want from centralized management for the IC. The DNI's role over the IC is first and foremost derivative of what a president wants of it, and for the most part, presidents have not wanted to change the status quo. A more integrated intelligence enterprise under DNI leadership may mean that the IC will be more effective, but also more powerful, with incumbent risks of abuse and malfeasance.

Since 1947, the IC has operated as a confederated enterprise in part to keep it structurally weak and check the power of the IC. The transgressions that surfaced in Church and Pike investigations in the 1970s affirmed that lesson. Even though a Department of Intelligence was debated, creation of far stronger centralized management of intelligence was rejected during development of the IRTPA. Instead, our political leaders have opted for an intelligence system fragmented across the government, control by multiple federal departments with intrusive oversight exercised by multiple congressional committees.

*What do you think the next decade will bring for intelligence integration?*

The pursuit of intelligence integration is inevitably shaped by the times in which it operates, much as the military's jointness has been influenced by actual warfighting experience.

Whereas the last 20 years has been defined by battling terrorism sponsored by al-Qa'ida and then ISIS in the Middle East and globally, the purposes and practices by which the IC will integrate will likely change over the next decade. These changes are likely to be driven by the evolution of the terrorist threat, the return of great-power competition with China and Russia, the rise of racially and ethnically motivated violent extremism, changes in adversary behavior, the evolution of transnational issues (such as health, the environment, finance, crime, drugs), and the rise of authoritarian or illiberal governments.

We can expect an increasing focus on such matters as cybersecurity, space protection and resilience, counterintelligence (to include foreign malign influence and disinformation), civil liberties and privacy, and transnational issues (health, crime, finance, etc.) as the focus on counterterrorism continues to ebb. Areas like these inherently sit at the seams of government and business and government and society, and across level of governance (local, state, national, and international). Many of these areas do not center on classified information, pushing the IC to increasingly engage in public. Stitching these seams is only partly achieved by statute, government regulation, and government organization; it will equally be achieved through the more indirect methods of technology and people.

That last point bears specific amplification. Since World War II, intelligence has been predominantly a matter for government, conducted by a career workforce in secure facilities.

That traditional model is changing in two ways. First, the workforce increasingly operates asynchronously (people do not need to work at the same time); remotely (people are working increasingly from great distance from one another); and discontinuously (people move in

and out of government). Second, a significant portion of the IC workforce is made up of contractors with different incentives and interests than staff officers. Finally the IC workforce culture is in flux with different perspectives on gender, race, career advancement and mobility, time, and

even the role of government than previous generations held. Integrating across these emerging perspectives is not unique to intelligence, but may deserve special attention because of intelligence's unique operational requirements.



The author: Jon Rosenwasser is the budget and policy director for the Senate Select Committee on Intelligence, where he has served since 2013. He also oversees the ODNI. Rosenwasser previously served in the ODNI, NIC, and the Center for the Study of Intelligence. The views presented here are his own and do not necessarily represent the views of the Committee, Chairman Mark Warner, or Vice Chairman Marco Rubio.

