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Business Executives for National Security (BENS) is a non-profit, non-partisan organization that for over 30 years has served as the primary channel through which senior executives can help build a more secure America. Leveraging the collective expertise of its national membership, BENS applies best business practices to public sector challenges in order to help strengthen the nation's security and improve the performance of government agencies.

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EXECUTIVE SUMMARY

Domestic Security: Confronting a Changing Threat to Ensure Public Safety and Civil Liberties

The terrorist threat to the United States has not abated. Instead, it is fundamentally different than it was on September 11, 2001: greater numbers; more sophisticated communications strategies, including through the use of technology; decentralized leadership and geographic dispersal; homegrown radicalization; and returning foreign fighters.

As the terrorist threat to the United States continues to evolve and adapt, so too must our domestic counterterrorism efforts. An effective domestic counterterrorism strategy that can enhance public safety requires a stronger linkage with state and local law enforcement and clear federal leadership. The efforts conducted pursuant to this strategy cannot violate our society's expectations for personal privacy and must be conducted within constitutional standards, complementing and reinforcing our civil liberties.

The changing nature of the terrorist threat puts ever-greater emphasis on the need for the domestic counterterrorism posture to be as agile and as effective as possible. It places heightened importance on the ability of federal, state, and local governments to acquire, process, and share high-value information rapidly and securely, using common standards and procedures. Although it is unrealistic to expect that every attack can be prevented, it is vital to improve the preparedness of our domestic counterterrorism enterprise, including the private sector, to better ensure domestic security and resiliency in the face of these evolving and persistent terrorist threats.

Business Executives for National Security (BENS) undertook a project to assess whether the many reforms enacted after the September 11, 2001 terror attacks are still effective at confronting a changing terrorist threat. This report considers the extent to which information sharing between federal, state, and local agencies is efficient and responsive; organizational missions are clearly defined; federal leadership is effective at articulating national domestic counterterrorism priorities and supporting state and local efforts; and workforce initiatives at the federal, state, and local levels are effective at maintaining a cadre of skilled intelligence analysts. While this report primarily examines U.S. domestic counterterrorism systems and processes, it does explore broader issues associated with domestic intelligence efforts in connection with other domestic national security threats.

To address these objectives, a Member Task Force composed of four New York based BENS members conducted a dedicated primary research effort. Over a period of three years, the Task Force met with over 100 senior and knowledgeable people in the intelligence community, its overseers, managers, and consumers, including visits to fusion centers in six states and meeting with a number of state and local law enforcement agencies. Among the federal agencies, the Task Force met with senior leaders in the Office of the Director of National Intelligence (ODNI), the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), the National Counterterrorism Center (NCTC), the National Security Council staff, and the profes-

sional staff of the Intelligence and Homeland Security oversight committees in both houses of Congress. This effort was complemented by a review of the relevant literature, including the after action reviews of the 2009 Fort Hood and 2013 Boston Marathon attacks.

From this effort, the Task Force discovered broad agreement that improvements in the domestic security structures and processes are needed. Drawing upon its knowledge and understanding, the Task Force produced an initial summary of its findings and potential recommendations. BENS then convened a 20-person Practitioners Panel which reviewed the Task Force's findings and recommendations and identified the most salient and immediately-actionable recommendations. The Panel was comprised of current and former high-level officials from the state, local, and federal levels, as well as noted subject matter experts. BENS next reviewed those identified recommendations with major stakeholders to solicit their input and ideas, including with relevant Congressional Committee staffs, and senior leaders at DHS, FBI, and ODNI. The recommendations in this report are the result of those reviews.

We offer one caveat: none of the involved agencies are maintaining the status quo. Change and progress has occurred since our research and the report's preparation concluded. While the details may have changed, however, the central themes of our recommendations remain valid.

What BENS Found Overall:

There is widespread agreement that our domestic security apparatus must be improved. Our law enforcement and intelligence agencies are operating without an enterprise-wide concept at the federal level. This shortcoming impedes the federal government's ability to optimally con-

duct domestic intelligence activities in support of counterterrorism and related missions and to provide effective oversight of these activities. It also hinders its ability to fully support and use the 800,000 law enforcement officers at the state and local levels in the national effort.

What BENS Recommends:

The ensuing recommendations represent those actions that the Practitioners Panel believed offer the most immediate path for substantive improvement to the United States' domestic counterterrorism posture, while also enhancing civil liberties protections. They include:

- **Establishing integrated fusion centers** located in the highest-threat areas by enhancing analytic capability and collocating selected federal intelligence components – such as from the FBI Joint Terrorism Task Forces (JTTFs), Field Intelligence Groups (FIGs), National Mission Cells, and other relevant federal national security intelligence entities – with state and local law enforcement.
- **Increasing the mutual awareness of state and local law enforcement** and FBI Joint Terrorism Task Forces by creating mechanisms to ensure that information about current counterterrorism investigations is shared with state and local partners in real-time, and that closed case information is likewise provided to state, local, tribal, and territorial (SLTT) assets so that they can determine whether to pursue independent investigations;
- **Enhancing intelligence analyst capabilities and interoperability** through the development and application of high-quality, standardized training for intelligence personnel at all levels of government and the application of Goldwater-Nichols style

joint duty and joint training protocols;

- **Encouraging the service and retention of high-quality analysts** through career path enhancement and incentives;
- **Bringing greater federal focus on domestic intelligence structures and processes** by assigning a Deputy-level officer at the Office of the Director of National Intelligence to manage the programmatic aspects of the federal domestic intelligence effort, and enhancing the use of the Domestic DNI Representatives to bring strategic coordination to the myriad federal agencies operating in the field;
- **Establishing a domestic threat framework** through an annual, interagency process to assess and prioritize domestic threats and intelligence needs;
- **Enabling better coordination and management of federal intelligence efforts** by including within the definition of the Intelligence Community (IC) those federal entities that undertake domestic intelligence activities but are not now included as members of the IC; thereby enhancing strategic planning and budgeting, and affording intelligence-based oversight of their activities;
- **Strengthening the intelligence culture at the FBI** by (i) creating a reporting relationship, as determined by the FBI Director, for the Executive Assistant Director (EAD) of the Intelligence Branch to the Office of the Director of National Intelligence with respect to intelligence priorities and community management (while preserving its direct reporting relationship to the FBI Director for operational matters); and (ii) enhancing internal recruitment, training and talent management programs for its

intelligence analysts;

- **Enhancing the capabilities of DHS' Office of Intelligence & Analysis** by focusing its attention on those missions unique to it, such as critical infrastructure protection; border and transportation security; aggregation of intelligence information from DHS subcomponent agencies (such as Customs and Border Patrol); and providing leadership and assistance to the integrated fusion centers and the remainder of the fusion center network, especially programs for countering violent extremism; and
- **Improving Congress' ability to provide oversight of domestic intelligence activities** by having all domestic intelligence activities authorized and overseen by the Intelligence Committees, and by creating an Intelligence Appropriations Subcommittee in each chamber to appropriate funds to support those activities.

These recommendations do not represent an endpoint for change nor are they a finite solution to confronting the terrorist threats to the homeland. Change must be a constant effort. As the terrorist threats continue to change and adapt, so too must our domestic counterterrorism structures. Failure to adapt will leave the United States vulnerable to terrorist threats that are increasingly difficult for our current structures and processes to manage. If enacted however, the recommendations will move the needle toward increasing the operational efficiency of our domestic counterterrorism enterprise, with proper attention to constitutional protections, at a time when federal, state, and local public safety officials are increasingly aware of the evolving threat and a new Congress provides an opportunity to legislate accordingly.

The Case for Change

Why Now

In the nearly fourteen years since al-Qaida attacked the United States on September 11, 2001, it has been degraded, its senior leadership scattered, and its capacity to orchestrate another major attack on the homeland reduced. Yet, the terrorist threat to the United States has not abated. Rather, it has evolved, becoming more diffuse and decentralized but no less determined to attack the American homeland or our interests.

Moreover, the United States faces a growing threat from homegrown violent extremists and self-inspired radicals as technology makes it easier for al-Qaida and other extremist groups to spread their virulent ideology. The 2009 Ft. Hood shooting and 2013 Boston Marathon bombing illustrate the threat from self-inspired radicals. The Islamic State's (IS) adroit use of social media to inspire and recruit Western European and American sympathizers illustrates the challenge for the United States, as do the 18,000 fighters trained and battle-hardened in the Syrian and IS conflicts,¹ 3,000 of whom are estimated to hold Western passports and are now returning to their home countries.

The fragmented threat environment created by individuals and organizations with transient affiliations poses a unique challenge to American domestic counterterrorism efforts. Indeed, in 2014 Director of National Intelligence James Clapper identified the "diversification of terrorism ... loosely connected and globally dispersed ... as exemplified by the Boston Marathon bombing and by the sectarian war in Syria," as a potential threat to the homeland.²

Of particular concern to law enforcement and intelligence officials are homegrown violent extremists (HVEs) and self-inspired radicals with little or no organizational support. In 2013 former National Counterterrorism Center (NCTC) Director Matthew Olsen stated that "Homegrown Violent Extremists... remain the most likely global jihadist threat to the Homeland."³ Director Olsen characterized the scale of this threat as "a handful of uncoordinated and unsophisticated plots."⁴ Similarly, FBI Director James Comey has asserted that "These individuals present unique challenges because they do not share the profile of an identifiable group. Their experience and motives are often distinct, but they are increasingly savvy and willing to act alone."⁵

The 2009 Fort Hood shooting and 2013 Boston Marathon bombing, however, demonstrated that smaller scale terrorist attacks can still disrupt our daily lives. The 2014 shooting in Ottawa, Canada, and recent 2015 attack in Paris, France by individuals purported to harbor extremist sympathies are further evidence that threat from the homegrown or small-scale terror attacks is persistent. Although smaller in scale the potential threat vectors of these challenges are proliferating as jihadist propaganda continues to implore individual action, and as Western passport holders' flock to the Syrian front. While it is unrealistic to ask our law enforcement and intelligence officials to interdict every potential attack, it is clear these smaller scale threats must be more efficiently and effectively managed.

As these threats continue to adapt so too must our Nation's domestic counterterrorism efforts. Specifically, our ability to manage a durable and dynamic terrorist threat must be improved, as must our capacity to identify emerging threat patterns and prepare actions against them. Terrorism is a long-term challenge, and it requires a long-term commitment to address it.

The changing nature of the terrorist threat now puts ever-greater emphasis on the need for the domestic counterterrorism posture to be as organized, as nimble and as effective as possible, with continued attention to the protection of civil liberties. Further, it places heightened importance on the ability of federal, state, and local governments to acquire, process, and share high-value information rapidly and securely, using common standards and procedures.

Although the post-9/11 reforms to our intelligence and homeland security structures were significant, and many improvements have ensued, the United States still lacks a cohesive domestic counterterrorism strategy with the capacity for coordinated execution at all

levels of government. With no clear federal leader orchestrating U.S. domestic intelligence efforts, state and local law enforcement entities remain underemployed assets and federal efforts remain disparate. These deficiencies reduce our national capacity to effectively identify and manage terrorist threats.

U.S. domestic counterterrorism efforts must be part of a broader domestic intelligence capability that can confront a full spectrum of domestic threats within transparent legal boundaries and with proper respect to civil liberties. Protecting civil liberties is an essential component of our national value system, and ensuring such protections is essential to maintaining public support for the Nation's domestic security efforts. As such, although this report primarily examines domestic counterterrorism structures and processes, it does discuss broader issues associated with national domestic intelligence efforts in connection with other threats, including those that cut across neat bureaucratic definitions. None of the recommendations presented are threat-specific, and if implemented they will all increase our national ability to remain agile in confronting the diverse array of domestic threats.

A Business Perspective on Counterterrorism

Applying common-sense, business-style analysis to complex problems of national security is what Business Executives for National Security (BENS) does. BENS undertook this study to assess whether the myriad reforms made to the U.S. intelligence and homeland security structures after the September 11, 2001 terror attacks are still effective at confronting a changing terrorist threat. Adopting a business perspective and applying private sector best practices, BENS sought to identify ways to improve the operational efficiency of U.S. domestic security structures and processes and make the operation coherent in all of its dimensions.

The private sector clearly has a stake in these issues. For example, 85% of U.S. critical infrastructure is privately owned.⁶ These and other privately owned assets are often the primary targets of terrorist attacks. The private sector also plays an active role in keeping the United States secure and resilient. After the 2013 Boston Marathon bombing, video footage provided by local business owners was key in helping authorities identify the suspects.

This report considers the extent to which information sharing between federal, state, and local agencies is efficient, responsive, and preserving of individual liberties; organizational missions are clearly defined; federal leader-

ship is effective at articulating domestic security priorities and supporting state and local efforts; and workforce initiatives at the federal, state, and local levels are effective at maintaining a cadre of skilled intelligence analysts. In undertaking this study BENS examined both U.S. domestic counterterrorism structures and processes as well as broader issues associated with domestic intelligence efforts.

BENS would like to thank all of those individuals who met with our Member Task Force, offered their insight and counsel throughout the course of this project, and helped to edit and enhance this report. This product and our study could not have been completed without numerous individuals in government, the private sector, and nonprofit organizations who dedicated their time and leadership to reviewing, informing, and enriching our project. This includes individuals from the Department of Homeland Security, Federal Bureau of Investigation, Department of Justice, the White House, Office of the Director of National Intelligence, and numerous state and local law enforcement and public safety officials. All of these individuals were extremely forward thinking, gracious with their time, and demonstrated the utmost leadership and dedication to keeping our nation safe. To all of you, we say: Thank You.

What BENS Recommends

Supporting State and Local Efforts: Creating Best Practice Integrated Fusion Centers through Scale, Collocation and Enhanced Information Sharing

What BENS Found

State and local law enforcement officers—numbering nearly 800,000 nationwide—are integral to U.S. domestic security efforts, including counterterrorism (CT). Much of these officials' domestic security functions are carried out through a network of 78 state and urban area fusion centers, which “serve as focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial (SLTT) and private sector partners.”⁷ As the National Network of Fusion Centers has observed, “No one in government knows more than state and local officials know about what is normal or abnormal in their cities and towns.”⁸

BENS' research, however, found that state and local law enforcement officers are an underused asset in national CT efforts. Through extensive on-the-ground research, BENS noted that the relative analytic performance of fusion centers varies greatly throughout the national network; owing, in part, to a lack of governance standards for domestic security efforts, an absence of sufficient skilled analysts and unfocused and inconsistent federal efforts and funding. Further, very few centers are collocated with federal entities, such as FBI Joint Terrorism Task Forces (JTTFs), FBI Field Intelligence Groups (FIGs) and National Mission Cells, or Drug Enforcement Agency (DEA) components, and the exchange of information to and from federal entities occurs through multiple and overlapping delivery channels. This results, at times, in uncoordinated or untimely information delivery.

Overall, BENS observed that the highest-performing centers are those that have a staff of highly trained analysts, are collocated with appropriate federal agencies—which fosters strong interagency relationships—and have a regional or multijurisdictional mission.

Recommendation 1

- 1) In high-threat, metro urban-areas, those federal domestic intelligence entities most relevant to their specific threat matrixes⁹ should collocate to the extent possible with state fusion centers, creating better-staffed and trained, federally-assisted “integrated fusion centers.”
- 2) Participation by selected and coordinated federal entities within these state integrated fusion centers would provide support to efforts of state and local law enforcement by capitalizing on the reengineering opportunity to create the highest value intelligence services

to customers, maximizing speed and flexibility of responses to the evolving terrorist and other national security threats, and optimizing productivity and efficiency. Existing scaled fusion centers in Los Angeles, Austin, and Atlanta serve as “good practice” prototypes from which to design and implement “best practice” integrated fusion centers.¹⁰

- 3) Ownership and management of the integrated fusion centers will continue to be by state and local stakeholders, with the federal entities operating in support and collaborating through their counterterrorism and other domestic security efforts. The federal government should concentrate intelligence appropriations in the integrated fusion centers, while continuing the FEMA grants for training and resilience to the remaining state fusion centers.
- 4) Given the number of state fusion centers, the proposed integrated fusion centers would improve domestic counterterrorism and countering violent extremism (CVE) performance, and public safety, by:
 - a. Achieving ‘scale’ of intelligence analyst capability through their size and the availability and concentration of resources to provide high-value, counterterrorism support to both local and federal agencies;
 - b. Capitalizing on major opportunities for cost savings by reengineering processes, reducing overhead and duplicative technology and supporting services;
 - c. Providing the needed capacity to maintain a robust Terrorism Liaison Officer (“TLO”) training program for all relevant public safety, fire, medical, and select private sector personnel within the integrated fusion centers’ areas of responsibility;¹¹
 - d. Providing benefits not only to counterterrorism and CVE, but also to other aspects of the domestic national security mission (e.g., countering international criminal cartels, human and drug trafficking, as well as threats that cut across categories) through improved coordination of efforts in the field; and
 - e. Continuing to drive best practices as models for the other state fusion centers within the broader national network.
- 5) To clarify and simplify channels of counterterrorism communication amongst the many involved entities, the new integrated fusion centers would function as a primary point of contact for federal, state, and local law enforcement, as well as private sector partners, to receive, analyze, and disseminate domestic counterterrorism and other domestic security information.
 - a. The integrated fusion centers would direct upward delivery of information to the FBI at the national level with respect to counterterrorism and related information; to Department of Homeland Security (DHS) Office of Intelligence & Analysis (I&A) with respect to information related to its missions, such as critical infrastructure protection and border and transportation security; to DEA with respect to combatting drug-related crimes. In all cases, this information should continue to be available to the National Counterterrorism Center (NCTC) as the epicenter of the federal government’s counterterrorism information aggregation efforts.
 - b. Information flows from federal domestic intelligence agencies would be disseminated to state and local law enforcement and public safety officials, as well as to the pri-

vate sector, through the integrated fusion centers, as such SLTT entities would already be located or readily accessible there.

- 6) Integrated fusion centers will help bolster privacy and constitutional protections by incorporating well-trained federal entities and standardized performance metrics that are consistent with monitored civil liberties guidelines established by the Attorney General, and greater resources.

Actions Required:

1. Gain agreement by the heads of the relevant state and local public safety entities and their governors:
 - a. To create a number of threat-determined, state-run, integrated fusion centers that would include appropriate elements of federal, state, and local intelligence entities; and
 - b. That the Office of the Director of National Intelligence (ODNI), in consultation with, amongst others, the National Fusion Center Association (NFCA), DHS I&A and the FBI, would be responsible for determining standards and performance metrics for the national security intelligence-related efforts of those integrated fusion centers.
2. Direction by the Director of the FBI, Secretary of Homeland Security, and the Attorney General to locate their relevant component agencies (or portions of them) within these integrated fusion centers.
3. Determination by the Congress to direct necessary intelligence appropriations to the integrated fusion centers while continuing the FEMA grants to the other state fusion centers.

Supporting State and Local Efforts through Investigatory Awareness: Real-Time Collaboration between Federal Agencies and State and Local Partners

What BENS Found

BENS' research revealed that the efficient sharing of investigative information is often hampered by a lack of information systems integration, restricted SLTT access to classified or sensitive federal systems—even though those SLTT personnel may be properly cleared—or even geographical distance. Further, there is often little feedback from federal entities, such as FBI JTTFs, on information forwarded to them by state and local officials, such as law enforcement officers or fusion centers. Consequently, SLTT officials often do not know whether the information they provide is valuable to their federal counterparts, or, if it is not, how to improve upon their performance.

As a result, state and local law enforcement officers may not be aware of federal CT investigations, or other domestic security matters, that affect their jurisdiction. The circumstances surrounding the FBI's investigation of one of the alleged Boston Marathon bombers are illustrative of this finding. The Boston JTTF did not notify state or local law enforcement personnel who were not part of the JTTF of their investigation into Tamerlan Tsarnaev; although it is unknown whether doing so would have prevented the attack.¹²

Recommendation 2

- 1) JTTFs, FBI's operational counterterrorism units, should be directed by the Bureau to:
 - a. Notify in real time their state and local partners of the status of current terrorism cases within the jurisdiction of those partners; and
 - b. Create investigative review groups within their jurisdictions with key state and local leadership, pursuant to guidance and review by the Department of Justice. These groups will explicitly discuss all JTTF cases and – in accordance with civil liberties protections guidelines – pass to state and local leadership information on closed investigations to permit local officials to continue investigations consistent with their authorities, independent of federal involvement.
- 2) This same information flow should include feedback to the SLTT partners as to the quality and utility of the information provided so that they can gain insight and thereby improve performance.
- 3) FBI and DHS should encourage access to classified counterterrorism information systems by appropriate security-cleared state and local personnel without the need for on-site presence of FBI or DHS personnel.

Sustained two-way communication between the federal, state, and local levels would allow for greater utilization of state and local investigators, as well as sharing the workload for FBI JTTFs and FIGs across the country. Most importantly, it would also permit state and local forces to bring their unique local knowledge and perspective to bear on CT efforts. The integrated fusion center model will also aid in this information flow.

Actions Required:

1. The Director of the FBI should issue a Directive creating a standard operating procedure to ensure FBI implementation of the above recommendations in conjunction with state and local entities, such as fusion centers and police departments.
2. Amend the Memoranda of Understanding governing information sharing between the FBI and SLTT to the extent they do not reflect this process.

Domestic Counterterrorism and Countering Violent Extremism: Enhancing Training and Interoperability at All Levels

What BENS Found

Analyst training is the essential foundation of intelligence success at all levels of government. There are inconsistent training and experience requirements across domestic security agencies, particularly between those at the federal, state, and local levels. For example, a report by the Government Accountability Office (GAO) noted that “[DHS] I&A’s training program did not always focus on mission-specific requirements that its workforce needed”¹³

BENS’ research revealed that a lack of resources often prohibits state and local officials at fusion centers from sending their analysts to receive advanced training. This results in fusion center analysts with uneven levels of expertise and experience. A lack of common or interoperable systems and procedures between federal, state, and local agencies was also cited by SLTT officials as an area of genuine concern. There are also cultural barriers and organizational parochialisms that may inhibit inter-agency collaboration. Different levels of authority, varying or sometimes competing goals, distinct standard operating procedures, and unique organizational values can all contribute to an agency or individual forming perceptions—or perhaps misperceptions—about a peer that ultimately inhibit closer cooperation. Indeed, in the course of BENS’ research “cultural” differences were often cited as reasons for a lack of collaboration found both within and between agencies.

The Terrorism Liaison Officer (TLO) program is a good way for fusion centers to maintain a direct connection with their community. Through this program, state and urban fusion centers train law enforcement officers, public safety officials, and private citizens on issues and behavior that may be indicative of potential terrorist activity. Some fusion centers, however, often face challenges maintaining a robust TLO program because of resource constraints.

Recommendation 3

- 1) With the guidance of the ODNI, in consultation with DHS I&A, and pursuant to guidelines established by the Attorney General, the FBI should determine and apply standardized training for all federal domestic counterterrorism analysts and make such training broadly available. Such training will produce higher-quality analysts focused on national domestic security missions, and will have the added benefit of creating a uniform standard for the protection of civil liberties.

- 2) DHS should:
 - a. Continue to promote and make sustainable the Terrorist Liaison Office (TLO) Program and priority CVE programs.
 - b. Promote interoperability amongst SLTT and federal partners in the domestic security mission to encourage greater effectiveness and efficiency at all levels. Reliable federal assistance is required to ensure the long-term sustainability of this capability.
- 3) The ODNI should place greater emphasis on the Intelligence Community Civilian Joint Duty Program using the Goldwater-Nichols model to increase the “jointness” between the federal, state, and local levels as well as among federal agencies. The ODNI should also consider expanding the Program to include non-IC organizations such as Customs and Border Protection and Immigration and Customs Enforcement, as they also participate in the domestic security mission.¹⁴ Such jointness, both in training and in field operations, will promote effective interaction amongst intelligence entities and even between levels of government. Further, it will infuse the system with the values of constitutional protections that have been a feature of American law enforcement.

Actions Required:

1. The ODNI, in consultation with the FBI and DHS and pursuant to civil liberty protections established by the Attorney General, should develop and apply analytic standards, training protocols, and common systems and vernacular to underwrite standardized training for all federal domestic counterterrorism analysts. Such training should be available to all appropriate state and local law enforcement officers. Federal assistance for SLTT participation in such training programs will most likely be required. In the field, such training should be implemented by DHS I&A.
 2. The ODNI should pursue robust Goldwater-Nichols style joint training programs and standards (including with SLTT partners as practical), as well as human resource practices to ensure joint duty assignments are viewed as essential to intelligence career path enhancement.
 3. DHS should continue its efforts to promote and enhance analyst training and the TLO Program, as well as advance CVE programs.
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Domestic Counterterrorism and Countering Violent Extremism: Enhancing Career Paths

What BENS Found

Appropriate career paths, compensation, and incentive structures for domestic intelligence analysts are critical components to the development of a skilled cadre of professionals and a mature intelligence culture. As currently structured, however, these elements are not optimized for recruiting and retaining the needed cadre of skilled intelligence analysts.

A 2014 report by the 9/11 Commissioners urged that “[a] sustained focus on recruiting high-quality candidates for the [FBI’s] analytic workforce is essential if ... progress is to continue. We hope to see a clear career path for analysts to be promoted and to serve in executive-level leadership positions in the FBI.”¹⁴ Even among non-law enforcement organizations there have been personnel management challenges. In a 2014 study the GAO concluded that DHS’s Office of Intelligence and Analysis “has faced human capital challenges in recruiting and hiring the skilled workforce it needs and providing training and professional development opportunities that keep morale high and attrition low.”¹⁶

Recommendation 4

- 1) Federal, state, and local agencies—particularly operational elements of the FBI, DHS, and state fusion centers—should continue to enhance the career path of and incentive systems for intelligence analysts to ensure the career path is desirable and retention is maximized.
- 2) This effort should include providing additional opportunities for intelligence analysts to assume substantive leadership roles within operational divisions at fusion centers, and, with respect to federal agencies, at headquarters and among appropriate field offices.

Action Required:

The Director of the FBI, the Secretary of Homeland Security, and the leadership of other relevant federal, state, and local agencies with intelligence components should continue to develop and implement personnel and talent management policies that enhance the career paths and retention of domestic intelligence analysts.

Federal Leadership & Management: Office of the Director of National Intelligence

What BENS Found

National leadership of the domestic intelligence posture is necessary to continuously adjust the response to a changing threat landscape, and to articulate an overall strategy to confront these threats. Since the September 11th terror attacks, the United States has created new domestic security structures, and, yet, there remains no central strategic leader or unified domestic security strategy at the federal level.

The ODNI was created in 2004 to “serve as the head of the intelligence community,”¹⁷ and is the only entity with the authority to oversee and manage the entire intelligence landscape. This authority applies to foreign intelligence as well as domestic, including domestic counterterrorism efforts. In 2012 the ODNI institutionalized a Domestic DNI Representative program, wherein 12 senior FBI officials across the nation were nominated to serve as the DNI’s representatives and to help coordinate the federal intelligence efforts in their region.

Despite these very promising efforts, many federal, state, and local officials with whom BENS met agreed that strategic management of U.S. domestic intelligence efforts could be improved. Coordinated federal efforts also enable the U.S. government to provide effective support to its SLTT partners.

Because no other agency has the ODNI’s managerial authority across the intelligence community, only ODNI can fulfill this leadership role. In 2011 the Bipartisan Policy Center’s Tenth Anniversary Report Card concluded: “It still is not clear ... that the DNI is the driving force for intelligence community integration that we had envisioned.”¹⁸ BENS believes the absence of a designated domestic IC lead needs to be addressed.

Recommendation 5

- 1) The Director of National Intelligence should appoint a Deputy-level officer to lead the federal domestic intelligence effort. This position would have specific responsibility for:
 - a. Managing and coordinating the programmatic (not operational) aspects of federal domestic intelligence collection;
 - b. Directing the annual domestic threat assessment discussed below;
 - c. Determining the resulting collection priorities, budgeting, and resource allocation required to support those priorities;
 - d. Overseeing intelligence analysis and dissemination;
 - e. Establishing – in consultation with the National Fusion Center Association – a uniform set of performance metrics and governance and interoperability standards for

the newly-formed integrated fusion centers to ensure these entities effectively support state and local law enforcement and associated intelligence elements in their efforts to fulfill the domestic security mission; and

- f. Emphasizing the protection of civil liberties in all related matters.

This position requires an extensive background in domestic intelligence and/or law enforcement and should be authorized in statute. The Director of the NCTC or the Executive Assistant Director of the Intelligence Branch at FBI could logically assume this position, although a senior SLTT official with prior federal experience might also be appropriate. Additionally, this Deputy should have a dedicated subordinate official responsible for overseeing legal, privacy, and civil liberties issues, given the inherent concerns associated with domestic intelligence information gathering.

- 2) The ODNI's Domestic Representatives should be selected from the agency most appropriate to the threat matrix in the Domestic Representative's area of responsibility to effectively coordinate and manage the federal domestic security intelligence efforts at the regional level. For example, they should be selected from the FBI when counterterrorism, counterintelligence, or weapons of mass destruction are considered the paramount threats; DEA when international drug cartels top the region's threat matrix; or DHS' Customs and Border Patrol when the threat is primarily border penetration.
- 3) These Domestic DNI Representatives would:
 - a. Coordinate the efforts of the federal agencies in the field to ensure rationalized and focused strategic effort on those threats which are primary to their area of responsibility, including facilitating lead agency actions and deconfliction;
 - b. Ensure the provision of necessary federal intelligence support to SLTT entities through the integrated fusion centers, as well as other state fusion centers and the federal entities participating in them; and
 - c. Continue to be collocated with NCTC's and DHS I&A's regional representatives to ensure maximum coordination of federal domestic security efforts, and, to the extent practical, be collocated all or in part with integrated fusion centers.

Action Required:

1. The Director of National Intelligence should appoint a Deputy-level officer with responsibility for leading the federal domestic intelligence effort.
2. Although not required for immediate implementation of this recommendation, because of its importance, this deputy position and its duties should later be codified by an amendment to the National Security Act.
3. The Director of National Intelligence should structure the Domestic Representative Program in accordance with the above recommendation.

Creating a Domestic Threat Framework

What BENS Found

Fourteen years after 9/11, as terrorist threats continue to change and multiply, there is still no annual, unified, interagency process that assesses and prioritizes U.S. domestic security threats and intelligence requirements, matches missions, and develops a budget to support them. In short, there is no unified domestic intelligence strategy or threat framework. Absent such a unified strategic vision, each federal agency conducts its own independent domestic threat prioritization, resulting in uncoordinated or duplicated efforts. For example, a 2014 GAO report found that the Department of Homeland Security's Intelligence Priorities Framework reflected "the existing intelligence activities of [DHS component agencies], rather than outlining strategic departmental intelligence priorities."¹⁹

Recommendation 6

- 1) One of the principal responsibilities of the new Deputy-level officer for domestic intelligence at ODNI must be to lead an annual interagency assessment of U.S. domestic security threats and intelligence needs. This assessment would form the basis for establishing information collection priorities, IC budget requirements, and a resource management strategy.
- 2) The annual domestic threat framework should be performed in conjunction with the Director of the NCTC, the Executive Assistant Director of the FBI's Intelligence Branch, and with input from the integrated fusion centers and other federal domestic intelligence agencies as appropriate. It should incorporate (i) the National Intelligence Manager for the Western Hemisphere and Homeland's current efforts to create a common, interagency threat criteria; and (ii) the FBI's Threat Review and Prioritization process.

Action Required:

The ODNI and other relevant authorities should issue a policy directive formalizing this annual interagency exercise, similar to other interagency threat assessments, such as the National Intelligence Priorities Framework. Congress may wish to codify these responsibilities.

Redefine the Intelligence Community to Ensure Unity of Effort and Oversight

What BENS Found

The array of domestic intelligence agencies do not reflect a cohesive enterprise structure. Rather, domestic intelligence efforts are performed by a diverse collection of committed law enforcement, intelligence, and homeland security agencies at all levels of government. The agencies range from the FBI to the U.S. Coast Guard, and the DEA to the Department of Energy. This patchwork crosses different jurisdictions, each with an agency or department head, or elected official, directing and defining public safety, law enforcement, and intelligence activities for their domain.

The ODNI oversees many of the activities and budgets of the entities included in the federal Intelligence Community, a group of 17 federal agencies focused both on foreign and domestic intelligence. Yet, the statutory definition of the IC omits a number of federal agencies and entities that nonetheless perform important domestic intelligence activities as well. This disadvantages the ODNI's overall breadth of managerial authority, making it very difficult for that office to provide the necessary coordination pursuant to a unified domestic strategy.

Recommendation 7

- 1) The Intelligence Community should formally include those domestic intelligence entities performing domestic intelligence work, including those which are now excluded:
 - Customs & Border Protection Office of Intelligence and Operations Coordination;
 - Immigration and Customs Enforcement Office of Intelligence;
 - Transportation Security Administration Office of Intelligence;
 - U.S. Customs and Immigration Service Intelligence Branch; and
 - U.S. Secret Service Protective Intelligence and Assessment Division.
- 2) The National Intelligence Program budget, annually developed by ODNI, should include the budgets of all those entities now within the Intelligence Community, as well as those proposed above. Not only will this better support a mission package based on the new prioritized threat assessment, but Congressional oversight of a better-organized domestic intelligence enterprise could be achieved.

Inclusion of these domestic intelligence entities and their budgets within the Intelligence Community would help ensure proper coordination of the full range of federal domestic intelligence activities, including in support of SLTT efforts determined by the annual domestic threat framework (discussed above). This would assist the ODNI in its strategic management of the U.S. government's domestic intelligence efforts, including compliance with constitu-

tional requirements for protection of civil liberties. It would also have the important additional benefit of enabling oversight of the domestic intelligence components of those agencies by the House and Senate's Intelligence Committees, which presently do not provide oversight of these intelligence activities.

Action Required:

The Director of National Intelligence and Secretary of DHS must jointly designate these entities as defined elements of the Intelligence Community consistent with 50 USC Sec. 401a(4)(I).

Maximizing Federal Bureau of Investigation Effectiveness

What BENS Found

Since the September 11, 2001 terror attacks the FBI has made immense strides in emphasizing and expanding its intelligence-driven national security missions. The recent creation of an independent Intelligence Branch is a testament to this progress, and of the concerted leadership by Director James Comey, as well as his predecessor Robert Mueller, to continue to integrate intelligence throughout all of the Bureau's activities. The FBI's maturation into an intelligence-driven agency, however, remains a work in progress.

A recent RAND Corporation report observed: "The FBI has adjusted to its new mission focus [intelligence], but its primary mission is the one it has been doing for a hundred years: law enforcement."²¹ BENS has also found that legacy cultural issues, personnel policies, and organizational structures inhibit the FBI's complete transformation. As Director Comey has observed: "I've seen tremendous progress, but, to me, it's not good enough."²¹

Recommendation 8

To further enhance the FBI's ability to perform as the lead federal, domestic counterterrorism agency:

- 1) The newly-created FBI Executive Assistant Director for the Intelligence Branch (or the EAD for the National Security Branch, as determined by the FBI Director in consultation with the DNI) should have a reporting relationship to the ODNI for purposes of federal IC priorities and management, while preserving its direct report to the FBI Director for purposes of its operational law enforcement activities.
- 2) The FBI should continue to enhance internal recruitment, training and talent management programs to advance an intelligence-driven culture, all created within the context of an integrated and standardized domestic intelligence community.

Actions Required:

1. DNI and FBI Director reach agreement on the reporting relationship of the designated FBI entity. Congress may wish to consider codifying this reporting relationship.
2. Building upon progress made under FBI Directors Robert Mueller and James Comey, continue to emphasize the Bureau's intelligence-driven mission and implement policies that cultivate a skilled analytic cadre.

Focusing the Department of Homeland Security Office of Intelligence & Analysis

What BENS Found

Since its creation in 2003 the Department of Homeland Security's intelligence mission has emphasized identifying potential terrorist threats to the homeland and assessing such threats based upon potential domestic vulnerabilities.²² In this respect, both Secretary Jeh Johnson and Under Secretary for Intelligence and Analysis Francis Taylor have been particularly forward-thinking and taken positive steps to better position DHS to confront the changing terrorist threat. As Secretary Johnson has remarked, "I'm... concerned about those who self-radicalize...the so-called lone wolf."²³ Secretary Johnson has also stated, "I think we need to continue to build on intelligence information sharing across JTTFs, fusion centers, with the intelligence and homeland security. I think information sharing is key."²⁴

Pursuant to this mission, DHS' Office of Intelligence and Analysis is responsible for collecting, analyzing, and disseminating threat-related information to DHS customers at the federal, state, and local levels, as well as managing the DHS Intelligence Enterprise, which is composed of those agencies and components within the department that have an intelligence function.²⁵ As Under Secretary Taylor has stated, "I&A is working closely with interagency partners to evaluate threat data and ensure relevant information reaches DHS personnel and state, local, tribal, and territorial (SLTT) partners who can use this information to reduce risks to the Homeland."²⁶

Through its meetings with federal and state officials, however, BENS learned that I&A's attempt to develop an independent analytic capability rather than focus on integrating the intelligence of DHS component agencies is a primary factor limiting the office's ability to provide a unique contribution to the domestic counterterrorism mission. As it is currently executed, I&A's intelligence role is also too broad and ill-defined and often overlaps with that of other agencies. At the field level there is often confusion among state and local officials as to which federal agency, the FBI or DHS, is in the lead, notwithstanding that the FBI is the lead agency specified in legislation.

Recommendation 9

- 1) To ensure maximum effectiveness, the Department of Homeland Security's Office of Intelligence and Analysis should focus its attention and efforts on the intelligence derived from the unique knowledge and capabilities of the DHS components and staff. This includes:
 - a. Critical infrastructure protection;
 - b. Border and transportation security;

- c. Aggregating intelligence derived from DHS component agencies and appropriate non-investigative information from state and local law enforcement and intelligence entities;
- d. Disseminating and receiving non-investigative warning information to and from the private sector;
- e. Performing a warning function for DHS leadership and its agencies with respect to assigned missions; and
- f. Pursuant to the guidance of the ODNI, provide leadership and assistance to the integrated fusion centers recommended above and to the all-crimes, all-hazards state fusion centers, including CVE programs planned and underway.

Actions Required:

1. The Secretary of Homeland Security, in conjunction with the DHS Under Secretary for Intelligence and Analysis, should continue on-going efforts to refocus the Office of Intelligence and Analysis' mission to emphasize the above priorities. This could be covered in the Office of Intelligence and Analysis Strategic Plan.
2. Congress may wish to review the twenty-five I&A functions set out in the statute to ensure they are in accord with the recommendation to focus I&A as described above.

Aiding Congressional Oversight and Budgeting

What BENS Found

U.S. domestic intelligence efforts require focused, coherent, and strong Congressional oversight. This oversight is necessary to ensure that our domestic intelligence efforts are effective and efficient and that they are conducted within legal boundaries and with proper respect to civil liberties. Since 9/11 however, nearly every study of homeland security and intelligence has concluded that Congress' committee and oversight structure is in need of reform. Both the 9/11 Commission and the Graham/Talent WMD Commission characterized Congressional oversight of intelligence as "dysfunctional."²⁷ BENS concurs with these conclusions.

Evidence of inefficiency can be found in the oversight of the Department of Homeland Security. Over 90 committees and subcommittees share oversight responsibilities for some portion of DHS. Likewise, at least six different Appropriations Subcommittees – from Commerce, Justice, Science and Related Agencies; to Energy and Water Development; to Homeland Security – appropriate funds to agencies conducting domestic intelligence activities.

Recommendation 10

- 1) All oversight and budgetary authorization actions for intelligence activities should be consolidated under the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.²⁸
- 2) A separate appropriations subcommittee should also be established in both houses of Congress with responsibility for all intelligence activities, foreign and domestic.

Action Required:

A revision to the Rules of the House and Senate to permit the streamlining of the Intelligence Community oversight, authorization, and appropriations processes as recommended above.

Conclusion

In the fourteen years since 9/11, the terrorist threat to the United States has proven to be durable and dynamic. Since that tragic date billions have been spent at home on new domestic security structures and processes and on wars fought abroad; however, the threat remains. Therefore, it is timely and important that a review such as this be undertaken.

As it is now structured, the Nation's domestic counterterrorism and intelligence posture is not optimized to address these dynamic terrorist threats. As the terrorist threat to the United States continues to rapidly evolve, so too must our domestic security architecture.

Al-Qaida, though degraded, is increasingly reliant on regional affiliates to plan regional or transnational attacks. The civil war in Syria continues to attract and mobilize individuals worldwide, including many who become radicalized without ever leaving their home countries through sophisticated social media campaigns by radical groups. Others who go to the region to fight are beginning to return to their countries of origin. Now there are many thousands of battle-hardened and trained fighters who are radical in ideology and have the ability to return to their home countries on their own passports. It is within this context that the threat to the homeland both from abroad and from self-inspired radicals and home-grown violent extremists within looms and calls for agility in our response.

Only by arranging a more strategic, integrated, and collaborative domestic security enterprise, one in which state and local efforts complement national missions and federal efforts coherently support local capacities can the United States effectively confront such a dynamic threat. These efforts must be conducted within a stringent legal framework, with respect to due process, and in pursuit of a transparent judicial end-game. In a free and open nation such as ours, there will always be a need to seek a balance between security and civil liberties, but the former should never needlessly subsume the latter. BENS believes that these recommendations would make our ability to assess and contain the threat more agile and effective. The measure of our success will be a safer nation.

Appendix A: Glossary of Key Agencies

Department of Homeland Security Office of Intelligence and Analysis (I&A): responsible for intelligence collection, analysis, and sharing within the DHS intelligence enterprise and provides support to state and urban area Fusion centers.²⁹

Federal Bureau of Investigation (FBI): the “exclusive lead agency” responsible for “investigating all crimes ... which involve terrorist activities” within the United States.³⁰

FBI Field Intelligence Group (FIG): housed in each of the 56 FBI field offices and responsible for identifying intelligence gaps, analyzing raw intelligence, and generating and disseminating intelligence products.

FBI Joint Terrorism Task Force (JTTF): interagency teams of federal and local personnel responsible for investigating and interdicting terrorist threats. There are 103 JTTFs nationwide, with over 70 having been created since 9/11.

FBI National Security Branch (NSB): established in 2005 to integrate the FBI’s counterterrorism and intelligence activities in order to “detect, deter, and disrupt national security threats.”³¹

Fusion Center: state-owned and operated entities designed to address “crime prevention, response, and investigation (including terrorism).”³² 78 centers make up the National Network of Fusion centers.

National Counterterrorism Center (NCTC): the federal government’s primary organization for “analyzing and integrating” all terrorism-related intelligence.³³

Office of the Director of National Intelligence (ODNI): created in 2004 to serve as the head of the Intelligence Community, act as the President’s principal intelligence advisor, and exercise broad authority over the intelligence budget.

Appendix B: Acronyms

| | | | |
|-------------|---|----------------|---|
| CIA | CENTRAL INTELLIGENCE AGENCY | I&A | DHS OFFICE OF INTELLIGENCE & ANALYSIS |
| CT | COUNTERTERRORISM | IC | INTELLIGENCE COMMUNITY |
| CVE | COUNTERING VIOLENT EXTREMISM | JTTF | JOINT TERRORISM TASK FORCES |
| DEA | DRUG ENFORCEMENT ADMINISTRATION | NCTC | NATIONAL COUNTERTERRORISM CENTER |
| DHS | DEPARTMENT OF HOMELAND SECURITY | NIPF | NATIONAL INTELLIGENCE PRIORITIES FRAMEWORK |
| DNI | DIRECTOR OF NATIONAL INTELLIGENCE | NJTTF | NATIONAL JOINT TERRORISM TASK FORCE |
| FBI | FEDERAL BUREAU OF INVESTIGATION | NSB | NATIONAL SECURITY BRANCH |
| FEMA | FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION | ODNI | OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE |
| FIG | FIELD INTELLIGENCE GROUP | SLTT | STATE, LOCAL, TRIBAL, TERRITORIAL |
| GAO | GOVERNMENT ACCOUNTABILITY OFFICE | TLO | TERRORISM LIAISON OFFICE |
| HVE | HOMEGROWN VIOLENT EXTREMISM | | |

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Appendix D: End Notes

- ¹ Eric Schmitt and Michael Schmidt, “West Struggles to Halt Flow of Citizens to War Zones,” *New York Times*, Jan. 13, 2014; Retrieved from http://www.nytimes.com/2015/01/13/world/west-struggles-against-flow-to-war-zones.html?ref=world&_r=0
- ² James Clapper, “Current and Future Worldwide Threats to the National Security of the United States delivered to the Senate Armed Services Committee,” Office of the Director of National Intelligence, February 11, 2014, Retrieved from: http://www.dni.gov/files/documents/WWTA%20Opening%20Remarks%20as%20Delivered%20to%20SASC_11_Feb_2014.pdf
- ³ Matthew Olsen, “Hearing before the Senate Committee on Homeland Security and Governmental Affairs: The Homeland Threat Landscape and U.S. Response,” Office of the Director of National Intelligence, November 14, 2013, Retrieved From: [http://www.dni.gov/files/documents/2013-11-14%20SHSGAC%20HEARING%20\(M.%20OLSEN\).pdf](http://www.dni.gov/files/documents/2013-11-14%20SHSGAC%20HEARING%20(M.%20OLSEN).pdf)
- ⁴ Ibid.
- ⁵ James Comey, “Statement before the Committee on Homeland Security House of Representatives Entitled Worldwide Threats to the Homeland Security,” U.S. Department of Justice, September 17, 2014, Retrieved from: <http://docs.house.gov/meetings/HM/HM00/20140917/102616/HHRG-113-HM00-Wstate-ComeyJ-20140917.pdf>
- ⁶ U.S. Department of Homeland Security, “Critical Infrastructure Sector Partnerships,” Retrieved from: <http://www.dhs.gov/critical-infrastructure-sector-partnerships>
- ⁷ U.S. Department of Homeland Security, “State and Major Urban Area Fusion Centers,” Retrieved from: <http://www.dhs.gov/state-and-major-urban-area-fusion-centers>
- ⁸ National Fusion Center Association, “2014-2017 National Strategy for the National Network of Fusion Centers,” July 2014, Page v, Retrieved from: <https://nfcausa.org/html/National%20Strategy%20for%20the%20National%20Network%20of%20Fusion%20Centers.pdf>
- ⁹ Such as Joint Terrorism Task Forces in connection with counter-terrorism; Border Patrol in connection with trafficking issues; DEA in connection with drug cartels and others, including FBI Field Intelligence Groups.
- ¹⁰ These three fusion centers are collocated to varying degrees, reflecting their development history and response to their specific threat matrix. Nonetheless, they all reflect the important criteria we believe are necessary for the success of ‘integrated fusion centers’.
- ¹¹ Such integrated fusion centers should be regional as appropriate to their threat matrix and geography, and so the term ‘regional’ logically will have different meanings for different integrated fusion centers.
- ¹² Majority Staff of the Committee on Homeland Security, “The Road to Boston: Counterterrorism Challenges and Lessons from the Marathon Bombings,” House Homeland Security Committee Report, March 2014, Page 25, Retrieved from <https://homeland.house.gov/sites/homeland.house.gov/files/documents/Boston-Bombings-Report.pdf>
- ¹³ U.S. Government Accountability Office, “DHS Intelligence Analysis: Additional Actions Needed to Address Analytic Priorities and Workforce Challenges,” June 2014, Page 27, Retrieved from: <http://www.gao.gov/assets/670/663794.pdf>
- ¹⁴ BENS recommends the inclusion of these agencies within the defined Intelligence Community.
- ¹⁵ “Today’s Rising Terrorist Threat and the Danger to the United States: Reflections on the Tenth Anniversary of the 9/11 Commission Report,” Bipartisan Policy Center, July 2014, Page 25, Retrieved from: <http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/files/%20BPC%209-11%20Commission.pdf>
- ¹⁶ U.S. Government Accountability Office, “DHS Intelligence Analysis: Additional Actions Needed to Address Analytic Priorities and Workforce Challenges,” June 2014, Pages 26, Retrieved from: <http://www.gao.gov/assets/670/663794.pdf>
- ¹⁷ <http://www.gpo.gov/fdsys/pkg/PLAW-108publ458/pdf/PLAW-108publ458.pdf> §102A(b)(1)

- ¹⁸ Bipartisan Policy Center, “Tenth Anniversary Report Card: The Status of the 9/11 Commission Recommendations,” Bipartisan Policy Center National Security Preparedness Group, September 2011, Page 17, Retrieved from <http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/CommissionRecommendations.pdf>
- ¹⁹ U.S. Government Accountability Office, “DHS Intelligence Analysis: Additional Actions Needed to Address Analytic Priorities and Workforce Challenges,” June 2014, Pages 13, Retrieved from: <http://www.gao.gov/assets/670/663794.pdf>
- ²⁰ Brian Michael Jenkins, Andrew Leipman, Henry H. Willis, “Identifying Enemies Among Us,” RAND Corporation, 2014, Page 10, Retrieved from: http://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF300/CF317/RAND_CF317.pdf
- ²¹ James Comey, “Strengthening Trust: The Way Ahead,” at the Intelligence and National Security Summit hosted by Armed Forces Communications and Electronics Association International and Intelligence and National Security Alliance, September 18-19, 2014, Retrieved from: <http://www.c-span.org/video/?321596-2/fbi-director-james-comey-intelligence-summit>
- ²² 107th United States Congress, “Homeland Security Act of 2002”, November 25, 2002, §201(d)(1)(A)-(C), Retrieved from: http://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf
- ²³ Secretary for Homeland Security Jeh Johnson, “The Secretary’s Vision for the Future – Challenges and Priorities,” Hearing of the House Homeland Security Committee, February 26, 2014.
- ²⁴ Ibid.
- ²⁵ U.S. Department of Homeland Security Office of Intelligence and Analysis, “Strategic Plan Fiscal Year 2011 – Fiscal Year 2018,” February 2011, Retrieved from: <http://www.dhs.gov/xlibrary/assets/ia-fy2011-fy2018-strategic-plan.pdf> Also: U.S. Department of Homeland Security, “More About the Office of Intelligence and Analysis Mission,” Retrieved from: <http://www.dhs.gov/more-about-office-intelligence-and-analysis-mission>
- ²⁶ Undersecretary for Intelligence and Analysis Francis Taylor, “Cybersecurity, Terrorism, and Beyond: Addressing Evolving Threats to the Homeland,” Hearing of the Senate Committee on Homeland Security and Governmental Affairs, September 10, 2014.
- ²⁷ The National Commission on Terrorist Attacks Upon the United States, “The Final Report of the National Commission of Terrorist Attacks Upon the United States,” July 22, 2004, Page 420, Retrieved from <http://www.gpo.gov/fdsys/pkg/GPO-911REPORT/pdf/GPO-911REPORT.pdf>;
ALSO “World at Risk: The Report of the Commission on the Prevention of WMD Proliferation and Terrorism,” December 2008, Page XXV, Retrieved from <http://a.abcnews.go.com/images/TheLaw/WMD-report.pdf>
- ²⁸ Except for Foreign Intelligence Surveillance Act warrant procedures, which should remain a shared responsibility between the Intelligence and Judiciary Committees’ jurisdiction in both houses.
- ²⁹ U.S. Department of Homeland Security, “More About the Office of Intelligence and Analysis Mission,” Retrieved from <http://www.dhs.gov/more-about-office-intelligence-and-analysis-mission#0>
- ³⁰ 28 C.F.R. §0.85(l) Retrieved from <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+28%2FChapter+I&oldPath=Title+28&isCollapsed=true&selectedYearFrom=2014&yord=805>
- ³¹ Federal Bureau of Investigation, “Federal Bureau of Investigation: National Security Branch,” Retrieved from <http://www.fbi.gov/about-us/nsb/nsb-brochure>
- ³² National Fusion Center Association, “2014-2017 National Strategy for the National Network of Fusion Centers,” July 2014, Page 1, Retrieved from: <https://nfcausa.org/html/National%20Strategy%20for%20the%20National%20Network%20of%20Fusion%20Centers.pdf>
- ³³ National Security Act of 1947 [As Amended through P.L. 110-53, Enacted August 3, 2007], §119(d)(1), Retrieved from <http://www.intelligence.senate.gov/nsaact1947.pdf>



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