



# INTELLIGENCE COMMITTEE

*U.S. Senator Kit Bond* ■ *Vice Chairman*

THURSDAY, January 22, 2009

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## STATEMENT BY U.S. SENATOR KIT BOND

Senate Select Committee on Intelligence

Hearing on Nomination of Admiral Blair for Director of National Intelligence

### Committee Matters

- Thank you, Madam Chairman. I have the honor to be the first one to say that in the first public hearing of this Committee in the 111<sup>th</sup> Congress, and I want to be the first to congratulate you publicly on becoming the first woman in history to chair the Senate Select Committee on Intelligence. My colleagues and I look forward to your leadership on this Committee, and with the strong relationship that you and I have developed over the years in the Senate I am confident that we will work together on a vast array of matters for the good of the Intelligence Community and to the benefit of the American people.
- My staff director informs me that staff relations on the Committee have dramatically improved already and that there has been tremendous progress made in the day-to-day operations of the Committee. I know that you are responsible for directing some of those changes so I thank you Chairman Feinstein and I think we will see great benefit from that from our staff during this Congress as we all look forward to returning a spirit of bipartisanship to this Committee under your leadership.
- Madam Chairman, I would also like to welcome Senators Coburn and Risch to the Committee. Senators Coburn and Risch have distinguished reputations and I believe they will make for excellent members on the Committee.

### Opening

- Turning to today's hearing, Admiral Blair, I welcome you before the Committee for a hearing on your nomination to be the next Director of National Intelligence. I also extend a warm welcome to your wife Diane. Thank you Diane for your standing by your husband all his years in the military and now for your willingness to support him in taking on this important position in the service of his country.
- Admiral Blair, your nomination comes at an important time in our nation's history. We face threats of many different kinds, foremost among them the threat of terrorism.
- Unfortunately, it seems to me that some tend to forget the direct assault on this country on September 11<sup>th</sup> over seven years ago, the lessons we learned from that day, and that those who were responsible have vowed to inflict more harm and death upon us.
- Those who forget are content to go back to the old way of business—they argue that terrorists should be tried as ordinary criminals, not terrorists captured on the battlefield. They call for terrorists to be given the same constitutional protections as our own citizens. Benefitting from

a government that has kept America free from further attack over the past seven years since 9/11, they forget that our entire way of life is just a few moments away from annihilation if terrorists succeed in obtaining a weapon of mass destruction or carry out an unrecoverable attack to our nation's infrastructure.

- In contrast to those who may forget, however, the fine men and women of the Intelligence Community that I have met with during my six years on this Committee wake up every day remembering the catastrophe of September 11<sup>th</sup>. They understand their mission well, and each day it is the same: to keep our Nation and our citizens safe in the face of increasing threats by collecting, analyzing and disseminating the critical intelligence our policy makers and commanders need to protect this country.
- Therefore it is critical that the next DNI be committed to playing offense against those who threaten our way of life. And while he must be committed to this task, he must not become a one-trick pony who only knows counter-terrorism, but he must also focus on the myriad of other challenges we face in the 21<sup>st</sup> century apart from terrorism.

### **Admiral McConnell**

- Let me pause here to say a few words about the man you have been nominated to succeed. For many years, in many different positions, Admiral Mike McConnell has served his country honorably and with distinction. Three years ago, he returned to government service, answering the President's call to lead the Intelligence Community.
- This country owes Admiral McConnell a great debt of gratitude for many things. Chief among them is his yeoman's effort in working with this Committee and the Congress to pass much-needed updates to the Foreign Intelligence Surveillance Act, first with the Protect America Act of 2007 and later with the FISA Amendments Act of 2008. Amidst strong opposition and oftentimes unfair criticism, he acted with great integrity as he was thrown headfirst into one of the great, controversial debates of our time.
- These updates to FISA have given our dedicated Intelligence Community professionals the tools and authorities they need to stay one step ahead of terrorists and on a good day, this is an incredibly difficult job. Fortunately, these new FISA authorities, along with the significant improvements we made in the USA PATRIOT Act, have made it a more manageable task.
- Admiral Blair, I hope that you have spoken with Admiral McConnell about what lies ahead if you are confirmed as the next DNI. I am sure he can offer some unique perspectives and sound advice. I believe I speak for my colleagues when I say that Admiral McConnell's expertise, integrity, and dedication to the Intelligence Community will be missed.

### **General role of the DNI**

- Although there have been many improvements under Admiral McConnell's leadership as the DNI, we are still a long way off from full and complete reform of the Intelligence Community.
- When Congress created the Office of the Director of National Intelligence in 2005, there was a strong sense that the Intelligence Community lacked clear direction and cohesiveness. The Intelligence Reform and Terrorism Prevention Act of 2004 tried to fix that by creating a DNI to lead the Intelligence Community.

- I voted against that legislation because I believed then—as I believe now—that the DNI was given an awful lot of responsibility without the requisite authority needed to do the job. In my view, we either should have not created the DNI and just looked to strengthen community relationships, or we should have given the DNI the authority commensurate with the responsibility we have loaded him down with.
- We need to get this balance right and get rid of the “turf” issues that seem to keep popping up. To do this, we need two things: action by Congress and a commitment by you—if you are confirmed as the next DNI—to direct this Community...and let me stress the word DIRECT. Over the past year Admiral McConnell started referring to himself as a Coordinator vice a Director in recognition that he did not have the type of authority I am referring to.
- This point is of the utmost importance, Admiral Blair. And the House and Senate oversight Committees are divided on this issue. It is quite clear in comparing the House and Senate intelligence authorization bills over the past few years, bills that never became law I might add, that the Senate generally favors a Director and the House favors a Coordinator. We can’t keep looking in both directions though, and your views on this matter will be important. I want to know your position on this before we leave here today.

### **Intelligence Authorization Bill**

- Speaking of authorization bills, as you may be aware, this Committee has not had an annual intelligence authorization bill signed into law for the last four years. Chairman Feinstein and I want to break that record and get this Committee back to bipartisanship and to passing authorizations, hopefully in the near future.
- I realize that there have been some individuals who haven’t minded the absence of the annual intelligence bill, but I believe that our inability to get a bill signed into law has been a serious mistake. It has made the American peoples’ oversight through this Committee less relevant and it supports the notion that Congressional intelligence oversight is “dysfunctional.”
- The intelligence authorization process is important for a number of reasons. It fosters a good working relationship between this Committee and the Intelligence Community. Ideas flow both ways and everyone works together to make sure that the IC can fulfill its ultimate mission—keeping this country safe.
- This process also gives the Committee, in its oversight role, an opportunity to offer effective legislative solutions when necessary. For the past several years, I have sponsored a number of what I like to call “good government” provisions that I hope will soon become law—provisions that attempt to restore accountability and sound fiscal management to our Intelligence Community.
- For example, we give the DNI authority to conduct accountability reviews of an IC element or personnel in relation to a failure or deficiency within the IC. Too often we have seen poor judgment or serious mistakes go uncorrected—even worse, at times people who exercised such poor judgment have been promoted or otherwise rewarded. This is simply unacceptable.
- Giving the DNI the authority to step in and conduct these reviews will encourage accountability and good practices. Admiral Blair, I hope that if you are confirmed as the DNI, you will use this authority to send the message that poor performance will not be tolerated, let alone rewarded. This is not a matter of micro-managing the agencies or looking over the shoulder of

the agencies' directors, it is about ensuring that there is a clear standard of accountability throughout the entire Community and regaining confidence in the IC's analysis that has certainly had its share of problems in the recent past. You will be responsible for this, and if confirmed this Committee will hold you responsible for this.

- Second, we require the DNI to conduct annual personnel level assessments. While we want to make sure that we have enough fine men and women to do the job, growing the IC without a clear plan creates unnecessary bureaucracy and wastes hard-earned taxpayer dollars.
- Third, I have sponsored a number of related provisions designed to get a handle on an acquisitions and budget process that, in some cases, has gotten out-of-control. At a time when the taxpayers of this country are struggling to pay their bills, they do not want to see their hard-earned tax dollars squandered on programs that do not work. What they want to see is the Intelligence Community spending the taxpayers' money wisely.
- Now, I am not suggesting the severe budget cuts at the conclusion of the Cold War that gutted our intelligence capabilities. Rather, the DNI must make sure that money is being spent in the right place to address the threats we face now and expect to face in the future. In this regard Senator Mikulski and I have sponsored a solution that this Committee has adopted to address our nation's overhead architecture system that promises to save the taxpayers literally billions of dollars. We can talk more about that in another setting.
- It's my hope, Admiral Blair, that all of these provisions will be signed into law soon and that this Committee will be back on track with its authorization process. If you are confirmed, I look forward to working with you to implement fully these provisions.

### **DNI's Leadership**

- Additionally, this Committee will look to you to get a handle on agencies' budgets and personnel levels. We expect that you will find innovative ways to create career paths and opportunities that are attractive to employees so that the IC can not only recruit, but retain, the very best.
- Additionally, the Intelligence Community needs a strong leader who can stand on equal footing with the Secretary of Defense and other Cabinet officials. There may be occasions when the interests of the Secretary of Defense are not compatible with the Intelligence Community's interests. I expect that, if necessary, you will be assertive in these cases and not back down. The Intelligence Community deserves no less from you.
- I also expect that you will assert appropriate authority over the CIA. When Congress created the DNI, we intended that the Director of the CIA be subordinate to the DNI. It is the DNI—not the Director of the CIA—who is the leader of the IC. It follows, then, that it is the DNI who should answer to, and have access to, the President. I understand in practice this may not always be easy—no one likes to rock the boat and, quite simply, the CIA Director nominee is fortunate to have a good relationship with the President. This should not be a deterrent. I am confident that years of command experience will help you navigate this situation and be the leader that Congress intends.
- Admiral, if you do not believe that you have the authority to direct the IC as Congress intends, I expect that you will tell this Committee exactly what authorities you need to do this job right.

## Interrogation

- Today, I am also interested in hearing your thoughts on the CIA's interrogation and detention program, particularly in light of past comments you have made about the benefits of aggressively arresting and interrogating terrorists and President Obama's stated intention to close the detention facility at Guantanamo Bay.
- Obviously, closing that facility raises a host of problems, as evidenced by the recent decision in the case of the 20<sup>th</sup> hijacker.
- For example, do we transfer the detainees here to the United States for trial? I can't think of any city or town across this country that will be thrilled to have Khalid Sheikh Mohammad or Abu Zubaydah living down the street. And under what rules of evidence should they be tried? These are not ordinary bank robbers. They are terrorists apprehended overseas.
- Another option that isn't much better is releasing them overseas. The Pentagon's recent report found that 61 released detainees have returned to the battlefield.
- Additionally, as we all read about in the newspapers this morning, President Obama plans to issue today an Executive Order to implement the Army Field Manual. This will apply to all agencies, unless, of course, the President issues another Executive Order on enhanced techniques that certain agencies can use.
- If confirmed as the DNI, you will be the Intelligence Community's voice on these important matters. So I hope we can have a vigorous and candid discussion today and that you will share your ideas on possible solutions to these problems.

## Other Concerns

- I also have some concerns based on the testimony of the Attorney General nominee Eric Holder last week and my conversation with him in my office yesterday. He was asked whether he would honor the certifications filed by former Attorney General Mukasey that would allow the dismissal of lawsuits against communications providers who assisted with the Terrorist Surveillance Program.
- Instead of giving a simple "yes" or "no" response, Mr. Holder stated that he believed he would not revoke those certification Attorney General Mukasey made on the providers behalf unless there were "changed circumstances." I find this response very troubling as Mr. Holder has not explained what he meant by changed circumstances.
- Ensuring that the Intelligence Community has the cooperation of third parties is essential to our intelligence collection efforts. If these lawsuits are not dismissed, we run the risk of jeopardizing future cooperation. The Foreign Intelligence Amendments Act received almost 70 votes in the Senate and a strong majority in the House, and the constitutionality of it's predecessor the Protect America Act was just reaffirmed by the FISA appellate court, the Foreign Intelligence Surveillance Court of Review, so the Legislative and Judicial bodies have spoken on this matter.
- I will be interested in hearing your thoughts on whether these patriotic companies should be protected from these frivolous lawsuits and what your recommendation to the new Attorney General on this matter will be.

- Finally, I have some concerns raised by the Inspector General's Report finding that you had violated conflict of interest standards of the Institute for Defense Analysis.
- In 2006, the Washington Post published a story revealing this conflict of interest, following which you resigned from the board of a subcontractor on the F-22 program as well as IDA.
- While I have some questions about this matter and your reaction to it, I look forward to hearing your explanation of the findings in this report.

## **Conclusion**

- At this point I look forward to entering into a discussion with you and this Committee. Madam Chairman, the Intelligence Community cannot afford to be without a strong commander at the helm. I hope that this Committee can act on this nomination quickly and get it to the floor for a vote.
- Admiral Blair, I look forward to hearing your views on the direction for the DNI and your efforts to keep our Nation and families safe from attack.
- You have a long record of distinguished service to the Nation. I congratulate you on your nomination and look forward now to your testimony.