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## BETTER SPIES, BETTER INTELLIGENCE: A Progressive Strategy for Creating a Professional Intelligence Corps

*No duty the Executive had to perform was so trying as to put  
the right man in the right place.<sup>1</sup>*

—THOMAS JEFFERSON

Catastrophic, transnational terrorism perpetrated by non-state actors represents the fundamental security challenge of our time. Equipping policymakers to understand, detect, and protect against this threat is primarily an intelligence function. The Intelligence Community must mobilize the resources at its disposal to help policymakers anticipate and prevent terrorist attacks.

For the Intelligence Community to be as effective as our security needs demand, it must undergo a transformation that focuses on its primary asset—its people. Unfortunately, despite the unprecedented attention and energy dedicated to examining the Intelligence Community since September 11, its human infrastructure has received scant attention.

The aftermath of the September 11 attacks has seen numerous studies and investigations of the Intelligence Community, punctuated by the 9/11 Commission's 20-month investigation, which culminated in a call for a major overhaul of the Intelligence Community. The Commis-

## THE INTELLIGENCE COMMUNITY

The Intelligence Community was formally established by the National Security Act of 1947.<sup>2</sup> It brought together the agencies of the U.S. government that have intelligence responsibilities under the coordinating control of the Director of Central Intelligence, who concurrently also had the job as the Director of the Central Intelligence Agency (CIA). The Intelligence Reform and Terrorism Prevention Act of 2004 separated the two roles and created the position of Director of National Intelligence to assume the responsibility of managing the Intelligence Community.<sup>3</sup> The CIA and the intelligence components of the Federal Bureau of Investigation (FBI) are only two of those agencies, but examining them provides lessons that are generally applicable throughout the Intelligence Community. The 15 agencies or portions thereof currently included in the Intelligence Community are:

- Air Force Intelligence
- Army Intelligence
- Central Intelligence Agency
- Coast Guard Intelligence
- Defense Intelligence Agency
- Department of Energy Office of Intelligence
- Department of Homeland Security
- Department of State Bureau of Intelligence and Research
- Department of Treasury Office of Intelligence Support
- Federal Bureau of Investigation
- Marine Corps Intelligence
- National Geospatial-Intelligence Agency
- National Reconnaissance Office
- National Security Agency
- Navy Intelligence

sion and others have recognized the importance of personnel as the primary driver of organizational transformation.<sup>4</sup> The recently passed Intelligence Reform and Terrorism Prevention Act of 2004 that resulted from many of the Commission's recommendations contains provisions on personnel development, yet they seem to be almost an afterthought. Congress was seized with debate surrounding the authorities and duties of the Director of National Intelligence and almost completely neglected the tens of thousands of other employees that make up the Intelligence Community.

Moreover, when personnel issues have been addressed, they have been handled poorly. Most recently, the management changes and retirements instigated by newly appointed CIA Director Porter Goss brought widespread accusations that senior managers were being pushed out for political reasons.<sup>5</sup> It is clear that some change in the top leadership at the CIA needed to occur.<sup>6</sup> But any sensible personnel shake-up should happen in a systemic way and as part of an overall strategy. Goss failed to lay out a vision or describe any general plan to justify the changes he has made. By design or not, the CIA lost a significant amount of its institutional memory in a matter of weeks.

Two little-noticed presidential memoranda sent to the director of the CIA and the attorney general just before Thanksgiving 2004 do focus on personnel issues in the CIA and the FBI. The president ordered 50 percent increases in clandestine operatives, analysts, and language specialists at the CIA.<sup>7</sup> Welcome recognition of deficiencies in these areas for sure, yet hiring more people without changing anything else is the personnel equivalent of throwing money at the problem.<sup>8</sup>

The president's directives to the attorney general require the FBI to develop its intelligence collection, analysis, and translation capabilities.<sup>9</sup> Every examination of the FBI since September 11—and notably some before the attacks as well—has recognized the need to improve the intelligence function at the Bureau. Unfortunately, this new presidential directive, just as many failed FBI reform efforts in the past,<sup>10</sup> leaves the implementation entirely to the FBI.<sup>11</sup>

It is insufficient to simply declare that we need more intelligence personnel or to replace senior leadership absent an overall strategy. Rather, strategies and structures need to be developed that enable the Intelligence Community to identify, train, and retain employees with the necessary skills for the essential tasks they must perform.

A strategy for progressive intelligence reform, therefore, must focus on maximizing the effectiveness of the Intelligence Community's most crucial resource: its people. We must empower the leadership throughout the Intelligence Community to get the right people with the right skills in the right place at the right time. The key to progressive intelligence reform is an integrated national strategy to create a professional intelligence corps—similar to how we recruit, train, and build our military services—that can meet the challenges of today's threats and identify and adapt to those of tomorrow. Achieving this requires:

- Making education a national security imperative by investing in language and area studies programs to expand the pool of people available to intelligence agencies with critical intelligence skills.
- Training and rewarding intelligence analysts who can identify emerging threats and creating a clear career track that provides them with appropriate promotional opportunities so that good analysts stay in their jobs.
- Incorporating analysis on emerging threats into strategic planning to ensure the community has the people, skills, resources, and tactics to adapt to evolving challenges.

One of the tragic lessons of September 11 is that it is simply not sufficient to have talented and dedicated staff; indeed many of the intelligence successes before 9/11 resulted from personnel overcoming bureaucratic structures. It is vital that the Intelligence Community embark on the difficult assignment of finding and developing the right people, placing them in the right position, and focusing them on the right tasks.

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## CURRENT STATE OF PLAY

Examining the current dysfunction of the Intelligence Community is a task made difficult by the shroud of secrecy behind which many portions of the Community must function. Much can be learned, however, from examining two entities at the heart of the intelligence effort to combat international terrorist networks and about which more information is publicly available—the FBI and CIA. A review of the way these agencies handle their personnel should inform any progressive intelligence reform effort.

### Leadership and Strategic Personnel Planning

Despite nascent reform efforts, the FBI and CIA are bogged down by antiquated personnel management. The failure to transform the manner in which these important agencies conduct business more than three years after the tragic events of September 11 leaves the United States more vulnerable than it should be to another terrorist attack.

#### THE FEDERAL BUREAU OF INVESTIGATION

Immediately after the attacks of September 11, 2001, new FBI Director Robert Mueller pledged that the overriding priority for the FBI would be the prevention of terrorist attacks on the homeland. To accomplish its new mission, the FBI faced a fundamental challenge: to transform its culture from a reactive posture, in which investigating criminal activity and developing cases for prosecution was paramount, into an intelligence operation designed to detect and disrupt terrorist activity before it occurs. Despite admirable efforts by Director Mueller, the transformation of the FBI is far from complete.

The obstacles to change at the FBI have been and remain significant. At the time of the attacks, the FBI had critical personnel shortages in nearly every area: agents with counterterrorism experience made up less than 15 percent of its total agent workforce;<sup>12</sup> it lacked any meaningful strategic analytical capability;<sup>13</sup> and it had fewer than 100 specialists in the priority languages of Arabic, Farsi, Pashto, and Urdu.<sup>14</sup> The FBI also remains imbued with a law-enforcement-first culture that is at odds with the skills and duties central to perform its intelligence function. In interviews with analysts who were discouraged by the pace of reform, the 9/11 Commission staff found that many analysts were still being significantly underutilized.<sup>15</sup>

Regardless of its mission or priorities, FBI management has been disturbingly unaware of how its directives are, or are not, implemented throughout the FBI bureaucracy. According to the Department of Justice's Inspector General, the FBI has never conducted an analysis of whether its resource allocation and its actual performance matched its investigative priorities.<sup>16</sup>

The disconnect between FBI management and its sprawling bureaucracy has meant that efforts to adapt the FBI to its newly emphasized intelligence mission have had little effect in the FBI's 56 field offices. The special agents in charge (SACs) who run the field offices have very little, if any, national security experience.<sup>17</sup> The 9/11 Commission found that "management in the field offices still can allocate people and resources to local concerns that diverge from the national security mission" and feared that this "system could revert to a focus on lower-priority criminal justice cases over national security requirements."<sup>18</sup>

## THE CENTRAL INTELLIGENCE AGENCY

Although there are indications that CIA leadership had some understanding of the threat posed by transnational terrorist networks prior to September 11, as well as the importance of the Intelligence Community working to protect against that threat, the CIA, like the FBI, has yet to undergo the necessary transformation to maximize its ability to increase America's security.

CIA Director George Tenet was among the first officials in the Intelligence Community to recognize the gravity of the threat posed by Osama bin Laden and the al Qaeda network. In a December 4, 1998 memorandum, Tenet wrote, "We are at war. I want no resources or people spared in this effort, either inside CIA or the Community."<sup>19</sup> However, Tenet was not able to shape the bureaucracy of the Intelligence Community to fight his war on terrorism. Consequently, senior CIA leadership failed to grasp the areas in which changes were needed. They lacked sufficient resources and detailed proposed expenditures. Furthermore, they needed organizational changes that would be linked to counterterrorism objectives.<sup>20</sup> Finally, they needed to create a feedback mechanism that would have alerted Tenet to instances in which priorities were not being addressed by appropriate action. Such a mechanism would likely have avoided the troubling conclusion of the 9/11 Commission that Tenet's "declaration of war" went unnoticed in much of the Intelligence Community.<sup>21</sup>

The CIA completed a strategic plan in December 2003. Although, the details of the plan are not publicly known, based on news reports, it appears to call for similar increases in personnel as the president's recent directive.<sup>22</sup> Press reports on the strategic plan and the president's directive beg serious questions regarding the level of communication between the Intelligence Community and the White House, as it appears that the president was unaware that the CIA has conducted its review, let alone that it had been completed a year earlier.<sup>23</sup>

## THE FBI'S INFORMATION TECHNOLOGY PROBLEM

Another critical component of the transformation of the FBI is the development and implementation of new Information Technology (IT) systems. The culture at the FBI has resisted technology upgrades that would bring the Bureau into the modern world of business function and efficiency. Not only do the FBI's deficiencies in this area make it more difficult to fulfill its new counterterrorism mission, it makes it much harder to attract and retain personnel from the private sector. The Government Accountability Office (GAO) has reported that the FBI has had five Chief Information Officers since 2003.<sup>24</sup>

Last summer, a panel of the National Research Council at the National Academies concluded that the FBI's efforts to modernize its Information Technology program "is not currently on a path to success." Additionally, the panel found that the impending rollout of the key aspect of the Trilogy program, the Virtual Case File System, "runs a very high risk" that it will cause "mission disruptive failures and further delays."<sup>25</sup> Despite such warnings, the FBI was unable to address the problems and it was forced to conclude that the Virtual Case File System was so riddled with problems that it had to be scrapped.<sup>26</sup> The FBI has spent \$581 million on IT upgrades since September 11, \$170 million on the Virtual Case File System alone, much of which now appears to have been rendered worthless.<sup>27</sup> The seriousness of the problem raises this issue to the level of presidential action.

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### Recruitment, Training, and the Pool of Available Personnel

Both management failings and personnel issues hinder the Intelligence Community's transformation into an effective and integrated counterterrorism force. Through no fault of those fulfilling such front-line responsibilities, the Intelligence Community remains poorly-staffed to deal with the threat at hand.

Although the September 11 attacks provoked a call to service in the country that produced an unprecedented surge in applications to the federal government, real challenges remain in transforming this into more effective Intelligence Community staffing. The FBI received more than 40,000 applications for its special agent vacancies, and 57,000 from aspiring analysts between February and September 2004.<sup>28</sup> According to testimony to Congress by then-Acting CIA Director John McLaughlin, the CIA has experienced a similar surge in applications—totaling between 3,000 and 6,000 per week.<sup>29</sup> A larger applicant pool, however, has not yet led to the Intelligence Community having personnel with the appropriate skills in sufficient numbers.

The FBI's special agent hiring practices, for example, remain stuck in the past. The qualities the FBI traditionally seeks in special agents—law enforcement experience, legal or accounting backgrounds, and/or military service—are poorly matched to its new mission. Although Director Mueller has asserted that the Bureau is now recruiting with an eye toward intelligence experience—including language specialists, regional experts, computer scientists, and life scientists<sup>30</sup>—FBI special agents still must be hired in one of five entry programs, none of which is intelligence.<sup>31</sup> The Applicant Information Booklet for special agents available on the FBI website was last revised in 1997.<sup>32</sup>

The FBI's analyst and linguist recruitment efforts do not encourage the conclusion that the Bureau has turned the corner towards truly transforming its personnel. The GAO recently reported that through June 2004, the FBI had added only a net of 197 analysts since September 11, 2001, approximately 20 percent of its analyst workforce.<sup>33</sup> The GAO also found that temporary staff reassignments remain necessary to investigate all counterterrorism leads and priorities.<sup>34</sup> Similarly, despite more than triple the funding and a large influx of applications, the FBI added a net 331 linguists to its staff and contract corps, a rise of only 37 percent.<sup>35</sup> That increase has been outpaced by the demand placed on such linguists. For example, audio intercepts in languages primarily associated with counterterrorism<sup>36</sup> increased during the same period by 45 percent and “nearly 24 percent of ongoing FISA [Foreign Intelligence Surveillance Act] counterintelligence and counterterrorism intercepts are not being monitored.”<sup>37</sup> In sum, in relation to its requirements, the FBI has less capacity to translate material than it did on September 11, 2001.

The CIA appears to be making strides to address its personnel deficiencies, although without nearly as much public data available as is for the FBI, it is difficult to assess its overall performance. As noted earlier, President Bush has directed the CIA to increase its operatives, analysts, and linguists by 50 percent. The CIA is turning out record numbers of graduates from training for the clandestine services—up from a low point of 12 in 1996—and it has increased its numbers of Arabic language specialists by 36 percent in the last year.<sup>38</sup> No figures are available for any increase in the number of analysts. While such an increase is commendable, it is not

clear that it is sufficient to handle the amount of new material that needs to be translated in the wake of enhanced collection post-9/11.

The inadequate language skills within the Intelligence Community are particularly troubling because internal analysis from before the September 11 attacks indicated that it lacked depth in this key area.<sup>39</sup> Yet no concerted effort has been made to significantly increase the pool of potential linguists. This failure is reflected in figures from the National Center for Education Statistics that show the United States graduated only 14 students with Bachelor's, Master's, or Doctoral degrees in Arabic in 2002, the last year figures are available, representing 0.08 percent of the total degrees obtained in foreign languages that year.<sup>40</sup>

#### SECURITY CLEARANCES: AN OBSTACLE TO OBTAINING CRITICAL SKILLS

Some of the personnel deficiencies that undermine the effectiveness of the Intelligence Community are rooted in the burdensome process of obtaining a security clearance for access to classified material. The protracted clearance process has become an impediment to attracting high-quality people into government service. The security clearance process is mired by redundancies, inadequate resources, and inflexible attitudes toward applicants with family living abroad. Indeed, 9/11 Commissioner Fred Fielding said that the clearance process is making "it so difficult for people to come into government that the very laws that are supposed to carry out the will of the people become the very instruments to inhibit the people from having the very best come in."<sup>41</sup> Mark Bullock of the FBI told Congress that "we're having the most difficulty hiring the agents with the language skills, barring Spanish: Arabic, Urdu, Russian, and Chinese. We still have difficulties finding the individuals with those skills that can get through our process and overcome the security issues with having family members that live abroad."<sup>42</sup>

In addition, a 1995 Executive Order that established a common set of standards for the clearance process has failed to have the desired harmonizing effect.<sup>43</sup> The recently passed intelligence reform legislation takes a step in the right direction by authorizing the president to designate one entity to conduct and oversee the clearance process and by calling for a dramatic reduction in the length of the process. It also goes a step further than the 1995 Executive Order and creates a presumption of reciprocity for security clearances across the Intelligence Community. Unfortunately, the legislation contains several exceptions that could limit the effectiveness of this provision,<sup>44</sup> and it does not include any provisions to address the issues raised by Mr. Bullock.

#### Lack of Investment in Intelligence Personnel

Among other issues, the Intelligence Community remains poorly structured and ill-prepared to effectively retain and nurture its personnel. These problems are particularly pronounced in the FBI, but extend to the CIA and other corners of the Intelligence Community. The problems in the FBI stem from its historical failure to value intelligence work. Those of the CIA appear to be a function of neglect.

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The FBI's career ladder for intelligence personnel is limited, placing the Bureau at a comparative disadvantage with other agencies in the Intelligence Community and making retention of talented intelligence operatives difficult. For example, both the National Security Agency and the CIA have long had positions at the top grade, General Schedule Grade 15 (GS-15), and in the Senior Executive Service (SES) available to intelligence personnel. Although the FBI has declared that it recognizes the need to create nonsupervisory senior level positions for analysts, both the Congressional Research Service and the GAO have recently reported that the Bureau does not currently have any such positions above GS-14.<sup>45</sup>

The FBI is taking steps to improve its intelligence collection and analysis resources,<sup>46</sup> but there is reason to be skeptical that these changes will be institutionalized and last beyond the current leadership. As the Congressional Research Service has reported, "Twice before—in 1998, and then again in 1999—the FBI embarked on almost identical efforts to establish intelligence as a

priority, and to strengthen its intelligence program."<sup>47</sup> Both efforts were failures. The intelligence reform legislation is unlikely to significantly improve the plight of intelligence personnel within the FBI. Although it included provisions aimed at establishing an intelligence career service at the FBI, it leaves the implementation primarily to the Bureau, it imposes no specific oversight mechanisms or reporting requirements, and it imposes no penalty for failure.<sup>48</sup>

Similarly, although the FBI has also completed the development of a human capital management plan, as of March 2004, it had yet to hire senior personnel to direct such planning.<sup>49</sup> The Bureau also continues to rely on a pass/fail system to evaluate its employees' performance that, according to a GAO report, "does not provide enough meaningful information and dispersion in ratings to recognize and reward top performers, help everyone attain their maximum potential, and deal with poor performers."<sup>50</sup>

Exacerbating the intelligence personnel shortcomings at the FBI is the simultaneous graying and greening of its workforce, a phenomenon that is occurring throughout the Intelligence Community. Diminishing resources forced agencies to cut back on hiring during the 1990s. Older staff is approaching the retirement age, and with the next layer of staff missing because of the reductions in hiring, the recent influx of large numbers of new recruits with much less experience is dramatically altering the composition of the Intelligence Community workforce. For example, a 2001 study of the FBI found that 25 percent of special agents would be eligible to retire by 2005, and that 80 percent of senior executives were eligible to retire at the time of the study.<sup>51</sup> The seriousness of the problem is demonstrated by the fact that the four principal deputies that Director Mueller appointed to top counterterrorism and counterintelligence positions in the wake of 9/11 had all left the FBI by December 2003.<sup>52</sup>

The Intelligence Community also does not provide the kind of continuing education and leadership training programs to its employees that the U.S. military does. The Department of Defense operates the Joint Military Intelligence College, where officers can obtain a Master's

degree in intelligence analysis. Additionally, a senior military officer can spend between ten and twenty percent of his or her career in continuing education or leadership training programs, such as the U.S. Army War College. Such extensive professional development opportunities simply do not exist within the Intelligence Community despite some nascent efforts.<sup>53</sup> The massive influx of new employees must be properly trained and its older personnel must be provided with mid-career opportunities to update their skills.

### Long-Range Threat Analysis and Personnel Planning

The Intelligence Community has serious resource and personnel deficiencies that hamper its attempts to adequately counter the immediate threat of catastrophic terrorism. This predicament exists primarily because policymakers failed to identify and adapt to the requirements of the changing threat environment after the Cold War and realign policies to ensure a workforce equipped to counter emerging threats.

This failure resulted from several factors, including a general reduction of resources immediately after the Cold War. Another critical aspect that has contributed to these deficiencies was the lack of a coordinated effort to utilize the Intelligence Community's long-range threat assessments as a guide to personnel decisions.

The Intelligence Community uses warning analysis to communicate information on threats to policymakers to allow them to manage or deter it. The National Intelligence Officer for Warning and the National Warning Staff officially came into being after a string of failures led Congress to recommend their establishment in the 1970s.<sup>54</sup> For much of its existence the National Warning Staff focused on monitoring Soviet military buildups and actions by others of the world's largest militaries. After the Cold War, warning analysts shifted focus and did recognize the potential for catastrophic attacks on the homeland, but were not able to prioritize it against other threats.<sup>55</sup>

The current warning mission has been diluted because it focuses too often on answering policymakers' queries on immediate threats.<sup>56</sup> Moreover, there does not appear to be a dedicated mechanism to feed information on changing threats from warning analysts into long-term strategic policy planning by the National Security Council (NSC), Congress, and the Intelligence Community. As a result, warning analysis generally does not, "affect Intelligence Community priorities and resources," according to John Gannon, a former Assistant Director of Central Intelligence for Analysis and Production.<sup>57</sup> This situation contributes to the U.S. government's difficulty in identifying and adapting to a changing threat environment.

## PROGRESSIVE POLICY RECOMMENDATIONS AND ACTION PLAN

To maximize its ability to protect the nation, the Intelligence Community must radically improve how it attracts, utilizes, trains, and retains its personnel. The president should work with the Congress to implement the following steps to create a professional intelligence corps that can meet the challenges of today's threats and identify and adapt to those of tomorrow.

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*We must develop a strategy that creates a partnership between the U.S. government and Arab and Muslim citizens and immigrants in the pursuit of our common goal: the prevention of terrorist acts.*

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## Personnel Management

The first step towards establishing a professional intelligence corps is to dramatically improve the management of personnel currently employed in the Intelligence Community in order to maximize their performance and ensure that the right people are in the right jobs.

### INSTITUTIONALIZE STRATEGIC PERSONNEL PLANNING IN THE INTELLIGENCE COMMUNITY

The president should instruct the Director of National Intelligence to adopt a management system that maximizes the Community's ability to match personnel decisions with resource needs. A crucial first step to establishing such a system and addressing the uneven leadership and limited strategic personnel planning would be the appointment of a Chief Human Capital Officer for the Intelligence Community to formulate and implement a strategic human capital plan.<sup>58</sup> The Chief Human Capital Officer, in turn, should:<sup>59</sup>

- Identify resource needs and develop programs to educate, recruit, train, and reward personnel with critical skills.<sup>60</sup>
- Develop data-driven performance management systems to assist leaders to manage risk by spotlighting critical skill shortages and identifying areas for agency improvement.
- Align individual performance with agency goals by rewarding employees and units for applying organizational goals.

Elements of such a system are contained in the Intelligence Reform and Terrorism Prevention Act of 2004.<sup>61</sup> For example, the concept of “jointness” has been identified by many experts as an important tool to improve operations across the Intelligence Community—including the 9/11 Commission and the report of the Markle Foundation, released in October 2002.<sup>62</sup> The Goldwater-Nichols Department of Defense Reorganization Act of 1986 enshrined the concept of “jointness” in the ethos of the military, where the relative strengths of each service branch would complement each other to make the whole greater than the sum of its parts.

The new law authorizes the Director of National Intelligence to establish positions specifically designed to involve service in two or more agencies within the Intelligence Community during the course of a career, and to provide rewards for undertaking missions with planning or analysis involving two or more agencies of the Intelligence Community.

### INCORPORATE LONG-RANGE THREAT ASSESSMENTS INTO STRATEGIC PERSONNEL PLANNING

Strategic resource assessments have determined that the Intelligence Community's most pressing needs are for language and area specialist personnel. Those needs drive our recommendations below to invest in education programs in order to produce more linguists and area specialists and to reexamine the process for obtaining security clearances.

Beyond its immediate needs, the Intelligence Community and the policymakers who rely on its work cannot lose sight of anticipating the Community's long-term needs. The Intelligence Community should conduct a review of resource requirements based on long-range warning analysis every five years. Identifying critical skill areas guided by long-range threat assessments and feeding that information back into resource allocation for education, recruiting, and training programs is vital to prevent a repeat of current personnel shortages.

As a first step in this process, the Intelligence Community should conduct a review of its analytical capability aimed at establishing a distinct long-range warning capability separate from current intelligence analysis.<sup>63</sup> The Intelligence Community must institutionalize a capacity to look beyond the horizon for emerging challenges and align its resources accordingly.<sup>64</sup> To ensure the Intelligence Community establishes this capacity, the National Security Council and congressional oversight committees should require annual reports from long-range analysts on the changing threat environment.<sup>65</sup>

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*The hard work involved in developing a professional intelligence corps . . . can all be wasted if not enough effort is invested to properly promote and retain these employees.*

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### Expanding the Pool of Available Personnel

Building a professional intelligence corps requires investment in education programs to teach critical skills. It also requires examining policies that make it more difficult to recruit potential employees who possess needed skills, and adjusting them, as appropriate.

#### MAKE EDUCATION A NATIONAL SECURITY IMPERATIVE

The Hart-Rudman Commission reported in February 2001 that “the capacity of America’s educational system to create a 21<sup>st</sup> century workforce second to none in the world is a national security issue of the first order. As things stand, this country is forfeiting that capacity.”<sup>66</sup> As we noted earlier, the American education system has not produced sufficient numbers of language or area specialists. The Hart-Rudman Commission highlighted critical shortages in teachers as well.<sup>67</sup> These problems are cumulative, as current shortages spawn more acute shortages in the future.

The David L. Boren National Security Education Act of 1991 created the National Security Education Program (NSEP), which provides scholarships and fellowships to undergraduate and graduate students to study languages, areas studies, and other national security related fields. The Act also provides grants to universities to improve the provision of education in these areas where deficiencies exist. The NSEP is funded by the National Security Education Trust Fund. An \$8,000,000 appropriation was authorized for the Trust Fund in the Intelligence Authorization Act for Fiscal Year 2005.<sup>68</sup>

The Intelligence Reform and Terrorism Prevention Act of 2004 established the Intelligence Community Scholarship Program.<sup>69</sup> As a return for each year of assistance, students would commit to a two-year term of service as an employee of an agency in the Intelligence Community. This scholarship program will be under the control of Director of National Intelligence, and while the NSEP is designed to service the broad category of national security, this program is specifically designed to feed agencies in the Intelligence Community.

Congress should significantly increase the funding to the Trust Fund. Furthermore, it should add a scholarship program to the NSEP for U.S. persons who possess native fluency in critical languages and expand the National Flagship Initiative, which provides grants to universities that adopt innovative approaches to language and area studies.

The Intelligence Community and Congress should work together to incorporate the results of the five-year reviews of long-range threats into the funding priorities for Intelligence Community Scholarship Program to ensure that it will be able to draw on a large pool of applicants with the appropriate skills.

#### IMPROVE HIRING IN CRITICAL SKILL AREAS

The United States is a country of immigrants. As a result, we have an abundance of first- or second-generation Americans with close family relations that still live outside our borders.<sup>70</sup> We must maximize the participation of this large group of Americans, many of whom are eager to work in intelligence-related fields. While employing more personnel that have immediate family members living abroad may increase the risk to the security of classified information, this risk can be managed and minimized by the kind of thorough investigation that is elemental to the clearance process. Properly managed, this risk is dwarfed in comparison with the risk of being unable to translate intercepted material due to the lack of qualified linguists.

The president should appoint a commission to examine options for facilitating the hiring and clearing of prospective personnel who are first- and second-generation Americans who have lived abroad, or who have family members living abroad.<sup>71</sup>

#### IMPROVE RELATIONS WITH AND RECRUIT INDIVIDUALS FROM ARAB-AMERICAN COMMUNITIES

Both the FBI and CIA have experienced difficulties in recruiting assets in Muslim, Arab, and Arab-American communities in the wake of domestic actions in the war on terrorism and the war in Iraq. The challenge for our government is to be simultaneously aggressive in pursuit of leads and terrorist suspects, yet create and maintain positive working relationships with the communities that are often on the receiving end of those aggressive tactics.

The solution to this challenge lies in what many might view as an odd pairing: combining the principles of the civil liberties and civil rights communities with the requirements of law enforcement and intelligence agencies. It is simply bad policy to expect the cooperation of people affected by the actions of the government that create resentment and fear in those communities.

We must develop a strategy that creates a partnership between the U.S. government and Arab and Muslim citizens and immigrants in the pursuit of our common goal: the prevention of terrorist acts. There are instances since September 11<sup>th</sup> when this type of effort proved successful, but only at the local level.

In December 2001, the Justice Department launched a project to interview nearly 5,000 Arab and Muslim recent immigrants. Since the targets were determined exclusively by national origin, in many areas this instilled the belief that all Muslims were suspects. This approach was unnecessary and counterproductive and some law enforcement officers felt it had a negative impact on community relations.<sup>72</sup>

The Eastern District of Michigan, however, was one of two districts that contacted those to be interviewed by letter rather than arriving unannounced at a place of work or residence.<sup>73</sup> The interviews were conducted in a “friendly and professional” manner and those interviewed were “allowed to bring lawyers or other guests and to tape-record the conversations.”<sup>74</sup> These factors

contributed to this district, which includes Detroit, conducting a higher number of interviews than any of the other 93 districts.<sup>75</sup>

The attorney general should appoint a commission with representatives from affected communities and law enforcement and intelligence officials to formulate a strategy to enhance the cooperation between Arab-American and Muslim communities and the government. The commission's recommendations must go beyond simple public relations gestures and include confidence-building measures and practical steps to improve relations.

#### CREATE AN INTELLIGENCE COMMUNITY RESERVE SERVICE

An effective Intelligence Community is one that can surge to meet the demands of a crisis or imminent threat while maintaining its ability to examine the horizon for emerging challenges. Creating the necessary surge capacity requires the formation of a meaningful Intelligence Community Reserve Service.

Although the Intelligence Reform and Terrorism Prevention Act of 2004 authorized a National Intelligence Reserve Corps, its implementation is entirely at the discretion of the Director of National Intelligence.<sup>76</sup> The president should instruct the DNI to work with Congress to establish a robust Intelligence Community Reserve Service. Such a service would enable the Community to retain a capability in critical areas when employees retire or resign. Furthermore, it would provide a dedicated reserve similar to the military's where individuals are recruited and trained specifically for the reserve force.

This dedicated reserve component could be fed by a program similar to the military's Reserve Officer Training Corps (ROTC), in which potential reservists receive stipends in exchange for periods of training and active duty.<sup>77</sup> Reservists would be required to maintain security clearances and receive regular training to ensure that their skills are current. A reserve corps would also enable the Intelligence Community to draw on the expertise of people outside of government service.

#### Training and "Jointness"

The Intelligence Community must take a more strategic approach to training its personnel. Initial and mid-career training present ideal opportunities to bring together employees from across the Intelligence Community, impart common practices, build working relationships, and break down barriers between agencies. Joint training can help instill in personnel the belief that they are a part of a professional intelligence corps rather than merely employees of an individual agency isolated from others in the Intelligence Community.

#### IMPROVE THE TRAINING OF INTELLIGENCE COLLECTORS AND ANALYSTS

The CIA operates its own university to train its intelligence analysts. In 2000, it also started the Sherman Kent School of Intelligence to impart analyst tradecraft. Although it is difficult to evaluate much of these activities in detail because of classification issues, the CIA devotes significant resources to training its new employees on intelligence collection and analysis techniques. The Intelligence Community, however, does not make the same long-term commitment to continuing training and professional development that is an established aspect of a military career.

The status of the FBI's training program is more troubling. Although it has recently added a College of Analytical Studies to its training facility at Quantico, Virginia, its curriculum has been largely devoted to orienting the new analysts to FBI procedures and guidelines. The FBI is providing its new agents more intelligence training, though the time allotted to counterintelligence and counterterrorism training still only represents a meager 11.8 percent, or 80 hours, of total new agent training.<sup>78</sup>

These separate structures for training personnel within the Intelligence Community create additional barriers to cooperation and collaboration among agencies. The Intelligence Community should create a National Intelligence Academy to train analysts community-wide.<sup>79</sup> Section 1042 of the Intelligence Reform and Terrorism Prevention Act of 2004 addresses this issue, albeit in very brief terms. It calls for the Director of National Intelligence to “establish an integrated framework that brings together the educational components of the intelligence community in order to promote a more effective and productive intelligence community through cross disciplinary education and joint training.”<sup>80</sup>

The benefits of establishing a joint training center go beyond imparting common methods. Relationships can be established that reach across agency lines and facilitate collaboration and cooperative planning. Joint training, however, would not replace the training programs run by the individual intelligence agencies that impart methods that are unique to that agency.

#### MANAGEMENT TRAINING WITH MANDATORY ROTATIONS ACROSS THE INTELLIGENCE COMMUNITY

It is typical for political appointees to come to Washington without much background or experience in management.<sup>81</sup> Nonpolitical senior managers who have been promoted through the ranks of Intelligence Community agencies have often risen based on their performance in nonmanagement oriented tasks.

The training efforts of individual agencies should be standardized across the Intelligence Community and all senior managers should rotate through community-wide management training to ensure consistent application of organizational strategies. Portions of this program could be included in the curriculum at the proposed National Intelligence Academy. Joint management training would also contribute to the goal of establishing the sense of “jointness” within the Intelligence Community.<sup>82</sup>

#### TRAINING FOR INTELLIGENCE CONSUMERS

The government invests significant resources to determine whether an official can be trusted to receive classified intelligence information, yet it devotes almost no energy to ensure that the official has the skills necessary to interpret that information properly. The NSC should oversee a program that requires all intelligence consumers to undergo training on how to interpret and evaluate material received from the Intelligence Community. For example, new employees in the Executive Office of the President should meet a series of requirements when first taking their positions. Training in the proper use of intelligence should be one of those requirements.

## Valuing and Retaining Personnel

The hard work involved in developing a professional intelligence corps—identifying critical skill areas, maximizing the pool of prospective employees with those skills, recruiting these individuals, and training and building working relationships among employees across the Intelligence Community—can all be wasted if not enough effort is invested to properly promote and retain these employees. This area has been a critical failure of the FBI—and the next two recommendations are aimed directly at the Bureau. The entire Intelligence Community would benefit from the third recommendation: the establishment of a mechanism to draw on expertise outside of the Community.

### INSTITUTIONALIZE REFORM IN FBI FIELD OFFICES

Traditionally, special agents in charge (SACs) have held close to absolute authority in the FBI's field offices. The overwhelming majority of SACs do not have national security experience and have been slow to implement reform initiatives instituted by Director Mueller.<sup>83</sup> Successive reform efforts aimed at giving higher priority to intelligence functions at the FBI have failed and have not adequately penetrated the deeply ingrained law enforcement culture of the Bureau and its field offices. The Field Intelligence Groups that have been created have not had the requisite impact on field intelligence operations. Compounding the problem, the intelligence reform legislation hardly addresses issues in the field offices, and then only in the context of the Field Intelligence Groups.<sup>84</sup> We cannot afford to fail again.

Director Mueller should appoint a Special Agent in Charge for Intelligence (SAC-I) for each of the FBI's largest 15 field offices.<sup>85</sup> The SAC-I would be responsible for institutionalizing the intelligence function in these field offices. It is important that this new position both carry the Special Agent in Charge title, and the Intelligence title, to clearly communicate the position's standing in the field offices and the importance of the intelligence function in the FBI's mission. Having equal standing with the traditional SAC in the field is essential to avoid the redirection of intelligence personnel and resources to meet short-term law enforcement needs. Furthermore, the SAC-I would have equal and direct access to senior management at FBI headquarters.

### ESTABLISH A CREDIBLE CAREER TRACK FOR INTELLIGENCE PERSONNEL IN THE FBI

The FBI has stated a commitment to developing a Career Intelligence Service but has tried and failed repeatedly in recent years to make intelligence a priority.<sup>86</sup> The Intelligence Reform and Terrorism Prevention Act of 2004 calls for the establishment of a National Intelligence Workforce in the FBI, but the Act's requirements are very general, and leave implementation entirely up to the FBI.<sup>87</sup>

Several of our other recommendations, if fully implemented, would assist the FBI in establishing a credible career track for its intelligence personnel: strategic human capital planning; appointment of SAC-Is in the field offices; and improved training of collectors and analysts.

To further the cause of creating an intelligence career path, the FBI should formalize a higher pay band for intelligence personnel to the GS-15 grade level and fast-track agents into priority offices instead of following its plan to first place intelligence agents in one of the 41 smaller field offices. Finally, in light of past FBI failures in this area, more vigilant congressional oversight of efforts to implement this reform is essential.

## ENDNOTES

<sup>1</sup> John B. McMaster, *History of the People of the United States*, v. 2, at 586 (1919).

<sup>2</sup> 50 U.S.C § 401a(4).

<sup>3</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 §§ 1011-1020, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>4</sup> The Government Accountability Office has produced a series of reports on the importance of human capital management for organizational change in the federal government, beginning with *A Model for Strategic Human Capital Management*, March 2002, *available at* <http://www.gao.gov/new.items/d02373sp.pdf> (last viewed Dec. 22, 2004). It has also consistently monitored the human capital issues at the Federal Bureau of Investigation. Those reports will be referenced later in this chapter. We are also pleased to note that the report of the Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (hereafter referred to as WMD Commission), released March 31, 2005, while this paper was in post-production, examined personnel issues within the Intelligence Community and made several recommendations that closely track our own. The report is *available at* <http://www.wmd.gov/report/> (last viewed Mar. 31, 2005).

<sup>5</sup> Douglas Jehl, *CIA Churning Continues as 2 Top Officials Resign*, *N.Y. Times*, Nov. 15, 2004, at A16.

<sup>6</sup> See e.g., Douglas Jehl, *CIA Report Finds Its Officials Failed in Pre-9/11 Efforts*, *N.Y. Times*, Jan. 7, 2005, at A1.

<sup>7</sup> President George W. Bush, “Strengthening Central Intelligence Agency Capabilities,” Nov. 18, 2004 (made public Nov. 23), *available at* <http://www.usembassy.ro/WF/300/eur308htm> (last viewed Jan. 11, 2005).

<sup>8</sup> Subsequent to the original release of this report in April 2005, the WMD Commission released a memorandum in which it analyzed the CIA response to President Bush’s memorandum and found that “too little has changed as a result” of the memo, and that the CIA plan, submitted in February 2005, “generally recites institutional aspirations that are well-known and most of which are contained in previous CIA plans.” Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Mar. 29, 2005, *available at* <http://www.wmd.gov/report/fbicia.pdf> (last viewed on August 12, 2005).

<sup>9</sup> President George W. Bush, “Further Strengthening Federal Bureau of Investigation Capabilities,” Nov. 23, 2004, *available at* <http://www.fas.org/irp/news/2004/11/wh112304ag.html> (last viewed Jan. 11, 2005).

<sup>10</sup> National Commission on Terrorist Attacks Upon the United States, *Staff Statement #9: Law Enforcement, Counterterrorism, and Intelligence Collection in the United States Prior to 9/11*, at 5-7, Apr. 14, 2004, *available at* [http://www.9-11commission.gov/staff\\_statements/staff\\_statement\\_9.pdf](http://www.9-11commission.gov/staff_statements/staff_statement_9.pdf) (last viewed Dec. 22, 2004)(discussing past failed attempts at reform).

<sup>11</sup> The WMD Commission memorandum referenced above also analyzed the FBI’s response and found a “business as usual” approach that is “inconsistent with the core recommendation of the 9/11 Commission regarding the FBI” and “fails to create a truly specialized and integrated national security workforce” as the President’s memo requires. Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, March 29, 2005, *available at* <http://www.wmd.gov/report/fbicia.pdf> (last viewed on August 12, 2005).

<sup>12</sup> Statement of David M. Walker, Comptroller General of the United States, “FBI Reorganization,” before the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, June 21, 2002, *available at* <http://www.gao.gov/new.items/d02865t.pdf> (last viewed Dec. 22, 2004).

<sup>13</sup> National Commission on Terrorist Attacks Upon the United States, *Staff Statement #12: Reforming Law Enforcement, Counterterrorism, and Intelligence Collection in the United States*, at 5-6, Apr. 14, 2004, *available at* [http://www.9-11commission.gov/staff\\_statements/staff\\_statement\\_12.pdf](http://www.9-11commission.gov/staff_statements/staff_statement_12.pdf) (last viewed Dec. 22, 2004).

<sup>14</sup> Department of Justice Inspector General, *The Federal Bureau of Investigation’s Foreign Language Program, Audit Report 04-25*, at v, July 2004, *available at* <http://www.usdoj.gov/oig/audit/FBI/0425/final.pdf> (last viewed Dec. 22, 2004).

<sup>15</sup> National Commission on Terrorist Attacks Upon the United States, *Staff Statement #12: Reforming Law Enforcement, Counterterrorism, and Intelligence Collection in the United States*, at 5-6, Apr. 14, 2004, *available at* [http://www.9-11commission.gov/staff\\_statements/staff\\_statement\\_12.pdf](http://www.9-11commission.gov/staff_statements/staff_statement_12.pdf) (last viewed Dec. 22, 2004).

<sup>16</sup> Department of Justice Inspector General, *Federal Bureau of Investigation Casework and Human Resource Allocation, Audit Report 03-37*, at 9, September 2003, *available at* <http://www.usdoj.gov/oig/audit/FBI/0337/final.pdf> (last viewed Dec. 22, 2004).

<sup>17</sup> Congressional Research Service, *FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress*, at 21, Apr. 6, 2004 (updated Aug. 4, 2004) *available at* <http://www.fas.org/irp/crs/RL32336.pdf> (last viewed Jan. 5, 2005).

- <sup>18</sup> National Commission on Terrorist Attacks Upon the United States, Final Report, at 425, (2004).
- <sup>19</sup> National Commission on Terrorist Attacks Upon the United States, Staff Statement #11: The Performance of the Intelligence Community, at 10, Apr. 14, 2004, *available at* [http://www.9-11-commission.gov/staff\\_statements/staff\\_statement\\_11.pdf](http://www.9-11-commission.gov/staff_statements/staff_statement_11.pdf) (last viewed Dec. 22, 2004).
- <sup>20</sup> *Ibid* at 11. *See also* Douglas Jehl, *CIA Report Finds Its Officials Failed in Pre-9/11 Efforts*, N.Y. Times, Jan. 7, 2005, at A1.
- <sup>21</sup> *Ibid* at 10.
- <sup>22</sup> Walter Pincus & Dana Priest, *Bush Orders CIA to Hire More Spies*, Washington Post, Nov. 24, 2003, at A4.
- <sup>23</sup> *Ibid*.
- <sup>24</sup> Statement of Laurie E. Ekstrand, Director Homeland Security and Justice Issues, Government Accountability Office, “Transformation of the Federal Bureau of Investigation,” before the Senate Appropriations Subcommittee on Justice, State, Commerce and the Judiciary, Mar. 23, 2004, *available at* [http://www.globalsecurity.org/security/library/congress/2004\\_h/040323-ekstrand-hite.htm](http://www.globalsecurity.org/security/library/congress/2004_h/040323-ekstrand-hite.htm) (last viewed Dec. 22, 2004).
- <sup>25</sup> Computer Science and Telecommunications Board, National Research Council, A Review of the FBI’s Trilogy Information Technology Modernization Program, at 1, June 2004, *available at* <http://books.nap.edu/html/FBI/0309092248.pdf> (last viewed Dec. 22, 2004). The National Research Council (NRC) issued a letter following a briefing from FBI officials in response to the report. That briefing reassured members of the NRC, but the NRC noted “that the FBI has many remaining challenges before it in the IT area and that it will take some time to see the results from the many IT plans that the FBI has recently put into place.” Letter to FBI Director Mueller from James C. McGroddy, June 7, 2004, at 1, *available at* <http://books.nap.edu/books/NI000561/html/1.html> (last viewed Dec. 22, 2004).
- <sup>26</sup> Eric Lichtblau, *FBI Ends a Faltering Effort to Overhaul Computer Software*, N.Y. Times, Mar. 8, 2005, at 16.
- <sup>27</sup> Richard B. Schmitt, *New FBI Software May Be Unusable*, L.A. Times, Jan. 13, 2005, at 1.
- <sup>28</sup> Statement of Mark Bullock, Assistant Director of Administrative Services, FBI, “9/11 Commission Human Capital Recommendations: A Critical Element of Reform,” before the Senate Governmental Affairs Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, Sept. 14, 2004, *available at* <http://www.senate.gov/-gov-affairs/index.cfm?Fuseaction=Hearings.Testimony&HearingID=203&WitnessID=732> (last viewed Jan. 5, 2005).
- <sup>29</sup> Statement of John E. McLaughlin, Acting Director CIA, “Building an Agile Intelligence Community to Fight Terrorism and Emerging Threats,” before the Senate Government Affairs Committee, Sept. 8, 2004, *available at* [http://hsgac.senate.gov/\\_files/090804mclaughlin4843.pdf](http://hsgac.senate.gov/_files/090804mclaughlin4843.pdf) (last viewed Jan. 5, 2005).
- <sup>30</sup> Statement of FBI Director Robert S. Mueller, “Building an Agile Intelligence Community to Fight Terrorism and Emerging Threats,” before the Senate Governmental Affairs Committees, Sept. 8, 2004, *available at* [http://hsgac.senate.gov/\\_files/090804mueller3300.pdf](http://hsgac.senate.gov/_files/090804mueller3300.pdf) (last viewed Jan. 5, 2005).
- <sup>31</sup> Congressional Research Service, FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress, at 13 n.52, Apr. 6, 2004 (updated Aug. 4, 2004) *available at* <http://www.fas.org/irp/crs/RL32336.pdf> (last viewed Jan. 5, 2005).
- <sup>32</sup> FBI Special Agent Selection Process, Applicant Information Booklet, *available at* <https://www.fbijobs.com/general.htm> (last viewed Dec. 22, 2004).
- <sup>33</sup> Statement of Laurie E. Ekstrand, Director Homeland Security and Justice Issues, Government Accountability Office, “Oversight of FBI Transformation,” before the Senate Appropriations Subcommittee on Justice, State, Commerce and the Judiciary, at 5, June 3, 2004, *available at* <http://www.gao.gov/new.items/d04817t.pdf> (last viewed Dec. 22, 2004).
- <sup>34</sup> *Ibid* at 4.
- <sup>35</sup> Department of Justice Inspector General, The Federal Bureau of Investigation’s Foreign Language Program, Audit Report 04-25, at viii (in footnote 11), July 2004, *available at* <http://www.usdoj.gov/oig/audit/FBI/0425/final.pdf> (last viewed Dec. 22, 2004).
- <sup>36</sup> The DOJ Inspector General described these as Arabic, Farsi, Urdu, and Pashto. *Ibid* at vi.
- <sup>37</sup> *Ibid* at viii.
- <sup>38</sup> Statement of John E. McLaughlin, Acting Director CIA, “Building an Agile Intelligence Community to Fight Terrorism and Emerging Threats,” before the Senate Government Affairs Committee, Sept. 8, 2004, *available at* [http://hsgac.senate.gov/\\_files/090804mclaughlin4843.pdf](http://hsgac.senate.gov/_files/090804mclaughlin4843.pdf) (last viewed Jan. 5, 2005).

- <sup>39</sup> National Intelligence Production Board, Strategic Investment Plan for Intelligence Community Analysis, at 12, February 2001, *available at* [http://www.cia.gov/cia/reports/unclass\\_sip/UnclasSIP.pdf](http://www.cia.gov/cia/reports/unclass_sip/UnclasSIP.pdf) (last viewed Dec. 22, 2004).
- <sup>40</sup> Congressional Research Service, Requirements for Linguists in Government Agencies, at 8, Sept. 2, 2004, *available at* <http://www.fas.org/irp/crs/RL32557.pdf> (last viewed Mar. 2, 2005).
- <sup>41</sup> Statement of Fred Fielding, 9/11 Commissioner, “9/11 Commission Human Capital Recommendations: A Critical Element of Reform,” before the Senate Governmental Affairs Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, Sept. 14, 2004, *prepared statement available at* [http://www.senate.gov/-gov\\_affairs/index.cfm?Fuseaction=Hearings.Testimony&HearingID=203&WitnessID=730](http://www.senate.gov/-gov_affairs/index.cfm?Fuseaction=Hearings.Testimony&HearingID=203&WitnessID=730) (last viewed Jan. 5, 2005).
- <sup>42</sup> Federal Document Clearing House Political Transcripts, “9/11 Commission Human Capital Recommendations: A Critical Element of Reform,” Hearing of the Senate Governmental Affairs Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, Sept. 14, 2004.
- <sup>43</sup> Executive Order 12968, Access to Classified Information, Aug. 4, 1995, *available at* <http://www.fas.org/sgp/clinton/eo12968.html> (last viewed Mar. 2, 2005).
- <sup>44</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 3001, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004). The law grants broad authority to the head of a new entity that would be responsible for all security clearances to add on additional requirements for certain investigations or agencies (§ 3001(d)(3B)). Additionally, the law would allow the head of the new entity to disallow the reciprocity of certain security clearances (§ 3001(d)(5)).
- <sup>45</sup> Statement of J. Christopher Mihm, Managing Director Strategic Issues, Government Accountability Office, “9/11 Commission Human Capital Recommendations: A Critical Element of Reform,” before the Senate Governmental Affairs Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, Sept. 14, 2004, *prepared statement available at* [http://hsgac.senate.gov/\\_files/091404Mihm5549.pdf](http://hsgac.senate.gov/_files/091404Mihm5549.pdf) (last viewed Jan. 5, 2005); *see also* Congressional Research Service, FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress, at 13 & 29, Apr. 6, 2004 (updated Aug. 4, 2004), *available at* <http://www.fas.org/irp/crs/RL32336.pdf> (last viewed Jan. 5, 2005).
- <sup>46</sup> Director Mueller established the position of Executive Assistant Director for Intelligence and appointed Maureen Baginski, who has extensive experience in the Intelligence Community for the job. According to the staff of the 9/11 Commission, she directed each field office to establish a Field Intelligence Group that would manage intelligence operations. National Commission on Terrorist Attacks Upon the United States, Staff Statement #12: Reforming Law Enforcement, Counterterrorism, and Intelligence Collection in the United States, at 5, Apr. 14, 2004, *available at* [http://www.9-11commission.gov/staff\\_statements/staff\\_statement\\_12.pdf](http://www.9-11commission.gov/staff_statements/staff_statement_12.pdf) (last viewed Dec. 22, 2004).
- <sup>47</sup> Congressional Research Service, FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress, at 53, Apr. 6, 2004.
- <sup>48</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 2001(c) *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).
- <sup>49</sup> Statement of Laurie E. Ekstrand, Director Homeland Security and Justice Issues, Government Accountability Office, “Transformation of the Federal Bureau of Investigation,” before the Senate Appropriations Subcommittee on Justice, State, Commerce and the Judiciary, Mar. 23, 2004, *available at* [http://www.globalsecurity.org/security/library/congress/2004\\_h/040323-ekstrand-hite.htm](http://www.globalsecurity.org/security/library/congress/2004_h/040323-ekstrand-hite.htm) (last viewed Dec. 22, 2004).
- <sup>50</sup> Government Accountability Office, FBI Reorganization: Progress Made in Efforts to Transform, but Major Challenges Continue, at 4, June 18, 2003, *available at* <http://www.gao.gov/new.items/d03759t.pdf> (last viewed Dec. 22, 2004).
- <sup>51</sup> Statement of David M. Walker, Comptroller General of the United States, “FBI Reorganization,” before the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, at 7, June 21, 2002, *available at* <http://www.gao.gov/new.items/d02865t.pdf> (last viewed Dec. 22, 2004).
- <sup>52</sup> Rebecca Carr, Exodus of Senior Agents Creates FBI ‘Brain Drain,’ Atlanta Journal-Constitution, Jan. 20, 2004, at 1A.
- <sup>53</sup> Congressional Research Service, FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress, at 14-15, Apr. 6, 2004 (updated Aug. 4, 2004) *available at* <http://www.fas.org/irp/crs/RL32336.pdf> (last viewed Jan. 5, 2005).
- <sup>54</sup> Statement of Dr. Mary O. McCarthy, “Intelligence and the War on Terrorism,” before the 9/11 Commission, Oct. 14, 2003, *available at* [http://www.9-11commission.gov/hearings/hearing4/witness\\_mccarthy.htm](http://www.9-11commission.gov/hearings/hearing4/witness_mccarthy.htm) (last viewed Dec. 22, 2004).

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Testimony of John C. Gannon, "Intelligence and the War on Terrorism," before the 9/11 Commission, Oct. 14, 2003, *available at* [http://www.9-11commission.gov/hearings/hearing4/witness\\_gannon.htm](http://www.9-11commission.gov/hearings/hearing4/witness_gannon.htm) (last viewed Dec. 22, 2004).

<sup>58</sup> The FBI has developed a human capital plan. The Intelligence Community produced a Strategic Investment Plan for the Intelligence Community in February 2001, but it needs to be updated.

<sup>59</sup> For a more detailed description of the elements of a successful human capital plan, see two GAO reports, [A Model for Strategic Human Capital Management](#), March 2002, *available at* <http://www.gao.gov/new.items/d02373sp.pdf> (last viewed Dec. 22, 2004), and [Results Oriented Cultures: Creating a Clear Linkage between Individual Performance and Organizational Success](#), March 2003, *available at* <http://www.gao.gov/new.items/d03488.pdf> (last viewed Dec. 22, 2004).

<sup>60</sup> The Intelligence Reform and Terrorism Prevention Act of 2004 requires the Director of National Intelligence to perform this function for foreign language skills, mandating annual reports on success in recruiting in priority languages. *See* Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 1041, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>61</sup> *See* Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 1011(l), *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>62</sup> Markle Foundation, [Protecting America's Freedom in the Information Age](#), October 2002, at 73, *available at* [http://www.markletaskforce.org/documents/Markle\\_Full\\_Report.pdf](http://www.markletaskforce.org/documents/Markle_Full_Report.pdf) (last viewed Dec. 22, 2004).

<sup>63</sup> Statement of Dr. Mary O. McCarthy, "Intelligence and the War on Terrorism," before the 9/11 Commission, Oct. 14, 2003, *available at* [http://www.9-11commission.gov/hearings/hearing4/witness\\_mccarthy.htm](http://www.9-11commission.gov/hearings/hearing4/witness_mccarthy.htm) (last viewed Dec. 22, 2004).

<sup>64</sup> Subsequent to the original release of this report in April 2005, the House Permanent Select Committee on Intelligence called for a structured and regularized review process, similar to the Defense Department's Quadrennial Defense Review, for the Intelligence Community. *See* House Permanent Select Committee on Intelligence, Report 109-101, Intelligence Authorization Act for Fiscal Year 2006, June 2, 2005, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_reports&docid=f:hr101.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:hr101.109.pdf) (last viewed August 12, 2005). The report states that "[s]uch a strategic review, and the resulting forward-looking strategy, could identify the breadth and depth of the threats, the capabilities existing and needed to combat those threats, and better identify the alignment of resources, authorities, and personnel needed to support those required capabilities." Ibid.

<sup>65</sup> This recommendation closely tracks the recommendations of Dr. McCarthy in her testimony to the 9/11 Commission. Ibid.

<sup>66</sup> The U.S. Commission on National Security/21<sup>st</sup> Century Road Map for National Security, [Phase III Report: Imperative for Change](#), Feb. 15, 2001, at 38, *available at* <http://www.au.af.mil/au/awc/awcgate/nssg/phaseIIIfr.pdf> (last viewed Dec. 22, 2004).

<sup>67</sup> Ibid at 40.

<sup>68</sup> *See* Intelligence Authorization Act for Fiscal Year 2005, P.L. 108-487 § 601, *available at* <http://thomas.loc.gov/cgi-bin/query/C?c108:/temp/-c108vpWhvx> (last viewed Mar. 9, 2005).

<sup>69</sup> *See* Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 1043, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>70</sup> The Census Bureau has estimated that in 2004 there were 34.2 million naturalized citizens and 30.4 million second generation Americans, natives with one or both parents born in another country, living in the United States, combining for nearly 25 percent of the U.S. population. United States Census Bureau, [Foreign-Born Population Tops 34 Million, Census Bureau Estimates](#), Feb. 22, 2005, *available at* [http://www.census.gov/Press-Release/www/releases/archives/foreignborn\\_population/003969.html](http://www.census.gov/Press-Release/www/releases/archives/foreignborn_population/003969.html) (last viewed Mar. 2, 2005).

<sup>71</sup> Subsequent to the original release of this report in April 2005, the House Permanent Select Committee on Intelligence, in its report on the Intelligence Authorization Act for Fiscal Year 2006, said, “[y]ear after year, this Committee has insisted that the Intelligence Community recruit a more culturally diverse cadre of analysts and officers, especially seeking individuals proficient in critical languages such as Arabic, Chinese, and, the much less well known languages including Pashtu and Urdu.” The Committee identified the main obstacle in achieving this goal to be the clearance process that often eliminates from consideration first- and second-generation Americans, and therefore added Section 309 to the Intelligence Authorization Act, which calls on the DNI to “promptly establish and oversee the implementation of a multi-level security clearance system across the intelligence community to leverage skills of individuals proficient in foreign languages.” House Permanent Select Committee on Intelligence, Report 109-101, Intelligence Authorization Act for Fiscal Year 2006, June 2, 2005, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_reports&docid=f:hr101.109.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_reports&docid=f:hr101.109.pdf) (last viewed August 12, 2005). The CIA is reportedly reviewing its security clearance procedures as a result. Douglas Jehl, *CIA Reviews Security Policy for Translators*, N.Y. Times, June 8, 2005, at A1.

<sup>72</sup> Government Accountability Office, Justice Department’s Project to Interview Aliens After September 11, 2001, April 2003, at 17, *available at* <http://www.gao.gov/new.items/d03459.pdf> (last viewed March 30, 2005).

<sup>73</sup> *Ibid* at 11.

<sup>74</sup> Jodi Wilgoren, *Questioning with a Powder-Puff Edge*, N.Y. Times, Dec. 13, 2001, at A1.

<sup>75</sup> Government Accountability Office, Justice Department’s Project to Interview Aliens After September 11, 2001, April 2003, at 30, *available at* <http://www.gao.gov/new.items/d03459.pdf> (last viewed Mar. 30, 2005).

<sup>76</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 1053, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>77</sup> Senator Bob Graham (D-FL), former chairman of the Senate Intelligence Committee, inserted a pilot program for such a service into the budget of the National Security Agency. Unfortunately, Senator Graham retired from the Senate last year. Congress must ensure that this program is fully implemented. Lucy Morgan, *Graham Pushes Spy Training Plan*, St. Petersburg Times, Oct. 22, 2004, at 1A.

<sup>78</sup> Congressional Research Service, FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress, at 14, Apr. 6, 2004 (updated Aug. 4, 2004) *available at* <http://www.fas.org/irp/crs/RL32336.pdf> (last viewed Jan. 5, 2005).

<sup>79</sup> We note that the Intelligence Community identified this as an aspiration in its Strategic Investment Plan for Intelligence Community Analysis, National Intelligence Production Board, February 2001.

<sup>80</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 1042, *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>81</sup> Statement of J. Christopher Mihm, Managing Director Strategic Issues, Government Accountability Office, “9/11 Commission Human Capital Recommendations: A Critical Element of Reform,” before the Senate Governmental Affairs Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, Sept. 14, 2004, *available at* [http://hsgac.senate.gov/\\_files/091404Mihm5549.pdf](http://hsgac.senate.gov/_files/091404Mihm5549.pdf) (last viewed Jan. 5, 2005).

<sup>82</sup> Markle Foundation, Protecting America’s Freedom in the Information Age, October 2002, at 73, *available at* [http://www.markletaskforce.org/documents/Markle\\_Full\\_Report.pdf](http://www.markletaskforce.org/documents/Markle_Full_Report.pdf) (last viewed Dec. 22, 2004).

<sup>83</sup> See generally National Commission on Terrorist Attacks Upon the United States, Staff Statement #12: Reforming Law Enforcement, Counterterrorism, and Intelligence Collection in the United States, Apr. 14, 2004, *available at* [http://www.9-11commission.gov/staff\\_statements/staff\\_statement\\_12.pdf](http://www.9-11commission.gov/staff_statements/staff_statement_12.pdf) (last viewed on Dec. 22, 2004).

<sup>84</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 2001(d) *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr796.108.pdf) (last viewed Dec. 22, 2004).

<sup>85</sup> The FBI has identified 15 field offices as its large offices; the remaining 41 offices are smaller. Statement of Mark Bullock, Assistant Director of Administrative Services, FBI, “9/11 Commission Human Capital Recommendations: A Critical Element of Reform,” before the Senate Governmental Affairs Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, Sept. 14, 2004, *available at* [http://www.senate.gov/~gov\\_affairs/index.cfm?Fuseaction=Hearings.Testimony&HearingID=203&WitnessID=732](http://www.senate.gov/~gov_affairs/index.cfm?Fuseaction=Hearings.Testimony&HearingID=203&WitnessID=732) (last viewed Jan. 5, 2005).

<sup>86</sup> Subsequent to the original publication of this report in April 2005, President Bush ordered the creation of a National Security Service within the FBI and the Department of Justice to be headed by an Executive Assistant Director selected after consultation with the Director of National Intelligence. This is a significant step that grants the DNI a measure of control over the national security and intelligence functions of the FBI. See President George W. Bush, Strengthening the Ability of the Department of Justice to Meet Challenges to the Security of the Nation, June 29, 2005, *available at* <http://www.whitehouse.gov/news/releases/2005/06/20050629-1.html> (last viewed on August 12, 2005).

<sup>87</sup> See Intelligence Reform and Terrorism Prevention Act of 2004, P.L. 108-458 § 2001(c) *available at* [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&doid=hr796.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&doid=hr796.108.pdf) (last viewed Dec. 22, 2004).