

**NOMINATION OF CARYN A. WAGNER
TO BE UNDER SECRETARY OF HOMELAND
SECURITY FOR INTELLIGENCE AND ANALYSIS
AND NOMINATION OF PHILIP S. GOLDBERG
TO BE ASSISTANT SECRETARY OF STATE
FOR INTELLIGENCE AND RESEARCH**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION
DECEMBER 1, 2009

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ASSISTANT SECRETARY OF STATE
FOR INTELLIGENCE AND RESEARCH**

TUESDAY, DECEMBER 1, 2009

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:33 p.m., in Room SH-216, Hart Senate Office Building, the Honorable Dianne Feinstein (Chairman of the Committee) presiding.

Committee Members Present: Senators Feinstein, Wyden, Feingold, Whitehouse, Bond, and Risch.

**OPENING STATEMENT OF HON. DIANNE FEINSTEIN,
CHAIRMAN, A U.S. SENATOR FROM CALIFORNIA**

Chairman FEINSTEIN. The meeting will come to order.

The committee meets today to consider two nominations to the intelligence community in positions that require Senate confirmation. They are Ambassador Philip Goldberg, nominated to be the Assistant Secretary of State for the Bureau of Intelligence and Research, which we fondly know as INR, and Ms. Caryn Wagner, nominated to be Under Secretary of Homeland Security for Intelligence and Analysis, or I&A.

I'd like to welcome both of you and say congratulations.

Both individuals were nominated by President Obama on October 26th. They have since met with me and other members of the committee and have responded to numerous prehearing questions. Their responses are now posted on the Intelligence Committee's website for public view.

Interestingly enough, both nominees come from different backgrounds and are nominated to lead two very different intelligence organizations.

Ambassador Goldberg is nominated to lead an organization with a very distinguished and respected history. The State Department Bureau of Intelligence & Research conducts all-source intelligence analysis to advise the Secretary of State and other senior department officials and serves as an active participant in intelligence community-wide analytic products. Its analysts, while far fewer in

number than the all-source analysis organizations at the CIA and DIA, are highly expert in their fields and have no qualms about vocally dissenting from judgments they believe to be incorrect or unsubstantiated, and that's very much appreciated.

One example of importance to me was INR's view in the 2002 NIE on Iraq that Iraq was not reconstituting nuclear weapons, especially due to INR's different view on the use of aluminum tubes in centrifuges. That obviously proved to be correct.

Ambassador Goldberg himself has been long involved in national security issues and has received intelligence throughout his career but has no past experience inside the intelligence community. We will be very interested in hearing Ambassador Goldberg's views on his preparations to assume the responsibility.

Ambassador Goldberg is a career Foreign Service officer. He has distinguished himself over a 20-year period, including Charge d'affaires and Deputy Chief of mission in Santiago, Chile, Chief of Mission in Pristina, Kosovo, and United States Ambassador to Bolivia. Since June he has served as the coordinator for the implementation of United Nations resolutions on North Korea. Earlier in his career he served in Bogota, Colombia, and Pretoria, South Africa. Of particular note is his being declared persona non grata by Bolivian President Evo Morales in September of 2008. The committee has looked at this incident, and members may have a few questions, but it's pretty clear to me that Ambassador Goldberg had no blame in this matter.

Ms. Wagner, by contrast, is a career intelligence professional, beginning as an Army SIGINT officer and rising to the level of captain. After three years on the House Intelligence Committee, Ms. Wagner joined the senior ranks of the DIA before becoming Director of the Intelligence Community Management staff, and subsequently the Assistant Deputy DNI and chief financial officer. She returned to the House Intelligence Committee as budget director and is now a faculty member of the Intelligence and Security Academy, LLC.

She is being nominated to head the Office of Intelligence & Analysis at the Department of Homeland Security, which, unlike INR, is a young intelligence organization and one that has struggled to identify a clear mission and bring together an appropriate workforce. We have discussed that earlier.

The committee's report accompanying the FY 2010 intelligence authorization bill noted some of these concerns. They include that, as of this summer, contract personnel make up a staggering 63 percent of the workforce of the Office of Intelligence & Analysis, including a large percentage of its intelligence analysts. In my view, this is an inherently governmental function and should be done by the government, not by contractors.

The office has written analysis that inappropriately analyzed legitimate activities of U.S. persons based in part on highly questionable and non-credible open-source information. In addition, the office has numerous and unclear missions, some of which overlap with work being done by other departments. According to the Homeland Security Institute, the office is unstable and lacks structures for budget and management accountability. I discussed that

this morning with Mrs. Wagner, and I actually believe she's up to it. So we'll see what comes.

I'm told that the Office of Intelligence & Analysis has been drafting a plan to restructure and refine its mission, but the plan won't be finalized until a new Under Secretary is confirmed. So that will be clearly, Ms. Wagner, your first big job. I think this committee will be very interested in your views as a professional on what the office should be doing and how it should be structured or restructured.

Again, I welcome both witnesses, and I will turn to the Vice Chairman for any opening comments he might have.

Vice Chairman BOND. Thank you very much, Madam Chair. You've laid down a tough gauntlet. We welcome both of the nominees and ask, do you have family members here or close friends who are supporting you today? Ms. Wagner?

Ms. WAGNER. Yes. Thank you, Senator Bond. My husband, Chad Lash, is here with me. And I have numerous friends which I won't name, because I will no doubt forget one. But I thank you.

Vice Chairman BOND. We will recognize your husband. Welcome, sir.

Ambassador.

Ambassador GOLDBERG. I have my colleagues from the State Department.

Vice Chairman BOND. Well, thank you very much.

OPENING STATEMENT OF HON. CHRISTOPHER S. BOND, VICE CHAIRMAN, A U.S. SENATOR FROM MISSOURI

Vice Chairman BOND. While the public of ten hears about other elements of the intelligence community, the office each of you is nominated to head, INR at State and Intelligence & Analysis at the Department of Homeland Security, can and should be making valuable contributions to the community and to our national security.

As the Chairman said, I also have had conversations with you and pointed out some things where we think you can enhance and improve the operations of intelligence.

Now, Ambassador Goldberg, the Chair stole one of my best lines, but I wanted to say that few people in history can claim the honor of being expelled by the likes of Evo Morales. So it's clear that you've already chalked up a major accomplishment, at least in my book, and I congratulate you on that. I'm interested to hear how you expect your experiences in Bolivia and other diplomatic posts will help you head an analytic shop.

Ms. Wagner, a few months ago at a reception I had the pleasure of sitting next to a former MI-5 official who shared some insights on the importance in this war on terror of forging solid and productive relationships among federal, state and local law enforcement agencies. His point to me was that what the Brits do and we do not do is use the contacts we have, the continuing contacts we have with state and local officials, to task them to bring information up the chain of command. We send information down, but a local police department or a local sheriff's office is far more likely to know when or hear when something amiss is going on in their community and report that back up the chain.

So we've talked about that. And I think that while it's very important—and I hear complaints that not enough intelligence is being pushed downstream—there may not be enough intelligence coming upstream from thousands of communities. And we hope that you will pursue that.

We can make fusion centers work, but there's a lot of intelligence, I believe, that can be best gathered at the local level. On the federal level, we need to make a firmer commitment to training these local authorities to identify and collect the intelligence.

Now, Ms. Wagner, if you're confirmed, I expect you'll work closely with Director Mueller and the Attorney General in the coming months to make better training programs a reality. They can be done without a lot of additional cost, but the benefits will more than compensate for any price they cost.

Madam Chair, I'm sure that both of these nominees are anxiously awaiting our questions, and even more importantly, their exit strategy from Hart 216. So with that, I congratulate them on their nominations and look forward to hearing from them today.

Chairman FEINSTEIN. Thank you very much, Senator.

Ms. WAGNER, why don't we begin with you, if that's all right?

**STATEMENT OF CARYN A. WAGNER, UNDER SECRETARY
OF HOMELAND SECURITY FOR INTELLIGENCE
AND ANALYSIS-DESIGNATE**

Ms. WAGNER. Thank you very much, Senator Feinstein, Senator Bond. I'm honored to appear before you today as the nominee for Under Secretary for Intelligence & Analysis at the Department of Homeland Security. I believe this position occupies a unique mission space between the national intelligence and law enforcement communities and the state, local, tribal and private sector entities that are the front lines of homeland security. There's nothing more important than forging and fostering those connections.

If confirmed, I believe I have the right skills to continue building on the foundation laid by Pat Hughes, Charlie Allen and the current acting Under Secretary, Bart Johnson.

I began my intelligence career as a signals intelligence officer in the United States Army, serving eight years on active duty. In the years since, I have spent seven and a half years at DIA, five years on the staff at the House Permanent Select Committee on Intelligence, three years in the private sector and three years with the ODNI.

I've had a mixture of staff and line management jobs, including leading a 2,000-person analytic organization within the Defense Intelligence Agency. I've also had a great deal of experience in an interagency environment, and I'm familiar with all facets of the intelligence community.

While my experience with law enforcement has been more limited, I have had significant exposure while working at the DNI and in Congress to the capabilities and contributions of national law enforcement and homeland security agencies.

I know I have much to learn about state, local and tribal law enforcement, which is why, if confirmed, I'm eager to get started with the help of Principal Deputy Under Secretary for Intelligence & Analysis Bart Johnson, who's a highly respected and decorated vet-

eran of the New York State police force and who's done an outstanding job as acting Under Secretary for the past six months.

I've had the opportunity to observe the Office of Intelligence & Analysis from the outside while I served in the Office of the DNI and on the HPSCI staff, and I am aware of the many challenges that the organization faces. Since my nomination, I've learned more about I&A's statutory mission, its ongoing activities, and the Secretary's vision about where she would like to take the department. I've formed some preliminary views on what needs to be done to enhance I&A's support to its customers and to the department and to improve its standing within the intelligence community and with its congressional overseers.

If confirmed, I plan to focus my initial efforts in three main areas: First, creating a true Homeland Security information-sharing enterprise through greater focus on the state and local fusion centers; second, creating a DHS intelligence enterprise as the chief intelligence officer for the department; and third, putting in place the management processes necessary to improve the morale, efficiency and professionalism of I&A as an organization.

The unique niche that DHS I&A occupies is best defined by its responsibility to share information with state, local and tribal authorities and the private sector on the full range of threats to the homeland, often referred to as all threats, all hazards. First responders at the state and local level are the nation's first line of defense. They are uniquely able to identify anomalous or criminal behavior that could have a terrorist nexus. It's critical to educate them on terrorist indicators as they are identified, to capture information that is lawfully obtained while strictly adhering to privacy, civil rights and civil liberties regulations, and share it with the wider enterprise.

This is a multi-faceted challenge that requires adapting analytic methodologies and product lines, a great deal of training at all levels of the enterprise and IT and information-sharing solutions to enable two-way information flow. It also requires an approach that is tailored to the different threat and operational realities of the individual fusion centers.

If confirmed, I intend to develop a comprehensive multi-year strategic plan for supporting the state and local fusion centers that can be used to guide resource and analytic planning.

The role of the Chief Intelligence Officer for the Department was created by Secretary Chertoff to empower the Under Secretary to create a DHS intelligence enterprise that was more than the sum of its parts. DHS' operational components have intelligence elements that support their individual missions and they also have data and expertise that can be leveraged by I&A in support of departmental priorities or national, state, local and tribal clients, while strictly adhering to privacy, civil rights and civil liberties regulations.

In addition, the components may have intelligence or information requirements that are not adequately being met. I&A can help to meet these requirements by leveraging the rest of the intelligence community on their behalf, producing tailored products for or with them, providing analytic training and mentoring, and serving as an advocate for increasing their capabilities. By leveraging both the

components' and I&A capabilities, we can build on recent progress to create a true intelligence enterprise that enables I&A and the Department to achieve their full potential and best serve their customers.

If confirmed, I will view the role of Chief Intelligence Officer for the Department as one of the most important of my missions, and put in place a staff structure to manage it.

Finally, in the management arena, I&A is still a young organization, and several recent studies have suggested that it suffers from a lack of institutionalized processes and from poor morale. If confirmed, one of my biggest priorities will be developing and formalizing internal processes for planning, programming and budgeting, for performance measurement and human capital management, measurement, and most certainly I will be taking a hard look at contractors. I believe that communicating clear mission guidance, implementing fair and transparent processes for hiring, promoting, and rewarding people and developing a structured and inclusive process for building the budget will go a long way towards improving morale.

If confirmed, I also plan to make training a centerpiece of my agenda. I've already mentioned the importance of training to building information-sharing and intelligence enterprises, but it is equally important for professional development and morale within I&A. If confirmed, I will focus on ensuring that I&A analysts receive the tradecraft training they need.

Finally, if confirmed, I will work hard to establish and maintain constructive partnerships, particularly with the Office of the DNI, the National Counterterrorism Center, the FBI and the Congress. If confirmed, I pledge to keep you fully informed of I&A's progress and activities.

Thank you very much.

Chairman FEINSTEIN. Thank you very much. Mr. Goldberg—Ambassador I should say.

**STATEMENT OF THE HONORABLE PHILIP S. GOLDBERG,
ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE
AND RESEARCH-DESIGNATE**

Ambassador GOLDBERG. Madam Chairman and Mr. Vice Chairman, it is a great honor to appear before you today as President Obama's nominee to be Assistant Secretary of State for the Bureau of Intelligence and Research. I am grateful to the President and Secretary of State Clinton for their confidence in nominating me for this position, as well as to the Director of National Intelligence, Dennis Blair, for his support in my nomination. If confirmed by the Senate, I pledge to work closely with this Committee as it plays a vital role in the oversight of the intelligence community.

Madam Chairman, INR has been a treasured source of information and analysis for policymakers for more than 60 years. INR is also a deeply respected voice within the intelligence community. INR's success has not been based on its size or budget. Rather, it has been based on the extraordinary experience, judgment and analytical skill of its personnel.

INR's well-earned reputation for insight and professionalism is based on a mix of civil and foreign service personnel, a combination

of those who spend years and often decades on an issue, buttressed by those with recent experience in our embassies overseas. If confirmed, I will work to enhance the ability of these fine professionals to do their jobs through training, academic opportunities, and service overseas. And I will work to recruit the finest people available.

I will also defend both the process of independent and unbiased analysis as well as the people who produce it. As you point out, Madam Chairman, the people of INR have in recent times won praise for the quality of their work as well as sticking to their analytic conclusions when necessary.

INR has another essential role: assuring that intelligence activities are consistent with, and supportive of, our foreign policy and national security objectives. In this area too, INR is fortunate to have a staff of professionals who have special expertise and years of experience in often very technical areas.

If confirmed, I look forward to working with these professionals to support the Secretary and Department in assuring that foreign policy concerns are a central consideration in intelligence community decisions and activities. I will also work with the relevant committees of Congress as they carry out their essential oversight roles.

Madam Chairman, I believe that, if confirmed, I would bring a set of skills and experience to the job of Assistant Secretary for Intelligence and Research that will add to the value of the bureau. While I have not previously served in a position in the intelligence community, I've had extensive and relevant experience in almost all aspects of INR's core functions.

I have worked closely with analysts in the intelligence community as a political, economic and biographic officer at embassies overseas in helping to produce analytical products. In addition, I have myself produced analytic products for policymakers, from assignments in embassies as well as in Washington. This experience has given me a strong appreciation for the independence, intellectual rigor, experience and personal integrity that contribute to good analytical products. Having worked on policy matters in four geographic bureaus and on the seventh floor of the department, I have a strong appreciation for how intelligence can best support diplomacy and its practitioners. This is INR's primary mission.

As a Charge d'affaires and two-time chief of mission, I have ensured that intelligence and law enforcement activities were carried out in support of foreign policy and national security objectives. Most recently, I have served as Coordinator for Implementation of U.N. Security Council Resolutions on North Korea, a job that requires analysis of intelligence information and close coordination with other intelligence community members. My experience leading large and complex missions overseas, as well as managerial assignments at the State Department, have prepared me to lead this large bureau.

Madam Chairman, we live in a time of enormous foreign policy and national security challenges. On issues of war and peace, non-proliferation, climate change, and the economic and financial situation around the globe, our leaders need and deserve the very best information and analysis before making difficult decisions. If con-

firmed by the Senate, I look forward to working with you and your colleagues to make sure that happens.

Thank you.

[The prepared statement of Ambassador Goldberg follows.]

PREPARED STATEMENT OF PHILIP S. GOLDBERG, NOMINEE FOR ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND RESEARCH

Madam Chairman and Members of the Committee, it is a great honor to appear before you today as President Obama's nominee to be Assistant Secretary of State for the Bureau of Intelligence and Research (INR). I am grateful to the President and Secretary of State Clinton for their confidence in nominating me for this position, as well as to the Director of National Intelligence, Dennis Blair, for his support of my nomination. If confirmed by the Senate, I pledge to work closely with this Committee as it plays a vital role in dealing with the many difficult and complex issues that confront the United States around the world.

Madam Chairman, INR has been a treasured source of information and analysis for policymakers for more than 60 years. INR is also a deeply respected voice within the Intelligence Community. INR's success has not been based on its size or budget. Rather, it has been based on the extraordinary experience, judgment and analytical skill of its personnel. The Bureau's personnel define expertise—an average of 10 years on account among all analysts, a third of the analytical body with PhDs in their areas, and most analysts with command of the language or languages relevant to their portfolios. INR's well-earned reputation for insight and professionalism is based on a mix of Civil and Foreign Service personnel—a combination of those who spend years and often decades on an issue, buttressed by those with recent experience in the field. If confirmed, I will work to enhance the ability of these fine professionals to do their jobs through training, academic opportunities, and service overseas. I will work to recruit the finest people available. I will work to defend both the process of independent and unbiased analysis as well as the people who produce it. If confirmed, I would be proud to lead a group of people who have in recent times won praise for both the quality of its work as well as its willingness to stick to its analytic conclusions when necessary.

INR has another essential role: assuring that intelligence activities are consistent with, and supportive of, our foreign policy and national security objectives. In this area too, INR is fortunate to have a staff of professionals who have special expertise and years of experience in often very technical areas. If confirmed, I look forward to working with these professionals to support the Secretary and Department in assuring that foreign policy concerns are a central consideration in Intelligence Community decisions and activities. I will also work with the relevant committees of Congress as they carry out their essential oversight roles.

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firmed by the Senate, I look forward to working with you and your colleagues to make sure that happens.

Thank you.

Chairman FEINSTEIN. Thank you. Thank you both very, very much.

I have a list of four questions that we ask all nominees, if you would just respond yes or no to each of them. The first is do you agree to appear before the Committee here or in other venues when invited?

Ambassador GOLDBERG. Yes.

Ms. WAGNER. Yes.

Chairman FEINSTEIN. I often wonder what we would do if someone said no. Okay.

Vice Chairman BOND. We would confirm them.

Chairman FEINSTEIN. Yes.

Vice Chairman BOND. I gather Ms. Wagner nodded yes.

Chairman FEINSTEIN. She said yes.

Vice Chairman BOND. I didn't hear her up here.

Chairman FEINSTEIN. I heard her. Do you agree to send officials from your respective organizations to appear before the committee and designated staff when requested?

Ms. WAGNER. Yes.

Ambassador GOLDBERG. Yes.

Chairman FEINSTEIN. Do you agree to provide documents and any other material requested by the committee in order for it to carry out its oversight and legislative responsibilities?

Ms. WAGNER. To the best of my ability yes.

Ambassador GOLDBERG. The same, to the best of my ability yes.

Chairman FEINSTEIN. What does that mean?

Ambassador GOLDBERG. As far as the INR bureau goes and as far as I'm concerned, I will share whatever we can. There are some issues that from time to time might come up about document executive privilege and the rest that might be beyond my control to share.

Chairman FEINSTEIN. Well, let me just say this is the first time anybody has qualified their answer, and that's going to have to be looked into more deeply because this committee expects to get documents it requests. We are the oversight committee and to have intelligence agencies without the ability to conduct oversight is not acceptable to us.

Ambassador GOLDBERG. No, I—

Vice Chairman BOND. Madam Chair, I might add that the President has a right to declare things at higher security levels and we would, before we would accept that, we would need to know from the White House that this was something over which they're exercising their national security authority.

Chairman FEINSTEIN. Well, that's right, Mr. Vice Chairman.

Vice Chairman BOND. And we would carry our argument down to 1600.

Chairman FEINSTEIN. That's right. And executive privilege can't be a drift net to pick up everything that people don't want to have oversight about. And that's where we become the guardian angel, so to speak.

Ambassador GOLDBERG [continuing]. Absolutely.

Chairman FEINSTEIN. Just so you understand that.

Ambassador GOLDBERG. Madam Chairman, I didn't at all mean to say otherwise. We, from our point of view and from my point of view, would share all information requested by the committee. That was the qualification and it really isn't a qualification; it's something that would be beyond my control.

Chairman FEINSTEIN. Well, I just want everybody to know if the committee were to ask for it, we expect to get it unless there's not a good reason—

Ambassador GOLDBERG. I understand.

Chairman FEINSTEIN [continuing]. Or you're going to have to tangle with us and you don't want to do that.

Ambassador GOLDBERG. No.

Chairman FEINSTEIN. Okay. Last question. Will you ensure that your respective offices provide such material to the committee when requested?

Ambassador GOLDBERG. Yes.

Ms. WAGNER. Yes.

Chairman FEINSTEIN. Okay. Let me ask each one of you one question and then I'll move on. Ms. Wagner, in testimony before the Homeland Security and Governmental Affairs Committee on September 30 of this year, DHS Secretary Napolitano noted that I&A is "currently undergoing an important realignment to strengthen the delivery of useful, actionable intelligence to state and local law enforcement based on their particular needs." Here's the question. Have you been briefed on this realignment and do you support it?

Ms. WAGNER. Yes, Madam Chairman, I have been briefed.

And the realignment is still ongoing. It has not been finalized, but Bart Johnson did brief me on what he is proposing to do at the top level. I think it makes sense, but I would like to reserve the right, if confirmed, to be able to make adjustments to that, and so I would prefer to come up and brief you after I'm confirmed, if I'm confirmed, on where that is.

Chairman FEINSTEIN. Well, if I understand you correctly, you're saying that you will have some input into the realignment.

Ms. WAGNER. Yes, Madam Chairman.

Chairman FEINSTEIN. And therefore it is not finalized and that you would—

Ms. WAGNER. It is not finalized.

Chairman FEINSTEIN [continuing]. Well, we will take you at your word because I think it's fair to say that there's some weaknesses in your area and we'd like to see them corrected, so the correction that you can bring about could be very important and we'd like to have you discuss that with us, if that's agreeable with you.

Ms. WAGNER. Yes, Madam Chairman.

Chairman FEINSTEIN. Thank you very much.

Let me move to Mr. Goldberg. We talked this morning about the fact that you have not previously worked in an intelligence agency or produced intelligence analysis. Now, you do have significant experience in a lot of different areas—in receiving it in particular. And so, in my view at least, you're clearly qualified for this work. But can you give the committee some specific examples from your

background of when you have provided judgments that run counter to policy preferences?

Ambassador GOLDBERG. I think the kinds of policy analysis and just plain analytical work that I've done, particularly on the Balkans in the 1990s, oftentimes was in a difficult atmosphere. When we were debating within the United States government about whether to intervene first in Bosnia, later in Kosovo, and those kinds of issues were ones that I was fortunate enough to be able to weigh in on and give my unvarnished view on, I think in part because of the people I worked for, but also because I felt that it was important to do so.

Chairman FEINSTEIN. Thank you. I'm not going to ask you what your views were, but I think it's very important. One of the things that we want to see are really independent intelligence agencies that give policymakers the unvarnished truth as they see it and are not swayed by what they perceive an administration or anybody else for that matter might want.

Ambassador GOLDBERG. Absolutely. I agree.

Chairman FEINSTEIN. Thank you.

Mr. Vice Chairman.

Vice Chairman BOND. Thank you, Madam Chair.

Following up, Ms. Wagner, on the questions from the Chair, what do you think should be the primary focus of I&A—operational support of its components and fusion centers, disseminating finished intelligence products and unclassified information, or some other thing? And what would be your priorities?

Ms. WAGNER. Senator Bond, I think that the primary mission of I&A is spelled out in the legislation. What Congress expects of it is to share information with the state, local, tribal, and private sector entities. And I&A, as far as I can tell, is the only element of the intelligence community that views those people as its primary customer set. It also, as a departmental intelligence element, has the responsibility to support the other elements of the department and to sort of orchestrate the intelligence symphony, if you will, of the intelligence elements within the various components.

So I think those two things are key, but it also goes back to what you had said in your opening comments, that sharing flows both ways. We need to make sure that they're the clients, but we also need to be aware that they have a wealth of information that needs to be synthesized and analyzed and shared with the larger intelligence community to support national intelligence as well.

Vice Chairman BOND. Do you think you'd be able to provide training for the representatives of the local law enforcement agencies so they will be able to carry back to their forces, to their teams, what information, what activities may be useful? Do you see that being—

Ms. WAGNER. I do. I think that the department and I&A can do a lot by providing training. I know the Secretary wants to support analytic excellence at the fusion centers. That's certainly an area where I&A can help with training, and the department is already helping with developing training on ensuring that privacy, civil rights and civil liberties are protected. And at the fusion centers there's a great deal that can be done, and I think training is a key element.

Vice Chairman BOND [continuing]. Thank you, Ms. Wagner.

Ambassador, you said, “On issues of war and peace, nonproliferation, climate change and the economic and financial situation around the globe, our leaders need and deserve the very best information and analysis before making difficult decisions.” Do you really believe that studying climate change is really the best use of our limited intelligence analysis resources?

Ambassador GOLDBERG. I believe that it is one area. It is largely a scientific issue and probably not INR’s—necessarily its competence to judge. But we are involved in negotiations in the climate change area, and policymakers would need information and analysis on the positions of others and how they would approach these issues. And so it would be more in line with our more traditional diplomatic role.

Vice Chairman BOND. All right. Well, I assume, given recent revelations, you might be looking into the process of some of the analysis that came out of certain so-called scientific institutions. But that may be beyond your scope.

I mentioned to you that INR has developed a reputation for being a dissenting voice in intelligence community products. And I think some INR analysts believe this is a positive, but I’ve heard from others that it may be a negative because continuing dissent may make those views ignored. What’s your view about this type of reputation? Is it a problem? What could you do to change the perception without impacting INR’s independence?

Ambassador GOLDBERG. I think, Mr. Vice Chairman, that the reputation of INR is also for feistiness and independence, which is something to be encouraged in the production of intelligence analysis.

I took your statement very much to heart when we had a chance to meet, and I went back to look at estimates this year. And without going into the details of the estimates, there was less than—I think it was three out of 13 that there were either—two of them were dissents in part and one was more or less a more general dissent. So I don’t know that it’s a huge issue, but certainly I want to encourage our analysts to use their best judgment and to put their best thoughts forward. That’s I think my responsibility.

Vice Chairman BOND. Finally, one of the responses you made to the committee’s questions—you said the role of the Assistant Secretary is “to play a key role in assuring that diplomatic and foreign policy positions are represented in the formulation of intelligence policy and activities.” Can you explain what that means?

Ambassador GOLDBERG. It means, Mr. Vice Chairman, that we have a responsibility to assure that foreign policy concerns are one consideration and that the regional assistant secretaries and the Secretary have a voice in that process. I would view INR’s role as very much that of an honest broker because we have a responsibility certainly to the intelligence community and we want to make sure that the intelligence flow continues. But foreign policy is one consideration, and that is a role that is designated to INR and to the State Department, so it’s one that within the councils of the IC is one of many factors that would be taken into consideration.

Vice Chairman BOND. So policy positions would affect intelligence operations?

Ambassador GOLDBERG. No, sir. Maybe I didn't express it well. It's more of a risk-reward kind of issue, to point out the possible downsides, possible damage, the possible consequences if something happens so that that's known up front before something would occur so that it can be taken into account at that time.

Vice Chairman BOND. Thank you, Mr. Ambassador.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman. Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman Feinstein.

Could I ask each of you, first of all, about cyber security issues? It does not appear in either of your statements as a matter of concern, and I'm interested in knowing, A—briefly, because my time is short—what type of a priority you think it is, and, B, whether additional efforts on the part of your agency should, you think, be required.

Ms. WAGNER. Thank you, Senator. I'll take that one. I think it is obviously a critical issue and it is something that I've already looked into in the limited time I've had as a nominee. I know there are ongoing analytic efforts as part of the Critical Infrastructure Protection Analysis effort at the department. I don't know yet whether those are sufficient. I would expect, if I'm confirmed, one of the first things that I plan to do is to go talk to Phil Reiting, who is the Deputy Under Secretary responsible for cyber, and talk to him about how I&A can effectively team with him to make sure he gets the analytic support that he needs.

And I know that as this issue continues to evolve there's probably room to sort out exactly who's going to do what. But it's an area I expect to focus on. I was the cyber security coordinator for the HPSCI before I retired, so I'm very familiar with some of those issues.

Senator WHITEHOUSE. Good. Ambassador Goldberg.

Ambassador GOLDBERG. Senator, I agree. It is an absolutely critical issue. It's one that INR has taken the lead role in at the State Department in organizing us to deal with a critical issue. We are still in a bit of a state of flux on some of the cyber issues in terms of organization because INR, as the link with the intelligence community, has a very large role, but some of the issues that may be coming up in the years to come will be diplomatic missions, as well, and that's not a traditional INR role.

We are organized to deal with the internal issues for the State Department in terms of our cyber issues. I have already had a discussion, a brief one, with General Alexander about some of the larger issues involved. It's going to be a very important foreign policy issue, as well. So we're on it, and we need to continue to follow it very closely and we will.

Senator WHITEHOUSE. On a second point, I think there is a strong bipartisan consensus on the part of this committee that we are sick to death of leaks out of the Executive Branch of government. And not only is it a bipartisan concern of this committee, but it's a bipartisan issue. There was leaking like a sieve in the Bush administration. It doesn't seem to have stopped with the change of administrations. And over and over again we are subjected to the unhelpful spectacle of, you know, having our staffs cleared out of

a room for some hyper-secure briefing that we then read about a day later in *The New York Times*.

And I would like to hear what—leaking is politics in Washington. It's the way people expand their turf and make their moves, and so a tolerance for it has developed that I think, frankly, needs to be adjusted. And I would like to hear both of you put yourselves on record on the subject of leaks, how seriously you will take their investigations, whether you will engage in them yourselves and how you consider that problem. Again, Ms. Wagner, if you could go first.

Ms. WAGNER. Well, Senator, I share your concern about leaks and also your perspective on why they happen. I do take them seriously. If I am confirmed and I have reason to believe that anyone in my organization is leaking, I will deal with that as a matter of management accountability. If it rises to a level that it requires that a crimes report be submitted, I would certainly support doing that.

So I share your concern, and I'll take every action that I can to ensure that the leaks do not come from I&A if I'm confirmed.

Senator WHITEHOUSE. Thank you. Ambassador.

Ambassador GOLDBERG. I share Ms. Wagner's statement. I would add that the personnel at INR are not involved in politics, and they shouldn't be involved in politics. They have no business being involved in politics, and if a leak were to be seen to be coming even from our general direction, it's something I would take very seriously.

Senator WHITEHOUSE. And each of you may very well be called upon to be witnesses or to make your staff available as witnesses in investigations of leaks that may take place higher up, but the trail is back through information developed by your organization. I assume I can hear you say that you will provide your full cooperation unstintingly to such investigations?

Ambassador GOLDBERG. Yes.

Senator WHITEHOUSE. Thank you.

Chairman FEINSTEIN. Thank you very much.

Before recognizing Senator Wyden, I'd like to point out that I have appointed a task force on cyber, which is a very serious concern to this committee. Senator Whitehouse heads that task force. Senator Mikulski and Senator Snowe are members, and they will be probably talking with you in a more serious nature at a later time. But it is of major importance to this committee, and I just wanted to have the opportunity to say that.

Senator WYDEN.

Senator WYDEN. Thank you, Madam Chair, and welcome to both nominees.

Ms. Wagner, it seems to me there are some very serious problems that are now facing the Department of Homeland Security's intelligence unit and I want to ask you specifically about your response to several of those. And let me start by reading you a brief excerpt from a report that the committee approved unanimously earlier this year.

And I quote here: "The committee has raised a number of concerns with reports issued by the Department of Homeland Security Office of Intelligence and Analysis that inappropriately analyzed

the legitimate activities of U.S. persons. These reports raised fundamental questions about the mission of the Office of Intelligence and Analysis, and often used certain questionable open source information as a basis of their conclusions.”

Now the committee is not talking here about one instance. They are talking about a pattern, and this report was approved unanimously by the entire committee. So my first question is, if you're approved, what specific steps would you take to make sure that the office stops this inappropriate analysis of the legitimate activities of law-abiding Americans?

Ms. WAGNER. Well, Senator Wyden, I am aware of some of the troubling products that have been released from I&A in the past. And, if I'm confirmed, I intend to attack that several different ways. There are a couple of issues that are reflected in this product. One is basically poor tradecraft, lack of analytical rigor.

The other is the problem with the failure to take into proper account privacy, civil rights, civil liberties and First Amendment-protected speech. And the problem with the definitions in one particular product was it did not draw a sufficient distinction between beliefs and actions. So I would put in place a very strict tradecraft training program, to include mentoring for the analysts.

I would also ensure that there is training for everyone on the guidelines that we are to follow that flow from E.O. 12333 and have been coordinated with the Justice Department to make sure that all of those concerns vis-a-vis privacy, civil rights and civil liberties are built into the products early on. And, finally, as a sort of insurance measure, I will make sure that there is in place a very thorough vetting process for review before those products are actually released.

Senator WYDEN. Do you believe that it is ever appropriate for your office to analyze the legitimate activities of law-abiding Americans?

Ms. WAGNER. No, Senator, I do not.

Senator WYDEN. Okay. Now, the Homeland Security Institute—and they're federally funded as a research center—conducted an independent evaluation of the office. The evaluation gave the office an overall ranking of 1.5 out of five with regard—I gather it's called “general functionality.” In particular it noted: “Back office processes are ill-defined, inconsistent and ad hoc.” And they stated, “Planning, programming and budget processes are ill-defined and lack division manager involvement.” Now you are a former chief financial officer for the agency, the budget director for the House Intelligence Committee. I assume you're up on these general issues.

Do you agree with the independent evaluation?

Ms. WAGNER. Senator Wyden, I haven't had an opportunity to be briefed on all these processes in detail, but as far as I know, the evaluation is accurate, and I expect to make addressing those management issues and processes one of my top priorities if I'm confirmed.

Senator WYDEN. Since I'm running out of time, based on what you know now, what specific steps would you take to address these concerns from the independent analysis?

Ms. WAGNER. It seems to me that the primary problem is a lack of repeatable and transparent processes that give people trust in

the organization and their leadership. And I think I would take steps to put those processes in place. I have done that before as the director for analysis and production at DIA leading a large analytic organization, and I think that I have the ability to address some of those issues. It will take a little bit of time, but I am going to make it a priority.

Senator WYDEN. Thank you, Madam Chair.

Chairman FEINSTEIN. Thank you, Senator. Senator Feingold.

Senator FEINGOLD. I thank the Chair and I want to thank the nominees for your willingness to serve in these positions. Last month, I had the pleasure of chairing a nomination hearing for Ambassador Goldberg at the Senate Foreign Relations Committee, so I'm going to address my questions to Ms. Wagner today.

As Under Secretary for Intelligence and Analysis, you'll have responsibility for setting policies related to the collection, analysis, mining, dissemination and retention of open-source information, including on Americans. And, as I know you're aware, this is an important Homeland Security responsibility, but it's also fraught with privacy and civil liberties implications. For example, DHS sent open-source information to the Maryland state police about the First Amendment-protected protest activities of local anti-war groups, something that Senators Mikulski and Cardin and I expressed concerns about earlier this year.

Ms. Wagner, what in your mind constitutes open-source information on Americans? And what is I&A's role in setting policies for how that information can be used?

Ms. WAGNER. Senator Feingold, I believe there are well-established guidelines and processes already in place that just need to be followed, and the analysts need to be rigorously trained. The language in E.O. 12333 that protects U.S. persons' data hasn't changed since 1981. There are guidelines that I&A is using, should be using, that flow from that, and that, again, have been coordinated with the Department of Justice.

I believe that training, oversight and review-and-release mechanisms are critical to ensure that we are only using data that it is appropriate and lawful for us to use in accordance with all applicable laws and regulations.

Senator FEINGOLD. Well, Director Blair has said it is one thing for a private company to have detailed private information. It is another for the U.S. government, with all its power and authority, to have the same information. So when is it appropriate for the government to purchase from private companies data on Americans not suspected of any wrongdoing? And should that information be considered open source?

Ms. WAGNER. I don't believe so, Senator. I think that for us to have information, it needs to be tied to a legitimate intelligence requirement that we can defend. It needs to be consistent with our legal authorities and it needs to be handled consistent with the privacy guidelines that are laid out in the documents that I mentioned earlier.

Senator FEINGOLD. Okay. Then would it be fair to say—because a lot of Americans voluntarily put a lot of information on the Internet to be read by everyone, including government officials, would

it be fair to say that there are limits to how much of that information can be retained and when it can be subjected to data mining?

Ms. WAGNER. Yes, I think there are limits, and, again, I think there are some very crucial legal tests that need to be met in dealing with that information.

Senator FEINGOLD. The FBI's authority to collect, retain, and use information on Americans are subject to statute and the Attorney General's guidelines and oversight. This and other committees periodically debate whether those authorities are too broad or not broad enough and whether the checks and balances are adequate, but members of Congress generally know where to look to understand the legal framework for what the FBI does. I&A, on the other hand, is a new institution. It has operated with little specific legal guidance governing intelligence activities that have a potential impact on Americans.

Ms. Wagner, as I&A policies continue to take shape, where should this guidance come from? Is there a role for the Department of Justice and have you identified unresolved constitutional or statutory questions or other gaps in the legal guidance currently available to I&A? And if you identified those gaps, how would you go about resolving them?

Ms. WAGNER. I have not yet identified any gaps, but if I'm confirmed and I do, I think I intend to rely heavily on the department's Office of Civil Rights and Civil Liberties and the Privacy Office. I&A is in the process of hiring its own dedicated privacy officer.

I would first look in-house for guidance on how to deal with appropriate information or programs, and then I would expect that we would deal with the Department of Justice if it required any changes to the guidelines that we currently operate under, which we did negotiate and consult with them on.

Senator FEINGOLD. Okay.

I've long been concerned about the lack of a meaningful standard governing the seizure of travelers' laptop computers by the Department of Homeland Security. Can you tell me what I&A's policy is for obtaining, retaining, analyzing, and disseminating the contents of seized laptops?

Ms. WAGNER. Senator, as you know, I&A doesn't actually seize the laptops, but under certain circumstances if data that was in the laptops was provided to I&A, we'll treat it in accordance with all of the applicable laws and regulations on analyzing and storing that data.

Senator FEINGOLD. Would you commit to considering a policy whereby DHS must seek to obtain a warrant before it can hold the contents of a seized laptop for more than 24 hours?

Ms. WAGNER. Senator Feingold, I really don't feel I'm in a position to answer that question right now. I just don't know enough to answer it, but I'd be happy to come back and discuss that with you further if I am confirmed.

Senator FEINGOLD. Could you get back to me as soon as you can with your response on that?

Ms. WAGNER. Yes, I can.

Senator FEINGOLD. Thank you.

I thank the Chair.

Senator WYDEN [presiding]. I thank my colleague.

Senator Risch, welcome.

No questions?

Senator RISCH. Pass.

Senator WYDEN. Senator Whitehouse, additional questions?

Senator WHITEHOUSE. I'm good.

Senator WYDEN. Ambassador Goldberg, one question for you. What role, in your view, Ambassador, do you believe the Assistant Secretary should play in ensuring that intelligence-sharing relationships support broader diplomatic relationships and, obviously, vice versa?

Ambassador GOLDBERG. Senator, I think intelligence relationships, among others that take place with foreign governments, are very important and very strong contributors to our national security. They have to be done, obviously, with great care. Our particular interest in INR is that the chief of mission and his or her authorities as delegated by the President and the authorities conferred by the President be respected as the oversight for the executive branch at the embassy. That is the particular State Department interest.

Senator WYDEN. I thank you for that.

My colleagues, still no questions?

[No response.]

Senator WYDEN. We don't have anything further. Either of you, is there anything else the two of you would like to add?

[No response.]

Senator WYDEN. The committee is going to have additional questions for the record. So it's clear to all Senators and staff, we ask that Members submit questions by 2:00 on Friday so it will be possible to send them to the nominees. It's the committee's intent to review your responses, and it will be our desire to vote this month.

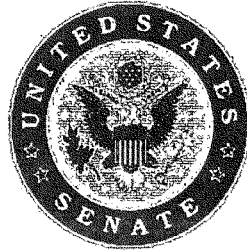
So, with that, the committee is adjourned.

[Whereupon, at 3:26 p.m., the Committee adjourned.]

Supplemental Material

SELECT COMMITTEE ON
INTELLIGENCE

UNITED STATES SENATE



QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME:

- Caryn Anne Wagner

2. DATE AND PLACE OF BIRTH:

- September 22, 1957; Columbus, Georgia

3. MARITAL STATUS:

- Married

4. SPOUSE'S NAME:

- Carlyle Martin Lash

5. SPOUSE'S MAIDEN NAME IF APPLICABLE:

- Not applicable

6. NAMES AND AGES OF CHILDREN:

- None

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF DEGREE</u>
College of William and Mary	1975-1979	Bachelor of Arts (History and English)	1979
University of Southern California	1984-1987	Masters of Science (Systems Management)	1987

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION, AND DATES OF EMPLOYMENT.)

- September 2009 – Present, Substitute Teacher, Arlington County Public Schools, Arlington, VA.
- October 2008 – Present, Faculty member, Intelligence and Security Academy, LLC, Reston, VA.

- January 2007 – October 2008, Budget Director, House Permanent Select Committee on Intelligence, Washington, DC.
 - April 2005 – January 2007, Assistant Deputy Director of National Intelligence/Chief Financial Officer for the National Intelligence Program, CIA HQ, Langley, VA, and then the Defense Intelligence Analysis Center, Bolling Air Force Base.
 - May 2004 – April 2005, Executive Director, Intelligence Community Affairs/Director, Community Management Staff, Office of the Deputy Director of Central Intelligence for Community Management, CIA HQ, Langley, VA.
 - April 2003 – May 2004, Senior Defense Intelligence Agency representative to United States European Command and the North Atlantic Treaty Organization, Patch Barracks, Vaihingen (Stuttgart), Germany.
 - November 2000 – April 2003, Defense Intelligence Agency Deputy Director for Analysis and Production, Defense Intelligence Analysis Center, Bolling Air Force Base.
 - November 1996 – November 2000, Director, Military Intelligence Staff, Defense Intelligence Agency; DIA HQ, Pentagon, Arlington, VA.
 - January 1995 – November 1995, Professional Staff Member, Technical and Tactical Intelligence Subcommittee, House Permanent Select Committee on Intelligence, Washington, DC.
 - November 1995 – November 1996, Staff Director, Technical and Tactical Intelligence Subcommittee, House Permanent Select Committee on Intelligence, Washington, DC.
 - May 1993 – January 1995, Professional Staff Member, Program and Budget Authorization Subcommittee, House Permanent Select Committee on Intelligence, Washington, DC.
 - May 1990 – May 1993, Associate, Booz-Allen and Hamilton, Vienna, VA.
 - February 1988 – May 1990, GS-12/13 Intelligence Research Specialist, Studies and Analysis Activity, US Army; Falls Church, VA.
 - October 1987 – February 1988, Unemployed and seeking work in Northern Virginia after leaving active duty.
 - May 1984 – October 1987, Captain, US Army, Field Station Augsburg, Germany. Watch Officer, Operations Battalion S-3, Assistant Field Station Operations Officer, Field Station Operations Officer.
 - October 1983 – May 1984, US Army Military Intelligence Officers' Advanced Course and Strategic Signals Intelligence Officers' Course; Fort Huachuca, AZ.
 - February 1980 – October 1983, Second Lieutenant/First Lieutenant, 504th Military Intelligence Brigade, Fort Hood, TX. Assistant S-1, 163rd Military Intelligence Battalion; Collection and Jamming Platoon Leader, 375th Army Security Agency Company; Company Executive Officer, C Company, 163rd Military Intelligence Battalion; Company Commander, Headquarters and Service Company, 303rd Military Intelligence Battalion.
 - August 1979 – February 1980, US Army Military Intelligence Officers' Basic Course (Ft. Huachuca, AZ) and Signal Intelligence/Electronic Warfare Officers' Course, Ft. Devens, MA.
 - May 1979 – August 1979, Short-order cook and waitress, Beethoven's Delicatessen, Williamsburg, VA.
9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE, OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY, OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

- None

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

- What distinguishes my expertise is its breadth. I have been responsible for intelligence collection operations, analysis and production; IT and infrastructure programs; and intelligence policy, plans and programs. I have worked in the Department of Defense, the CIA and on Capitol Hill, and I have spent a significant amount of time in community management positions, either for defense intelligence or the entire Intelligence Community. Thus, I have a very broad perspective and good understanding of the entire community, how it works together and where the seams are. One area in which I have significant specialized expertise is in programming and budgeting, something that I believe would serve me well in any executive branch position.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

- National Honor Society, Fountain-Ft. Carson High School, 1974
- Valedictorian of Fountain-Ft. Carson High School, 1975
- National Merit Scholar/National Merit Scholarship to Colby College, 1975
- Four-year ROTC scholarship to The College of William and Mary in Virginia, 1975
- Phi Alpha Theta, history honor society, 1977
- Society of Scabbard and Blade, the military science honor society, 1978
- ROTC Distinguished Military Graduate, 1979
- Army Achievement Medal, 1982
- Army Commendation Medal, 1983
- Army Achievement Medal, 1st Oak Leaf Cluster, 1987
- Meritorious Service Medal, 1987
- DIA Director's Award, 1998 (LTG Patrick Hughes)
- Presidential Rank Award of Meritorious Executive, 1999 (William J. Clinton)
- DIA Director's Award, 2003 (VADM Lowell Jacoby)
- DIA Director's Award, 2008 (LTG Michael D. Maples)
- I have also received numerous civilian performance bonuses and step increases.

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE, OR OTHER SIMILAR ORGANIZATIONS):

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
Project on National Security Reform	Advisor	June 2009 - present
Center for Strategic and International Studies	Cybersecurity Commissioner	January 2008 - present
Intelligence and National Security Alliance	Member/Advisor to the Board	1994 - present
Army Women's Foundation	Member of the Board	January 2009 - present
National Military Intelligence Association	Member	1998 - present
Association of University Women	Former member	mid 1990s (est.)
Association of Old Crows	Former member	late 1980s - mid 1990s

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS, OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT OR TRANSCRIPT. TO THE EXTENT POSSIBLE, PLEASE PROVIDE A COPY OF EACH SUCH PUBLICATION, TEXT, OR TRANSCRIPT):

- None (all speeches have been informal and I do not have copies). I have given numerous informal talks and speeches during the last 10 years, mostly in a classified environment, for which I do not have documentation. I destroyed all classified notes and schedules when I left government.

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

I have 30 years of experience in a broad range of intelligence positions, including military, executive and legislative branch experience. I have extensive experience operating effectively in the intelligence community interagency environment. My many years at DIA were focused on meeting the needs of a broad-based and demanding set of military customers, experience that I believe will be useful in establishing effective relationships with state, local and tribal partners. I have been responsible for overseeing a large and dispersed analytic community, some of whom worked directly for me and many more who did not, but who were part of the broader Defense Intelligence Community for which I served as the analytic functional manager. I believe the challenge of focusing the analytic activities of this diverse community and improving the exchange and dissemination of information among them and with their customers was good preparation for the position for which I have been nominated. I am also a good manager, with a demonstrated track record of improving organizational performance and esprit.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO, ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

- I supported the Arlington County Democratic Committee by providing election literature at my polling place during the 2008 primary.
- I supported the 2008 slate of Democratic candidates in Virginia by manning a booth at the Arlington Farmer's Market, distributing Democratic literature in Arlington, and phone-banking.
- I also manned a booth at the Clarendon Farmer's Market in support of the 2009 slate of Democratic candidates in Virginia.
- I served on the Intelligence Agency Review Team for the Obama-Biden Transition during 2008 – 2009.
- Contributions:
 - \$100, Democratic National Committee (2004)
 - \$300, Democratic National Committee (2006)
 - \$230, Democratic National Committee (2008)
 - \$660, Obama for America (2008)
 - \$50, Hillary Clinton (2008)

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

- None

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

- No

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

- No

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

- No

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

- No

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT, OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

- None

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION, OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

- In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify potential conflicts of

interest. Identified potentials for conflicts of interests will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS, OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.
- Yes
21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS, AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.
- None
22. DO YOU HAVE ANY PLANS, COMMITMENTS, OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.
- No
23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS, OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.
- I have no specific agreements or understandings with any party about my plans after completing government service. I will probably once again retire and find some kind of part-time work, yet to be determined. I may return to teaching, although I have made no agreement or commitment to return to my current part-time employer.
24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS.
- Not applicable
25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION, AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.
- My spouse's employment is not related to my potential position. He is a high school English teacher.
26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
Intelligence and National Security Alliance	Advisor to the Board	Oct 2008–present	Self
Intelligence and National Security Alliance	Member of the Board	Oct 2005–Sept 2008	Self
Army Women's Foundation	Member of the Board	Jan 2009–present	Self
Center for Strategic & International Studies	Commissioner	Jan 2008–present	Self
Commission on Cyber Security for the 44 th President			
Project on National Security Reform	Advisor	June 2009–present	Self

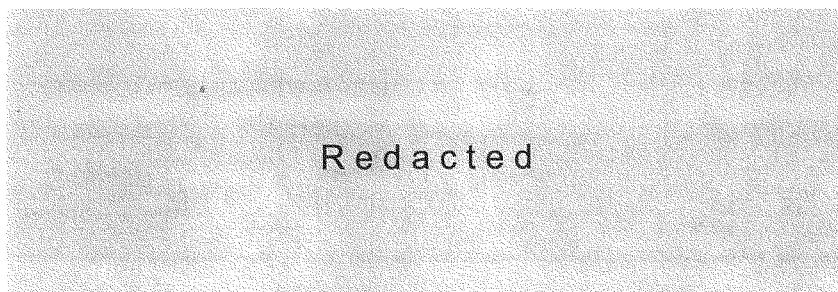
27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS. (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

- None

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

DESCRIPTION OF PROPERTY

VALUE



29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE, OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

- Please see Schedule C of the Public Financial Disclosure Form. Other than the mortgages on our residence and our rental property, we have no other loans or liabilities.

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT, OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

- No

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

Redacted

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

- Yes

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

- U.S. Federal
- Commonwealth of Virginia

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION, OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

- No

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

- Not applicable

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

- In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify potential conflicts of interest. Identified potentials for conflicts of interests will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

37. IF APPLICABLE, ATTACH THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE FORMS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT.

- I have provided the last three years of annual financial disclosure statements.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE, OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.
- No
39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE, OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.
- Yes. I was convicted of Driving under the Influence of alcohol in the City of Fairfax General District Court in 1989. I received a 30 day suspended sentence, paid a fine, had my license suspended for six months, and was directed to attend the Fairfax Alcohol Safety Awareness Program, which I did.
40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.
- See question 39 above.
41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.
- In April 2006, a tenant of mine in an investment property owned by my husband and me filed a complaint with the Fairfax County Consumer Affairs Division. The complaint alleged that I did not return the tenant's security deposit. I provided evidence to the County of damage to the apartment and the repairs we had made, and the County took no further action.
42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL, OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.
- No
43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR, OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)
- No
44. HAVE YOU EVER BEEN THE SUBJECT OF ANY INSPECTOR GENERAL INVESTIGATION? IF SO, PROVIDE DETAILS.
- No

PART F - SECURITY INFORMATION

45. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

- No

46. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

- Yes. I have been polygraphed three times (Counterintelligence-scope) due to the requirement for me to be read into special compartments and special access programs.

47. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

- No

PART G - ADDITIONAL INFORMATION

48. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS RESPECTIVELY IN THE OVERSIGHT PROCESS.

Having worked in numerous executive branch intelligence activities and on an intelligence oversight committee staff, I have had much opportunity to consider and debate the purpose and scope of Congressional oversight of intelligence. In addition, having filled senior positions at DIA, CIA (in the Office of the Deputy Director for Community Management), and the ODNI, I have views on Intelligence Community management informed by years of experience and observation.

First, I am a firm believer in Congressional oversight of intelligence, in particular the role of the Intelligence authorizing committees. The SSCI and the HPSCI play a critical but little understood role in ensuring that intelligence activities are focused, well-managed and effective, but equally as important, that they are conducted in accordance with established law. The intelligence authorizing committees are entrusted with the nation's most sensitive information in order to safeguard the security and liberty of the citizens on whose behalf they operate.

There are understandable and inevitable tensions between the oversight committees and the Administration—any Administration. Administrations naturally desire flexibility to deal with new situations, while the committees reasonably desire assurances that they will be kept fully and currently informed as required by law. It is important that a constructive dialogue and open channels of communication are maintained between the Administration and the intelligence authorizing committees in order to develop mutually acceptable procedures for the most sensitive activities. I believe this is possible and is a goal that we should all vigorously pursue.

49. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY.

Every Department involved in national or homeland security has an intelligence element that serves two main purposes: to provide intelligence and analytic support to the Secretary and the Department in support of the departmental missions, and to represent the Department in the Intelligence Community's collaborative threat assessment process. Each Department has its own unique intelligence requirements that its intelligence element is expected to either fulfill directly or to orchestrate their fulfillment through a combination of internal and external sources.

Thus, I view the Undersecretary for Intelligence and Analysis as being responsible for ensuring that:

- the Secretary and the key departmental leadership have the current and relevant intelligence they need to do their jobs;
- all the intelligence elements of the department are acting in concert towards common goals and sharing information and best practices;
- the varying missions of the Department such as critical infrastructure protection and cyber security, immigration and customs enforcement, aviation, maritime and border security, domestic incident response and disaster recovery are all supported by the best possible intelligence, some of which will be produced internally but much of which will be leveraged from the appropriate experts in the Intelligence Community;
- the Department participates actively and constructively in Intelligence Community deliberations and assessments; and
- the Department's extended family of state, local and tribal law enforcement entities are part of an interactive system where trust and information flow both ways to provide robust security to the nation.

AFFIRMATION

I, Caryn A. Wagner, DO SWEAR THAT THE ANSWERS I HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

11/2/09
(Date)

Caryn A. Wagner
(Name)



Jacqueline Coley
(Notary)
Public, District of Columbia
Commission Expires on 04/14/2011

Jacqueline Coley
Mary Public, District of Columbia
480 G Street, NE
Washington, DC 20024

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be Under Secretary for Intelligence and Analysis of the Department of Homeland Security, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.

A handwritten signature in cursive script, appearing to read "C. A. ...", is written over a horizontal line. The word "Signature" is printed to the left of the line.
Signature _____

Date: 11/9/09

SELECT COMMITTEE ON
INTELLIGENCE
UNITED STATES SENATE



Prehearing Questions

For

Caryn Wagner

upon nomination to be

**Under Secretary for Intelligence and Analysis
Department of Homeland Security**

Roles and Responsibilities of the Office of Intelligence and Analysis

1. What do you believe are the most critical analytic priorities for I&A today?

DHS is, at its core, a security organization. As DHS' intelligence component and information sharing hub, I&A enables the Department and its customers to do their jobs more effectively. Based upon my understanding of I&A's mission, I&A's analytic priorities should be driven by the operational, intelligence and information needs of its customers – both within DHS, as well as its State, local and tribal partners – in order for it to successfully perform its mission.

In some cases, this means that I&A will perform original analysis in support of its partners. In other cases, I&A will leverage existing analytic expertise and products from elsewhere in the intelligence and law enforcement communities and tailor them to meet customer requirements. Finally, I think it is critical that I&A support and empower its State, local and tribal partners to conduct their own focused analysis, and then serve as the conduit for them to share that analysis with the national community.

2. What do you believe to be the appropriate role of I&A with respect to intelligence analysis?

- a. How should its role be distinct from the analytic role played by other members of the Intelligence Community (e.g. CIA, DIA, FBI, INR)?

As mentioned above, I&A should focus on meeting the needs of its customers in the most effective way possible. The distinction between I&A and other IC members is best defined by I&A's unique set of clients. The needs of State, local and tribal authorities and the private sector are often non-traditional, specific and unclassified. I&A must be nimble and responsive to requirements with specific regional and operational contexts. While this involves some original analysis by I&A, particularly in specific areas such as the threat to critical infrastructure, it often entails synthesizing, correlating, augmenting and tailoring existing intelligence and other information products to make them useful to I&A's diverse customer set. Support to these customers will and should take a variety of forms, many of which will not look like traditional finished intelligence products.

3. What do you consider to be the ideal skill set and experience profile of the DHS I&A workforce?

- a. How does this differ from the current profile; and if the current situation is short of the mark, what reforms do you plan to undertake to reach this ideal?

I believe it is important to have a robust mix of backgrounds and skills represented in I&A's workforce. I&A needs people who have experience in a variety of intelligence and law enforcement agencies and disciplines, and have knowledge and roots in a variety of regions and cultures. I also believe that I&A's

mission requires a workforce that understands both the complexities of the homeland security mission and the nuances of the interagency/intergovernmental environment. I&A analysts must possess impressive tradecraft, the ability to convey what they know accurately and clearly, and a thorough understanding of customer needs and how best to meet them. Most importantly, I&A requires a workforce that is both mission and customer-focused, while at the same time rigorously adherent to and respectful of the privacy, civil rights and civil liberties of all Americans. If confirmed, I will work to ensure I&A's workforce matches this profile and develop a strategic human capital plan to close any gaps that may exist through hiring, training and leadership.

4. Both the Department of Homeland Security (DHS) and Federal Bureau of Investigation (FBI) play a critical role in sharing terrorism-related information with state, local and tribal governments and law enforcement agencies.

What is your assessment of the effectiveness of efforts by DHS and the FBI to share information with state, local and tribal governments and law enforcement agencies?

- a. Do you believe that the roles of DHS and the FBI are clear with respect to information-sharing?
- b. As Under Secretary for I&A, what measures would you take to improve the effectiveness of efforts to share information?

I believe that DHS and I&A have recently made real progress in improving their support for State, local and tribal (SLT) governments and law enforcement agencies, especially within the State and local fusion center environment. DHS and the FBI enjoy a cooperative relationship in this regard, as evidenced by the many joint intelligence products that they issue to their State, local, tribal and private sector partners. While the FBI has the lead domestic role in investigating international terrorist threats to the United States, DHS' mission includes addressing all threats and hazards to the homeland. In carrying out its mission, DHS routinely partners and coordinates with entities that do not typically work with the FBI. For example, DHS works closely with Federal and State fire emergency management and public health services, as well as private sector entities. These entities rely on DHS to provide information regarding threats to their interests to enable them to establish priorities for protective and support measures.

If confirmed, I will continue to expand information sharing in all DHS mission areas, with all of its partners and customers – including the FBI. I will likewise work closely with the Department of Justice (DOJ), the Director of National Intelligence, and the National Counterterrorism Center (NCTC) to further refine policies and procedures on information sharing.

5. In August 2008, I&A issued a document entitled "Strategic Vision for the Department of Homeland Security Open Source Enterprise," which set forth a roadmap for organizing and strengthening open source intelligence (OSINT) capabilities within DHS.
- What is your assessment of this vision?
- a. As Under Secretary, what steps would you take to improve the Department's OSINT capabilities?

If confirmed, I intend to evaluate the DHS open source efforts to ensure that (1) they meet the needs of DHS and its customers; (2) adequate resources are applied to acquiring open source data and training analysts in its effective exploitation; (3) open source efforts are being properly integrated across I&A and the DHS components and customers; and (4) information gathering activities respect privacy, civil rights and civil liberties. Open source should be a critical element of I&A support, aiding in efforts to provide as much information as possible at the unclassified level.

6. What should the role of I&A be, if any, with regard to "radicalization" inside the United States?
 - a. How does this role differ from that of the FBI?
 - b. What limitations exist with regard to the collection, retention and analysis of information related to First Amendment-protected freedoms of speech, association and religion?

In my view, I&A's role with regard to radicalization rests mainly in its responsibility to synthesize, evaluate and share information with its State, local, tribal (SLT) and private sector partners. Where radicalization is an indicator of terrorist behavior, informational reports from SLT partners and other sources could lead to the creation of a helpful intelligence product. Assessments produced elsewhere in the IC likewise could and should be evaluated for local implications and tailored for specific regions or centers. As with other intelligence efforts, however, radicalization must be approached with attention and sensitivity to individual rights and liberties and strict adherence to both mission authorities and the principles of Executive Order 12333. It is my belief that, with regard to radicalization in particular and information collection in general, we should focus on activities that threaten our nation and violate our laws. We should not collect or maintain information regarding U.S. persons solely for the purpose of monitoring constitutionally protected activities such as the freedoms of religion, speech, press or peaceful assembly and protest.

7. What policies should govern the use, retention and dissemination by I&A of U.S. person information?
 - a. How should these policies differ, if at all, from the other elements of the Intelligence Community?

I understand that as a member of the IC, I&A is subject to Executive Order 12333, "United States Intelligence Activities," which establishes the core principles by which IC elements carry out their missions while protecting the Constitutional rights and privacy of U.S. Persons. Like all IC elements, I&A must apply the requirements of the Executive Order to its specific mission. The result should be a set of implementation policies that are similar to those of any other IC element in their reflection of the principles of the Executive Order, while differing in those areas where mandated by mission requirements.

8. What is the proper role of I&A in framing requests for information from state and local law enforcement officials, as well as retaining such information and disseminating it to the Intelligence Community?
 - a. What forms of information (e.g. threat information, infrastructure vulnerability, etc.) are appropriate?

In my view, I&A is at the critical nexus between the IC and State, local, tribal and private sector entities. I&A should provide specific requests to State, local, tribal and private sector partners for information, based upon a clearly articulated purpose derived from the authorized missions of DHS and I&A, as well as ensuring these partners are aware of general I&A informational needs. Information that was properly acquired by our partners, which complies with privacy, civil rights and civil liberties standards, and which is responsive to a properly formulated DHS requirement is appropriate for such a request, and retention and dissemination of this information must comply with all intelligence oversight laws and regulations. Moreover, I think I&A should emphasize the reverse process: I&A should leverage IC intelligence and other information on behalf of its State, local, tribal and private sector partners to help them become "force multipliers" that are essential for greater homeland security.

9. What role should I&A play in disseminating information obtained from other elements of the Department of Homeland Security to the Intelligence Community, and vice versa?
 - a. What kinds of information should be so disseminated and from what elements of the DHS?
 - b. What limitations should apply to this dissemination?

As a component of DHS knowledgeable in the missions, authorities and sensitivities of fellow DHS components, as well as an element of the Intelligence Community with the same knowledge related to its fellow IC members, I&A appears particularly well positioned to serve as the primary conduit between DHS and the IC. I&A plays a key role in meeting the Secretary's information sharing commitments with the DNI and broader IC through identifying and providing "national intelligence" from the universe of data and information held by DHS components. That said, all such information sharing must be carried out only where consistent with applicable legal authorities, to include privacy protections.

10. As you may know, earlier this year DHS released an unclassified report titled *Right-wing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* dated April 7 that warned that the faltering economy and the election of the country's first African-American president could fuel support for "right-wing radicalization and recruitment." Specifically, the report stated that rightwing extremists may include "individuals that are dedicated to a single issue, such as abortion or immigration." Additionally, the report warned that "the return of military veterans facing significant challenges into their communities could lead to potential emergence of terrorist groups or lone wolf extremists...carrying out violent acts." According to I&A, this report was coordinated with the FBI.
- a. What is your assessment of the analytic tradecraft in the April 7th report?
 - b. What is your assessment of the judgments in the April 7th report?
 - c. Should I&A institute additional audit processes or other steps before dissemination of its reports?
 - d. As you may know, the DHS Civil Rights Civil Liberties (CRCL) did not concur with the April 7th report prior to its release. As Under Secretary of I&A, under what circumstances would you release an intelligence product that does not have DHS CRCL concurrence?
 - e. Under what circumstances should DHS Office of General Counsel (OGC) review products prior to their release?
 - f. Do you believe "rightwing" and "leftwing" extremism are appropriate topics for I&A? If so, how do you define "rightwing" and "leftwing" extremism?
 - g. What training do you intend to implement to ensure that all I&A analytic reports meet well-defined Intelligence Community standards?
 - h. As you may know, this report was not originally provided to this Committee. If confirmed, will you pledge to provide all unclassified and classified intelligence products of I&A to this Committee?
 - i. Acting Under Secretary for I&A Bart Johnson testified before Congress that I&A "is incorporating CRCL and the Privacy Office in the review of all intelligence products." If you are confirmed, will CRCL and the Privacy Office continue to review all I&A intelligence products?

The referenced report did not reflect the level of analytic tradecraft that should be expected of I&A. If confirmed, I will seek to ensure that I&A products reflect the highest standards of analytic tradecraft and practices.

I&A intelligence products must comply with applicable standards for production, review and dissemination, whether those standards are derived from law, executive order, or departmental policy. If confirmed, I will review I&A's policies and procedures to ensure that I&A meets these standards. I will also ensure that the highest standards of analytic tradecraft are upheld while privacy, civil rights and civil liberties are protected. If confirmed, I intend to keep I&A's oversight Committees fully and currently informed consistent with the law and applicable guidance, and I will work with those Committees to facilitate effective and beneficial oversight.

Violent extremism, regardless of type, may be an appropriate topic for analysis when it constitutes a threat to our homeland security and our citizens' well-being. In my view, I&A must understand such threats in order to provide information from which its customers can make informed decisions regarding the allocation of protective and security resources.

11. According to DHS, the National Immigration Information Sharing Operation (NIISO) "will facilitate the appropriate uses of citizenship and immigration benefits information currently being collected and housed at a U.S. Citizenship and Immigration Service's facility" and that it "will seek to fulfill the Secretary's budgetary goal to protect the homeland from 'dangerous people.'" According to the Department of Homeland Security Appropriations Act, 2010, "none of the funds provided in this...Act shall be available to commence operations of the National Immigration Information Sharing Operation...until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards," and that certification is reviewed by the Comptroller General. As of early November, the Secretary has not certified that NIISO complies with all existing laws, including all applicable privacy and civil liberties standards, nor has any certification been reviewed by the Comptroller General. If confirmed, do you pledge not to commence operations at NIISO until the Secretary has certified that NIISO complies with all existing laws, including all applicable privacy and civil liberties standards, and such certification has in fact been reviewed by the Comptroller General?

Yes.

12. The Committee has stressed the need for basic counterintelligence training at I&A. What CI training do you intend to implement at I&A?

Counterintelligence (CI) is an essential mission of the IC. In my view, having an effective CI program is necessary to protect employees, information and facilities from foreign penetration attempts. If given the opportunity to lead I&A, I will ensure that I&A personnel are trained on how to protect against espionage and implement effective and appropriate counterintelligence measures to support DHS. Such training would leverage the counterintelligence community's core training courses.

13. As you may know, the purpose of the fusion centers is to provide State and local officials with situational awareness, threat information and intelligence on a continuous basis. What is the right model or models for State and Local Fusion and Centers (SLFC)?
- a. Why, in your opinion, have SLFCs "increasingly gravitated toward an all-crimes and even broader all-hazard approach"?

- b. Does I&A currently provide adequate support to all SLFCs? Please explain your view.
- c. The Committee requested that DHS complete a formal national fusion center strategy outlining the federal government's expectations of fusion centers, its position on sustainment funding, and metrics for assessing fusion center performance. If confirmed, would you pledge to complete such a strategy?

While I look forward to continuing to learn more about fusion centers if confirmed, it appears to me that there is no "one size fits all" fusion center model. I believe that the right model for any given fusion center is one that enhances the timely and relevant sharing of information across geographical and jurisdictional lines within the specific context of that fusion center.

Secretary Napolitano has consistently made DHS support for fusion centers one of her highest priorities. She and I agree that fusion centers should be the centerpiece of our information sharing efforts with non-federal partners, and, if confirmed, this will be a primary focus area for me. I will make it a priority to continue I&A's review of the DHS footprint and interaction at each State and local fusion center, with the goal of completing a fusion center strategic plan to guide resource planning, training development, analytic allocation, and information sharing priorities.

- 14. Section 502 of the National Security Act of 1947 provides that the obligation to keep the congressional intelligence committees fully and currently informed of all intelligence activities applies not only to the Director of National Intelligence but also to the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities. What is your understanding of the standard for meaningful compliance with this obligation by the Secretary of Homeland Security in keeping the congressional intelligence committees, including all their Members, fully and currently informed of intelligence activities?
 - a. Under what circumstances, if any, is it appropriate to brief the Chairman and Vice Chairman and not the full Committee membership?

If confirmed, I plan to engage the Committees frequently to ensure that Members and staff are fully apprised of I&A's activities. I will review I&A's notification procedures to ensure they are consistent with the law and applicable guidance.

- 15. Have you discussed with the Secretary of Homeland Security her specific expectations of you, if confirmed as Under Secretary, and her expectations of I&A as a whole? If so, please describe those expectations.

The Secretary and I agree that DHS Intelligence Enterprise should fill a unique homeland security niche that includes intelligence and information support to State, local, tribal, and private sector partners in support of I&A's clear statutory mandate to ensure that these partners are fully integrated into the homeland security enterprise. If confirmed, I will work to ensure that I&A matures further as an advocate, resource, and facilitator for this diverse group, whose needs and requirements must be significant drivers of I&A's analytic priorities.

The Secretary also expects that I&A will mature its role as the hub of the DHS Intelligence Enterprise, with the Under Secretary for Intelligence and Analysis acting as the Chief Intelligence Officer for the Department. If confirmed, I will also work to serve as an advocate and a resource for the intelligence elements of the DHS components, ensuring that all of these elements and I&A are acting in concert, in order to optimize intelligence support to component operations and component support to the Enterprise, State, local and tribal customers, and the IC.

16. Have you discussed with the Director of National Intelligence his expectations of the relationship between I&A and the Office of the Director of National Intelligence and other elements of the Intelligence Community? If so, please describe those expectations. Also please describe your own expectations.

I have discussed with Lieutenant General Kimmons the DNI's expectations of the relationship between the ODNI and I&A. If confirmed, I look forward to coordinating with the DNI and building on I&A's unique place in the IC. I believe I&A should continue to evolve into a strong IC member that disseminates information to partners that other members of the IC do not reach and ensures that the unique information from those partners and from DHS operational components is provided to the IC as appropriate. If confirmed, I look forward to deepening these productive and important relationships.

17. What sources should I&A use when conducting its analysis, in particular in its analysis of U.S. Persons?
a. How should analysts determine what open source material is appropriate?

In my opinion, I&A should use all sources of information it is legally authorized to use, to include information from the IC, DHS components, fusion centers, open sources, and State, local, tribal and private sector entities. In doing so, it must ensure that U.S. Persons' information is used in compliance with the law and other governing authorities, to include privacy, civil rights, and civil liberties protections.

18. Please describe your views on the importance of financial intelligence – understanding and analyzing money flows – in addressing 21st century networked threats to the homeland such as al Qaida and other terrorist groups, WMD proliferation, Mexico's violent drug trade, etc.

- a. What role should I&A play in supporting the efforts of DHS entities such as CBP, ICE, and Secret Service to combat trade-based money laundering, illegal bulk cash transfers, exploitation of money service businesses, and other illicit money flows that support the drug trade and other security challenges?

I believe that our combined national efforts against Al Qaida have clearly demonstrated the importance of “following the money” to understanding and responding to decentralized, networked threats. I further believe that one of I&A's primary missions is to support DHS's operational components; if confirmed, I look forward to determining if I&A can provide increased financial intelligence support to further the missions of components such as CBP, ICE, Coast Guard, and the Secret Service.

19. The HSI report concluded that I&A “still has work to do...in differentiating its intelligence products from those of the rest of the Intelligence Enterprise” and that “some stakeholders perceive I&A as having an intelligence function that is overlapping and, in some ways, redundant.”

How will you ensure that I&A analytic products are differentiated from those of the rest of the intelligence enterprise?

- a. In your opinion, how does I&A currently duplicate the intelligence function of other stakeholders? Please specify which stakeholder.

I think that I&A and the DHS Intelligence Enterprise as a whole should fill a unique homeland security niche that includes intelligence and information support to State, local, tribal, and private sector partners in support of I&A's clear statutory mandate to ensure that these partners are fully integrated into the homeland security enterprise. If confirmed, I will work to ensure that I&A matures further as an advocate, resource, and facilitator for this diverse group, whose needs and requirements must be significant drivers of I&A's analytic priorities.

In carrying out this mission, DHS routinely partners and coordinates with entities that do not typically work with other members of the IC. For example, DHS works closely with Federal and State fire emergency management and public health services, as well as private sector entities that rely on DHS to advise them regarding threats to their interests and to provide them enough information upon which to establish priorities for protective and support measures.

I am not aware of any specific instances where I&A duplicates the intelligence functions of another DHS component, but, as I said with regard to the IC, I would encourage cooperation rather than competition with other agencies and between DHS intelligence components.

20. If confirmed, do you plan to provide additional opportunities for I&A analysts to work directly with I&A customer groups to improve the level of collaboration between I&A analysts and the customers they serve?

Yes.

21. I&A has taken positive steps to provide intelligence reporting that has greater relevance to its private sector customers.

- a. What additional steps will you implement to ensure that I&A private sector customers are provided with timely and relevant intelligence reports?

If confirmed, I will look for opportunities to share more useful information with private sector customers and will examine the most appropriate vehicles and conduits for doing so.

22. What steps will you undertake to develop better customer feedback mechanisms to ensure that I&A is continually providing its customers with the reporting they need?

As I said in my response to question 1, I believe that I&A's job is to understand its customers' requirements and address them by synthesizing analysis produced by others or doing its own original analysis.

It is critical to understand the baseline requirements of I&A's State, local, tribal and private sector partners; to plan I&A production accordingly; and to put in place feedback mechanisms that evaluate whether the products fulfill the requirements. If confirmed, Acting Under Secretary Bart Johnson and I will be personally focused on outreach to I&A's State, local, tribal, and private sector customers as part of this planning process. Mr. Johnson brings many years of State and local law enforcement experience to this and other issues impacting I&A's State, local, and tribal customers, and I look forward to our partnership.

I also believe we can work with DNI to discuss and, where appropriate, replicate IC best practices in requirements management, production planning, and customer feedback.

Organizational Structure and Performance Measures

23. In testimony before the Senate Homeland Security and Governmental Affairs Committee on September 30, 2009, Secretary Napolitano noted that I&A is “currently undergoing an important realignment to strengthen [the] delivery of useful, actionable intelligence to state and local law enforcement based on their particular needs.”

Have you been briefed on this realignment? If so, do you support the intent of this realignment?

- a. As Under Secretary, you will be responsible for implementing this realignment of priorities. What steps would you take to measure whether I&A is achieving its goals as this realignment is implemented?

I have received initial briefings on I&A’s realignment and I understand it to be consistent with both the Secretary’s priorities and the National Intelligence Strategy. The result appears to be a logical and effective division of labor. If confirmed, I will ensure that I&A has a clearly articulated strategy that establishes priorities and drives budgetary and resource allocation decisions.

24. According to the Homeland Security Institute (HSI) study titled *Independent Evaluation of Office of Intelligence Analysis Programs*, I&A was rated at a functional level between 1 and 2 out of 5, using the well accepted Capability Maturity Model (CMM). This means the office is functioning somewhere between Level 1 – “very unstable, does not support efficient production, and does not result in optimal resource utilization” and Level 2 – “basic project management processes that help the organization track cost, schedule, and performance.” The HSI study identified the following steps as the next steps in I&A’s progression to improve its poor rating: develop a detailed strategic action plan for I&A, clarify organizational roles of the I&A, enhance value-adding functions in meeting requirements of customers and stakeholders, define and implement comprehensive budgeting and planning processes, develop a human capital strategic action plan, and define a complete set of performance metrics.

Have you reviewed this report?

- a. What corrective actions will you undertake to address each of the steps?

I have read the HSI study, and it is my understanding that I&A is working with HSI on how it can best address the recommendations. For example, I think the realignment that Acting Under Secretary Johnson has initiated and the evolving plans for a Joint Fusion Center Program Management Office (JFC-PMO) directly address issues raised in the study. I have not been briefed more specifically on I&A’s corrective action plans, but if confirmed I intend to focus on improving the basic business processes of I&A, with particular focus on human capital and planning, programming, and budgeting.

25. Additionally, the HSI study stated that with “few exceptions [I&A] back office processes are ill-defined, inconsistent, and ad hoc...there is a notable lack of transparency in areas such as programming and budgeting” and that “planning, programming and budget processes are ill-defined and lack division manager involvement.”

How do you intend to improve the transparency of programming and budgeting processes and involve division managers in strategic resource planning to enable them to plan for growth and adapt to emerging issues?

I have extensive experience in developing and executing collaborative programming and budgeting processes. I believe it is critical that budgeting processes are transparent, repeatable, and reliable. If confirmed, I will work with the Department’s Chief Financial Officer to develop a budget process and timeline, with well-defined deliverables and deadlines, and will include senior leadership in the decision-making process.

26. As you may also know, I&A still struggles to define the scope, relevance and quality of its finished intelligence products. As the HSI draft report recommends, I&A must determine if it is “an aggregator or [as] a value-added provider of intelligence.”

In your opinion, should I&A be an aggregator of intelligence or a value-added provider of intelligence?

a. What changes will you implement to reflect this vision?

Please see my answers to questions 1 and 2. I believe I&A can, and must, be both an aggregator and a provider of finished intelligence and other information products. I&A should be shaped by meeting its customers’ requirements in the most effective manner, not constrained into an arbitrary “either/or” model. If confirmed, I will work to define and clarify customer requirements and determine how to best to meet those requirements.

27. The HSI report also stated that I&A new performance measures “do not include any operational measures such as financial, human capital, or internal processes that would provide to management the insight needed to run the organization, divisions, and branches effectively.”

How do you intend to measure financial, human capital, and internal processes?

a. Do you intend to add such operational measures as financial, human capital, or internal processes to the new I&A performance measures?

If confirmed, I will establish performance goals and measures in the areas of programming and budgeting, financial execution, and human capital management, including training. My senior leadership team and I will directly monitor progress in these areas.

28. According to HSI, the I&A FY09 budget justification did not include sufficient detail to serve as an effective tool for I&A managers.

How will you change the I&A budget justification to ensure that it serves as an effective for I&A managers and can be effectively evaluated by the Congress?

I believe that providing adequate budget justifications, with sufficient detail for managers to plan and execute against priority missions, is a key attribute of organizational maturity and necessary for performance management. If confirmed, I will ensure that the I&A budget justification provides an accurate and complete picture of the planned activities of I&A.

29. According to HSI, I&A does not disaggregate budget lines during budget development, which would provide visibility into budget plans for contracted or purchased services and investments so that IT investments, other asset investments, and contracted support services can be differentiated. Do you intend to disaggregate I&A budget lines during I&A budget development?

a. Do you intend to provide division-level managers with visibility into the I&A budget?

If confirmed, I look forward to working with DHS and ODNI planners, as well as the Congress, to make sure I&A's budget lines adequately reflect the diversity of its activities. Although I do not have enough information about the structure of the I&A budget to more fully answer this question, if I am confirmed, I will review that structure to ensure that it is clear, and that informed decisions about resource levels and trade-offs can be made.

30. The efforts of the United States to address the issue of violence along the U.S.-Mexico border are dependent on timely and accurate intelligence on southern border-related threats such as drug trafficking and alien smuggling. The Integrated Border Intelligence Program (IBIP) at I&A is intended to improve the coordination and effectiveness of DHS components with respect to these intelligence efforts.

As Under Secretary, what steps would you take to improve the effectiveness of I&A's activities with respect to the integration of intelligence on border-related threats?

Secretary Napolitano has designated securing the border as one of her top departmental priorities. In my view, border-related threats such as drug, arms, bulk cash, and human smuggling impact more than our border communities; they create vulnerabilities for the entire nation.

I&A has laid a strong foundation for intelligence analysis and support on border-related threats. I&A must continue to support its partners within DHS and throughout the State, local, tribal, and private sector community by providing useful information quickly and securely while coordinating with the

efforts of other federal agencies. I&A also needs to collaborate further with its partners within DHS and throughout the State, local, tribal, and private sector community to identify and pursue new sources of legally obtained information that can assist in addressing border-related threats. If confirmed, I will prioritize both of these objectives.

31. The Under Secretary for I&A is responsible for coordinating and enhancing integration among the intelligence components of the Department of Homeland Security, including those at Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE) and Transportation Security Administration (TSA).

What is your assessment of efforts to date to improve integration between I&A and the components, and among the components?

- a. What steps do you believe are the key barriers to enhanced coordination and integration, and what steps would you take as Under Secretary to overcome these barriers?
- b. Do you believe that each of the components of DHS should retain its own intelligence function, or would the Department be better suited by having I&A assume their efforts?

Like the Secretary, I believe many opportunities exist to make the DHS Intelligence Enterprise more efficient and unified. I&A is now in a good position to be able to improve information sharing with and among DHS components, and to evaluate and bolster the capability of their intelligence elements. Each component has unique needs, strengths and capabilities. All components need to work collectively to leverage those traits to strengthen the capabilities of the entire DHS Intelligence Enterprise. If confirmed, I will work to make this happen.

At the same time, I believe it is critical for the components to retain their organic intelligence capabilities in the same way that the military services have independent intelligence functions. I&A has an important role in building the professional capacity of those elements so they provide better support to their respective missions and so they can participate more effectively in the broader Departmental Intelligence Enterprise. If confirmed, I will make closer integration of DHS intelligence activities one of my top priorities.

Management of the Office of Intelligence and Analysis

32. What do you believe are the most important management-related challenges facing I&A today?

I have read the HSI study and the OPM, DHS, and IC surveys, and have spoken with numerous I&A staff members about the workplace environment at I&A and the opportunities and challenges that environment presents. In my view, the most important challenges are developing and disseminating fair and transparent policies and procedures that focus on identifying and meeting customer requirements, promoting and rewarding a collaborative culture, and effectively addressing current human capital issues. If confirmed, I will make these management improvements a priority.

33. In the 2007 DHS Employee Survey, only 28.7 percent of I&A career employees provided a positive response to the statement, "In my organization, leaders generate high levels of motivation and commitment in the workforce." Only 29.7 percent of I&A career employees provided a positive response to the statement, "My work unit is able to recruit people with the right skills." Only 35.0 percent of I&A career employees provided a positive response to the statement, "My training needs are assessed."

As Under Secretary for I&A, how would you address these three areas in which employees feel the Office is under-performing?

- a. Do you intend to work with I&A customers to determine training needs and requests?
- b. How do you plan to incorporate the IC, law enforcement, and IE partners training plans into the I&A training plan?

I know how important it is to *want* to come in to work in the morning. It is vital that employees feel not only committed to their work, but inspired by it, especially for a workforce charged with key homeland security responsibilities. In my view, demonstrating commitment to the mission and the workforce, establishing clear, fair and transparent expectations and holding people accountable, and rewarding good performance will contribute to improving these scores. One way of demonstrating commitment to the mission and the workforce is to ensure that people are appropriately trained for their jobs. If confirmed, I will place emphasis on training, not only for I&A but also for all of the DHS intelligence components.

34. A significant portion of I&A's budget since its inception has been used for contractor support. Intelligence analysts who work for contractors sit side-by-side with intelligence analysts who are federal employees; the former are reputed to be paid on average a significantly higher salary than the latter.

Within the context of I&A, what do you believe are the appropriate roles for contractor staff to play?

- a. Do you believe that contractor staff should serve as intelligence analysts, and if so, under what conditions?
- b. What can be done to help recruit the “best and brightest” to I&A?
- c. Do you have a human capital strategy? Why will this strategy work where others have failed?

I support the Administration’s – and Secretary Napolitano’s – commitment to building the Federal employee workforce. In my view, there clearly are “inherently governmental” functions that must remain within the purview of government employees—though there can be appropriate roles for contractors in supporting these inherently governmental functions, provided they do not involve carrying them out on behalf of the government.

I understand that the DNI has issued guidance to the IC on the appropriate use of contractors and, if confirmed, I will make it a priority to apply that guidance and IC best practices. I will also craft an aggressive and strategic human capital plan to bring top-flight talent into I&A. If confirmed, I will personally monitor this strategy’s progress and make contributing to it a performance element against which my senior leadership will be evaluated.

35. On March 24, 2009, the Intelligence and Operations Division of the DHS Office of Procurement Operations issued a notice on FedBizOpps.gov that it would issue a Request for Proposal (RFP) for Organizational, Training and Intelligence Services (OTIS) within 30 days. The original synopsis linked to this notice included such work categories as (a) strategic planning, (b) policy support, (c) intelligence analysis, (d) international relations, (e) counterintelligence program support, and (f) state and local fusion centers support.

Do you believe that any of the categories above are or might be inherently governmental functions?

- a. If so, will you commit to reviewing this procurement to determine whether its scope should be modified prior to an RFP being issued?

Although I am unfamiliar with this notice, there are activities within these categories that may not be appropriate for contractors to perform. If confirmed, I will look into this notice to determine an appropriate course of action. More broadly, if confirmed, I will conduct a full review of the work currently performed by contractors, work under consideration as potentially suitable for contractors, existing plans for conversion of contractors to government personnel, and the DNI and Departmental guidance on the use of contractors. These reviews will help to inform and develop a comprehensive and effective human capital strategy that will ensure top-flight intelligence talent become members of the full-time I&A workforce.

36. The number of government civilian employees employed by the Office of I&A has significantly grown the past few years.

Do you believe that this growth is necessary given I&A's roles and mission?

a. Will you commit to informing the Committee within six months of your views on this issue?

Until I&A completes its requirements survey of DHS components and State, local, tribal and private sector partners, it is difficult to know what the appropriate size of the organization is or should be. If confirmed, I will develop a strategic human capital plan, a foundation of which will be evaluating the workforce levels based on mission requirements. I will be pleased to share the results of this evaluation with the Committee.

37. As you may know, the Senate Select Committee on Intelligence Fiscal Year 2010 Intelligence Authorization bill included report language regarding I&A that specifically stated that "although the Committee commends the Office of Intelligence and Analysis [I&A]...for recognizing the importance of converting contractor positions to government civilian in FY2010, the Department's plans to continue to a gradual conversion of contract personnel positions to government civilian through 2015, when the workforce mix will be about 50/50, is unacceptable." Currently, contract personnel make up 63 percent of the workforce of the I&A. The I&A must improve its ratio of contract personnel to government civilian personnel to levels at least comparable to the rest of the Intelligence Community. How will you work with ODNI to accelerate efforts to bring the ratio of contractors to government employees more in line with the rest of the IC?

Please see my responses to questions 34 and 35. I share the Committee's desire to accelerate the rate of reducing the ratio of contractor staff to government employees in I&A. If confirmed, I will consult DNI and departmental guidance on this issue when developing the I&A strategic human capital plan.

38. The Committee also requested the ODNI work with the next Under Secretary for I&A to complete a comprehensive study to determine the appropriate number of personnel, define inherently government functions, identify where contract personnel might be performing those functions, and specify how the Office intends to transition contract personnel from those functions within the fiscal year given the statutory mission of the I&A, as described on its website, to "ensure that information related to homeland security threats is collected, analyzed, and disseminated to the full spectrum of homeland security customers in the Department, at state, local, and tribal levels, in the private sector, and in the Intelligence Community."

If confirmed, will you pledge to complete such a review?

I pledge if confirmed to develop a strategic human capital plan that will address the Committee's concerns in this area.

Experience

39. For each of the following, in addition to your responses to the questions listed under the subsection 'Experience', describe specifically how your experiences will enable you to serve effectively as Under Secretary for I&A. Include within each response a description of issues relating to the position that you can identify based on those experiences.

- Instructor, The Intelligence and Security Academy, LLC

In teaching the IC 101 course, I addressed what appeared to many of my students to be unclear or overlapping responsibilities for counterterrorism across the US government. My experience teaching this course reinforced the importance of clearly defining the programming and budgeting process throughout the IC and the impact it has on members of the IC's ability to perform their missions.

- Budget Director, House Permanent Select Committee on Intelligence

As Budget Director for the HPSCI, I was also the Committee's cybersecurity coordinator. I learned a great deal about the technical, legal and management challenges associated with this area of growing importance and, if confirmed, I hope to play a constructive role in supporting DHS' cybersecurity mission. As Budget Director, I also had the chance to observe and participate in discussions about achieving the right balance between privacy, civil rights and civil liberties and technical collection for counterterrorism purposes during the FISA modernization discussions—an experience that will directly help me, if confirmed, to seek to achieve such a balance.

- Assistant Deputy Director of National Intelligence for Management, Office of the Director of National Intelligence

In this position, I learned about the difficulty of blending cultures and merging organizations. It was a management and leadership challenge to fold my previous organization, the Community Management Staff, into the newly stood-up ODNI and keep my staff focused on supporting the new team. I learned a great deal about organizational dynamics and integrating different workplace cultures. If confirmed, I will ensure that I&A operates as part of a team—a departmental team, an IC team, and a nationwide homeland security team.

- Chief Financial Officer for National Intelligence Program, Office of the Director of National Intelligence

Please see my comments above under ADDNI for Management. These were the same position.

- Executive Director for Intelligence Community Affairs, Office of the Deputy Director of Central Intelligence for Community Management

I held this job for less than a year before the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-408) was passed, the Community Management Staff (of which I was the Director) was disestablished, and the ODNI was created. In this position, I learned to focus on achievable solutions to pressing problems. By focusing on the issues that could potentially be resolved, we were able to maximize our impact.

- Deputy Director for Analysis and Production, Defense Intelligence Agency

In this position, I was responsible for producing DIA analysis; overseeing and guiding the analysis of other defense components; and answering the requirements of a broad customer set, including the defense policy customers in the Pentagon, the geographically dispersed Unified Commands and deployed Joint Task Forces, and the Service doctrine and acquisition establishments who relied on information about foreign weapons systems to design countermeasures. While in this position, I revamped the entire DIA product line, introduced digital authorizing tools, and introduced policies on alternative analysis and red-teaming. I also served as the functional manager for defense production, orchestrating production assignments and schedules in support of crises and operations. Finally, I worked hard to improve internal controls and processes, particularly in the areas of hiring, diversity, and programming and budgeting.

- Staff Director, Subcommittee on Technical and Tactical Intelligence, House Permanent Select Committee on Intelligence

In this position, my first assignment on Capitol Hill, I learned about the importance of “systems of systems”—and the difficulty of achieving that goal in more than just a cosmetic way. A big focus of this position was on interoperability, architectures and “jointness,” experience that I believe is still germane to today’s ongoing information sharing challenges. I also learned about Congressional oversight, the authorization and appropriation processes, and legislative and executive branch roles, limits, and prerogatives.

SSCI# 2009-4733

Questions for the Record
Ms. Caryn Wagner
Nominee to be Undersecretary for Intelligence and Analysis,
At the Department of Homeland Security

1. **In one of your answers to the prehearing questions regarding the appropriate role of I&A with respect to intelligence analysis, you stated that I&A should conduct some original analysis, particularly in specific areas such as the threat to critical infrastructure. However, I&A should be principally synthesizing, correlating, augmenting and tailoring existing intelligence analysis to make these publications useful to I&A's diverse customer set." Please elaborate on what constitutes synthesizing, correlating, augmenting and tailoring existing intelligence analysis.**

Synthesizing and correlating intelligence are all-source analytic skills. For the Office of Intelligence and Analysis (I&A), they would entail reviewing analysis from all Intelligence Community (IC) partners on a topic of interest or utility to I&A customers and blending it into one product (synthesizing), while at the same time looking at data emerging from the various fusion centers and other sources, such as the Suspicious Activity Reporting Initiative, to see where there might be common trends or activity relevant to that topic (correlating). Tailoring and augmenting intelligence would generally entail taking a specific product produced by another element of the IC and modifying it to make it more useful to I&A's customers, generally by providing more of the context required by law enforcement in order to make the analysis "actionable." A good example of tailoring would be a highly classified product from NCTC on a certain terrorist group that contains a single paragraph, classified at a lower level, about the group's bomb-making techniques. This paragraph could be extracted and extrapolated to include the types of behaviors law enforcement might encounter if this technique were being used, and provided to the fusion centers at the SECRET or FOUO level. If I&A combined this information with how these behaviors compare to previously published behaviors associated with other bomb-making techniques, that would be augmenting. The bottom line is that all of these techniques begin with analysis produced by someone else, rather than identifying an information gap, collecting and analyzing data that addresses that gap and producing an original product from that data.

2. **In one of your answers to the prehearing questions whether I&A currently provides adequate support to all State and Local Fusion Centers, you stated that you would "make it a priority to continue I&A's review of the DHS footprint and interaction at each State and local fusion center, with the goal of completing a fusion center strategic plan to guide resource planning, training development, analytic allocation, and information sharing priorities." Does I&A currently provide classified systems and personnel to all State and Local Fusion Centers? Do you agree that I&A should provide such support? Will the fusion center strategic plan address these issues?**

It is my understanding that I&A provides the Homeland Security Data Network (HSDN) (a SECRET classified system) to its own representatives with security clearances at the fusion centers as well as for appropriately cleared State, local and Tribal personnel working at those fusion centers. It is my further understanding that I&A has plans in the near term to deploy I&A representatives and HSDN to all 72 fusion centers.

It is important to remember that the fusion centers are State- and locally-owned and operated facilities. While I&A can fund the installation of HSDN at the fusion centers for its representatives, it cannot fund other infrastructure improvements without violating appropriations law. However, the Department is able to provide technical assistance and guidelines to the fusion centers for expending DHS grant funding, such as the Urban Area Security Initiative (UASI) and the State Homeland Security Program (SHSP), through FEMA. If confirmed, the fusion center strategic plan that I envision will definitely address the issues of how many DHS representatives should be at each fusion center, what classification level their connectivity should be, and how mature the State and local information sharing architecture is. It will facilitate I&A's planning for staffing and equipping its elements at the fusion centers and also will enable the development of guidelines for the fusion centers to ensure they are in a position to take advantage of and build on DHS support.

3. **Acting Under Secretary for Intelligence and Analysis, Bart Johnson, testified before the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Committee, House Committee on Homeland Security, on September 24th that I&A would “commence a comprehensive consumer outreach effort to make sure what we are producing is what our customers and the state, local, territorial, tribal and private sectors want, at the time they want it, and in the form they need it. This will include leveraging best practices at the Office of the Director of National Intelligence and elsewhere in production planning and customer service.” Do you support this effort? If so, how do you intend to reach out to customers? How does I&A intend to leverage the “best practices at the Office of the Director of National Intelligence and elsewhere?”**

I strongly support this effort. One of the biggest challenges for any analytic organization is getting constructive feedback on its products. I understand that Acting Under Secretary Johnson has already done a great deal of outreach to State and local customers; the next step is to develop, in collaboration with I&A customers, new analytic techniques, products and/or formats. In order to know whether these products are hitting the mark, I&A will need feedback from a representative sampling of the customer base. The Office of the Director of National Intelligence (ODNI) has some experience in effectively soliciting customer feedback and has situational awareness of what other analytic organizations are doing that is working (or not working). The ODNI may also be able to provide input on improving product formats or techniques to ensure they are consistent with the DNI's analytic guidelines. In addition, if confirmed, I would also reach out to some Department of Defense organizations such as the JITF-CT (DIA's Joint Intelligence Task Force on Combating Terrorism) and JIATF-South (the Joint Interagency Task

Force-South, focused on Counternarcotics) to see if any of their product formats or techniques, which are also aimed at operational customers, would be of value.

4. Do you believe I&A has the capacity to lead the DHS Intelligence Enterprise? What, in your opinion, does I&A need to improve in order to lead the DHS Intelligence Enterprise?

I believe I&A needs to continue to develop a dedicated staff structure to lead the DHS Intelligence Enterprise. I also believe that I&A needs to build trust within DHS, which may entail sending I&A liaisons to each of the major operational components. Since the responsibility of the Chief Intelligence Officer is to improve the capability of the enterprise, if confirmed I will attempt to serve as an advocate for the components' intelligence elements and will seek to help them improve their own abilities as well as their ability to leverage the rest of the Department in support of their mission. Of course, this would be a reciprocal arrangement that would also position them to assist other components of the Department and the intelligence and law enforcement communities.

5. Please elaborate what the major issues the strategic human capital plan will likely address and the associated timeline to implement such a plan.

If confirmed, the strategic human capital plan that I envision will address the following:

- The appropriate level of staffing for the various I&A missions
- The appropriate use of contractors, as well as a targeted plan to reduce the current number of contractors
- The skill sets that I&A should seek in potential employees
- The needed steps to streamline and effectively monitor the hiring process
- A policy for evaluating, promoting, training and rewarding I&A employees
- The development of a professional career path for I&A employees

It will take some time to determine the appropriate staffing level for the various missions and to develop a professional career path for I&A employees, but, if confirmed, I will focus immediately on streamlining the hiring process and creating hiring priorities; issuing a policy statement on evaluation, promotion and recognition; and reducing the current number of contractors. If confirmed, I would be happy to provide a status report within six months of confirmation.

6. The Committee received a letter dated November 27, 2009 regarding a feasibility and resource 90-day study of the Joint Fusion Center - Program Management Office – within the Office of Intelligence Analysis. Are you aware of such a study and the proposed management office? If so, would you please describe, in your opinion, what would be the objective of such an office? Are there inefficiencies in the current fusion center construct that would require such an office?

I am aware of the ongoing effort to create the Joint Fusion Center Program Management Office (JFC-PMO) but not of the implementation details being discussed within the

Department. Since supporting State and local fusion centers is among the Secretary's highest priorities and fusion centers require support from and interaction with all components of the Department, it seems logical to me to develop a venue and mechanism for prioritizing and coordinating that support.

7. **In response to a question at the December 1, 2009 hearing regarding whether you would agree to provide documents and any other material requested by the committee in order for it to carry out its oversight and legislative responsibilities, you stated, "To the best of my ability, yes." Will you please clarify your answer?**

It is my sincere intention to keep the committee fully and currently informed; however, I will not always have the final decision on what documents may be provided to the committee. As you are aware, if confirmed I must follow the direction of the Secretary, the Director of National Intelligence and the President in terms of what documents can be provided to I&A's oversight committees.

8. **Acting Under Secretary for Intelligence and Analysis, Bart Johnson, testified before the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Committee, House Committee on Homeland Security, on September 24th that "I&A senior leadership...will be accountable for meeting the benchmarks in the strategic plan." Have you been briefed on these benchmarks? If so, please describe what the benchmarks will address and how you will be able to determine whether it is making progress consistent with these goals.**

I have not been briefed on the specific benchmarks, as I believe the strategic plan has not yet been completed. If confirmed, I will review the progress to date on the strategic plan, make any needed adjustments, and work with Mr. Johnson to establish meaningful and measurable benchmarks. I will ensure that the appropriate benchmarks are included in the performance expectations for each of I&A's senior leaders, so that their performance appraisal will be based on making progress towards the goals in the strategic plan.

9. **Please provide the operative legal guidance that I&A applies related to the definition of, as well as the collection, analysis, mining, dissemination and retention of "open source" information on U.S. persons.**

Pursuant to I&A's implementation of EO 12333, I&A may collect "open source" information about U.S. persons only when it is necessary for the conduct of an authorized I&A intelligence activity and it is reasonably believed to be publicly available information, based upon experience and training. I&A may retain such information only if the information was properly collected and if it is necessary for the conduct of an authorized I&A intelligence activity. I&A has a period of not to exceed 180 days to determine those facts. If it is determined that the information may not be retained, it must be destroyed immediately. If the information is retainable, it may be disseminated further only if it is potentially relevant to another element of the IC (consistent with applicable laws, executive orders and regulations); if such dissemination is required by an

independent legal authority; or to appropriate State, local, tribal or private sector entities if there is a reasonable belief that the intended recipient has a need for the information to perform a lawful governmental or homeland security function and the information was properly collected and retained. These rules are the same for U.S. person information regardless of the type of information considered.

10. Please provide any operative legal guidance related to I&A's policies for obtaining, retaining, analyzing and disseminating the contents of laptop computers seized by elements of the Department of Homeland Security.

As an element of the IC, I&A operates under a set of intelligence oversight procedures that are based on EO 12333 and have been coordinated with the Department of Justice. Information regarding U.S. persons, regardless of source or reason for collection, must be handled by I&A in compliance with those procedures and in accordance with all applicable privacy, civil rights and civil liberties requirements. There are a number of reasons that information obtained during a border search of a laptop might be directed to I&A. For example, the DHS law enforcement component that seized the information pursuant to its authority may require intelligence or analytic support, or the component may have identified the information as relating to terrorism or another threat to national security and forwarded the information to I&A for appropriate use consistent with that determination. The requirements for use and retention of this information (I&A's EO 12333 implementation, privacy and civil rights and civil liberties protections) would be the same as for any other information received by I&A.

11. Please provide any operative legal guidance related to I&A's policies of whether information related to United States persons purchased by the government from the private sector can be considered "open source" information, as well as on the collection, analysis, mining, dissemination and retention of such information.

I understand that I&A's intelligence oversight procedures include, as a type of publicly available information, information that is "available to the public by subscription or purchase." In accordance with the answer to Question 10, such information could only be collected if it were both publicly available AND determined to be necessary for the conduct of an authorized intelligence activity. It is my further understanding that such information could be retained and analyzed only if the information has been properly collected and is necessary for the conduct of an authorized intelligence activity. It could only be disseminated, moreover, when it is potentially relevant to another IC element, when such dissemination is directed by an independent legal authority, or when there is a reasonable belief that appropriate Federal, State, local, tribal or other authorities need the information for the performance of a lawful governmental or homeland security function. To my knowledge, I&A does not engage in non-specific "data mining"; open source information is collected based on specific intelligence requirements related to I&A's missions and authorized intelligence activities.

12. Please provide any operative legal guidance related to I&A's policies of the retention and data mining of information voluntarily put online by U.S. persons.

I understand that information that has been published or broadcast in some manner to the general public, such as that voluntarily put online by U.S. persons, would be considered another form of publicly available information and would be subject to the same procedures and protections as those outlined above.

13. You have indicated that I&A plays a key role in identifying "national intelligence" from the universe of information held by the Department of Homeland Security and providing it to the Intelligence Community. Please provide any operative legal guidance related to I&A's role in establishing the retention, dissemination and minimization rules that would apply to that information once it is held by the Intelligence Community.

Numerous laws, Executive Orders, Director of National Intelligence Directives, and interagency agreements require the sharing of terrorism information and national intelligence with agencies that require such information to perform their authorized missions. In particular, elements of the IC manage that information pursuant to the requirements of EO 12333 and their agency implementation of the Order; guidance provided by the Director of National Intelligence relating to the management of classified information; and the requirements of the Privacy Act when the information pertains to a U.S. person. I&A has no role in interpreting the authorities of other agencies or their implementing instructions pursuant to Executive Orders or legislation. However, as a responsible steward of information, I&A should ensure that it complies with all relevant requirements. Therefore, when I&A shares information held by another component of DHS with an outside agency, I&A will work to ensure that the information is appropriately minimized, that its sharing is compliant with the Privacy Act, and that the information is properly marked with any applicable handling caveats or limiters. For example, certain records may only be provided to another agency with the approval of the Secretary or another senior official, and even then, only for specific, identified purposes. It is my understanding that when that occurs, the information would bear a handling caveat informing the recipient of the specific terms of authorized use, including the prohibition on further dissemination without DHS approval.

SSCI# 2009-4514



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 17, 2009

The Honorable Dianne Feinstein
Chairwoman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

On November 2, 2009, the Office of Government Ethics (OGE) transmitted to the Committee the financial disclosure report of Caryn A. Wagner in connection with her nomination for the position of Under Secretary for Intelligence and Analysis, Department of Homeland Security. Enclosed are a letter from the Department of Homeland Security and a letter from Ms. Wagner forwarding amendments to Ms. Wagner's financial disclosure report. With regard to her financial disclosure report, these letters forward five amended pages of the report.

We have reviewed this additional submission and have also obtained advice from the Department of Homeland Security concerning any possible conflict in light of its functions and the nominee's proposed duties. Based on the information provided, OGE continues to believe that Ms. Wagner is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert I. Cusick".

Robert I. Cusick
Director

Enclosures

Office of the DAEO: 7700
U.S. Department of Homeland Security
Washington, DC 20528-3650



**Homeland
Security**

November 9, 2009

The Honorable Robert I. Cusick
Director, Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005

Dear Mr. Cusick:

This letter forwards an amendment to the Executive Branch Personnel Public Financial Disclosure Report (SF-278) of Ms. Caryn A. Wagner, nominee for Undersecretary for Intelligence & Analysis. Enclosed is a letter from Ms. Wagner regarding the need to amend her initial nominee report.

Accordingly, her report has been amended and is complete. It is my opinion based on my review of these changes that Ms. Wagner will be in compliance with the conflicts of interests laws and regulations that would apply to her as Under Secretary.

Please contact me at (202) 447-3515 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Coyle".

Robert E. Coyle
Designated Agency Ethics Official
Department of Homeland Security

cc: Ms. Caryn Wagner

November 9, 2009

Robert E. Coyle
 Designated Agency Ethics Official
 Department of Homeland Security
 Washington, D.C. 20528-3650

Re: *Amendment to SF 278*

Dear Mr. Coyle:

Please find enclosed with this letter an amendment to my Executive Branch Personnel Public Financial Disclosure Report (SF 278) revising information previously reported in my SF 278 filed on October 26, 2009. During a review of my draft Senate questionnaire and SF 278, I discovered that certain entries needed to be corrected under Schedule A - Assets and Income; and two start dates on Schedule D - Part I, Positions Held Outside the U.S. Government. This amendment reflects the following changes:

Schedule A:

- Page 2 - Entry 5 - USAA Aggressive Growth Fund moved from "None" to \$201 - \$1,000 in income;
- Page 2 - Entry 6 - USAA Income Stock Fund moved from \$1,000 - \$15,000 to \$15,000 - \$50,000 in valuation of assets and from \$1,001 - \$2,500 down to \$201 - 1,000 in income;
- Page 3 - Entry 1 - IRA - USAA International Fund moved from \$15,000 - \$50,000 to \$1,001 - \$15,000 in valuation of assets;
- Page 3 - Entry 5 - T/ Rowe Price Equity Income Fund moved from \$15,001 - \$50,000 to \$50,000 - \$100,000 in valuation of assets and from \$201 - \$1,000 to \$2,501 - \$5,000 in income;
- Page 3 - Entry 8 - Franklin Templeton Investments Mutual Shares Fund Class Z moved from "None" to \$2,500 - \$5,000 in income;
- Page 4 - Entry 1 - Fidelity Destiny I - moved from "None" to \$201 - \$1,000 in income;
- Page 4 - Entry 3 - Gabelli Asset Fund moved from "None" to \$201 - \$1,000 in income; and
- Page 5 - Entry 5 - PIMCO Total Return Fund-Admin moved from "None" to \$201 - \$1,000 in income.

Schedule D - Part I:

- Page 8 - Entry 2, Intelligence and National Security Alliance (Advisor to Board) - 10/08 (start date); and Entry 4, Center for Strategic and International Studies Commission on Cyber Security for the 44th President - 1/08 (start date).

Thank you for your attention to this matter. Should you require anything further, please do not hesitate to contact me.

Very truly yours,


 Caryn A. Wagner

Enclosures

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 S.C.F.A. Form 2854
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Page Number
 2

SCHEDULE A

Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item.

Block A
 Assets and Income

Block B
 Valuations of Assets at close of reporting period

Block C
 Amount

Block A Assets and Income	Block B Valuations of Assets at close of reporting period	Block C Amount	Type	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honorary
None <input type="checkbox"/>					
Examples: Central Airlines Common (Dor, Jones & Smith, Homeowner, State Companies, Equity Fund RIA, International 500 Index Fund Residential Rental Property (McLean, VA)					
1	\$1,001 - \$15,000	None (or less than \$201)	Dividends		
	\$15,001 - \$50,000	\$1,001 - \$2,500	Interest		
	\$50,001 - \$100,000	\$5,001 - \$15,000			
	\$100,001 - \$500,000	\$50,001 - \$100,000			
	\$500,001 - \$250,000,000	\$250,001 - \$500,000			
	Over \$250,000,000	Over \$100,000,000	Exempted Trust		
2				spouse salary	
3				salary	\$20,000.00
4				Stipend	
5					
6					

* This category applies only if this asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher category of value, as appropriate.
 Prior Editions Cannot be Used

52776 (Rev. 02/2000)
 1 C.F.R. Part 3024
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Wegner

Page Number

3

SCHEDULE A continued
 (Use only if needed)

Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item.

Valuation of Assets at close of reporting period

Assets and Income

BLOCK A	BLOCK B						BLOCK C						Other Income (Specify Type & Amount)	Date (Mo., Day, Yr.)	Only if Homestead
	None	\$1,001 - \$15,000	\$15,001 - \$500,000	Over \$1,000,000*	\$5,000,001 - \$25,000,000	Over \$50,000,000	Type	Amount	None (or less than \$201)	\$1,001 - \$2,500	\$2,501 - \$15,000	\$15,001 - \$50,000			
1 IRA - USAA International Fund (USIFX)	X						Interest								
2 IRA - USAA International Fund (USIFX)	X						Dividends								
3 USAA Growth and Income Fund (USGIX)							Excepted Trust								
4 T. Rowe Price IRA - Underlying Asset: T. Rowe Price Equity Income Fund (PERIX)															
5 T. Rowe Price Equity Income Fund (PERIX)															
6 Educational Employees' Supplement Retirement System of Fairfax Co. (defined benefit plan)															
7 Virginia Retirement System (VRS) (defined benefit plan)															
8 Franklin Templeton Investments Mutual Shares Fund Class Z (MUTIZQ)															
9 Intentionally Left Blank															

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is shared by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.
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5278 (Rev. 02/2005)
 5 C.F.R. Part 2634
 U.S. Office of Government Ethics
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SCHEDULE A continued
(Use only if needed)

Assets and Income	Valuation of Assets at the end of reporting period		Income type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item.		Date (Mo., Day, Yr.) Only if Income
	BLOCK A	BLOCK B	Type	Amount	
None <input type="checkbox"/>					
1 Frailty Destiny I (FDES)	\$1,001 - \$15,000	Over \$1,000,000	None (or less than \$201)	Over \$500,000	
2 ING Direct Money Market Account	\$50,001 - \$100,000	\$5,000,001 - \$25,000,000	Interest	\$50,001 - \$100,000	
3 Gabelli Asset Fund (GABAX)	\$1,001 - \$15,000	Over \$50,000,000	Dividends	Over \$100,000	
4 Boxx-Allen & Harrison Employee Capital Accumulation Plan - 401K - Balanced Fund	\$1,001 - \$15,000	Over \$50,000,000	None (or less than \$201)	Over \$100,000	
5 IMIL Series Investment Fund II (Investment Plan - variable annuity)	\$1,001 - \$15,000	Over \$50,000,000	None (or less than \$201)	Over \$100,000	
6 Oppenheimer Bond Fund	\$1,001 - \$15,000	Over \$50,000,000	None (or less than \$201)	Over \$100,000	
7 IMIL Blend Fund	\$1,001 - \$15,000	Over \$50,000,000	None (or less than \$201)	Over \$100,000	
8 Oppenheimer Mid-Cap Fund	\$1,001 - \$15,000	Over \$50,000,000	None (or less than \$201)	Over \$100,000	
9 Oppenheimer Strategic Bond Fund	\$1,001 - \$15,000	Over \$50,000,000	None (or less than \$201)	Over \$100,000	

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher rating.

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Do not Complete Schedule B if you are a new entrant, nominee, Vice Presidential or Presidential Candidate

57124 (Rev. 04/2004)
5-C.F.R. Part 2034
U.S. Office of Government Ethics

Reporting Individual's Name

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SCHEDULE B

Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, annuities, futures, and other securities when the amount of the transaction exceeded \$1,000. Include transactions that resulted in a loss. Do not include transactions that resulted from OGE certificate of divestiture from OGE.

Classification of Asset

Example: Central African Copper

None

Amount of Transaction (2)

Transaction Type (3)	Date (dd, /, /)	Amount of Transaction (2)	Classification of Asset
Purchase <td>2/1/99 <td>\$1,000.00 <td>None</td> </td></td>	2/1/99 <td>\$1,000.00 <td>None</td> </td>	\$1,000.00 <td>None</td>	None
Exchange <td></td> <td>\$1,000.00 <td>None</td> </td>		\$1,000.00 <td>None</td>	None
Sale <td></td> <td>\$1,000.00 <td>None</td> </td>		\$1,000.00 <td>None</td>	None

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of (1) gifts (such as taxable items, transportation, lodging, and other reimbursements) received from one source totaling more than \$200; and (2) travel-related cash reimbursements received from one source totaling more than \$260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. Exclude anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child jointly in dependent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth \$100 or less. See instructions for other exceptions.

Brief Description

Example: Bill Adams of Bank Colburn, NY, NY
Frank Jones, San Francisco, CA

Source (Name and Address)	Brief Description	Value
Bill Adams of Bank Colburn, NY, NY	Autism check, with local & travel insufficient to national conference 6/15/99 (personal activity unrelated to duty)	\$500
Frank Jones, San Francisco, CA	Autism conference (personal friend)	\$300

Page: Estimated Personal File Total

FD-278 (Rev. 03/2000)
 4 CFR Part 2454
 U.S. Office of Government Ethics

Reporting Individual's Name: **Wagner**

Part Number: **7**

SCHEDULE C

Part I: Liabilities
 Report liabilities over \$10,000 owed to any one creditor at any time during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. Exclude a mortgage on your personal residence unless it is rented out, loans secured by automobiles, household furniture or appliances, and student loans or credit cards (unless used in investments). See instructions for revolving charge accounts.

Example:	Creditor (Name and Address)	Type of Liability	Date Incurred	Interest Rate	Term of applicable	Category of Asset or Value (\$)
1	First District Bank, Washington, DC First Bank (A), Washington, DC	Mortgage on real property, Delaware	1991	8%	22 yrs.	\$10,000
2	Wells Fargo Home Mortgage, Des Moines, Iowa	Provisional loan	1999	7%	30 years	\$20,000
3						
4						
5						

* This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements of Arrangements
 Report your agreements or arrangements for continuing participation in an employee benefit plan (e.g., 401k, deferred compensation); (2) continuation payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of dispositions for any of these arrangements or benefits.

Example:	State and Terms of any Agreement or Arrangement	Period	Date
1	Payment in partnership agreement will receive lump sum payment of capital account & partnership share. Includes services rendered through 1/60.	Over 1000	7/83
2	Continuation of health insurance under the Booz Allen Hamilton Employee Capital Accumulation Plan. No further contributions have been made by me or the company. This plan is independently managed.	Booz-Allen & Hamilton Boston, MA	5/93
3			
4			
5			
6			

None

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SI 270 (Rev. 02/2004)
 S-C-F-B Form 2784
 U.S. Office of Government Ethics

Reporting Individual's Name

Wagner

SCHEDULE D

Page Number

6

Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with no financial, social, fraternal, or political duties and those of an honorary nature.

1	Organization (Name and Address)	Type of Organization	Position Held	None	
				From (Mo., Yr.)	To (Mo., Yr.)
1	North Am. of Real Estate, NY, NY Doo Jones & Smith, Hampton, State Intelligence and Security Academy, LLC Reston, VA	Non-profit subjecting Law firm Education, Training and Consulting	Partner Faculty Member	10/09	Present
2	Intelligence and National Security Alliance Alexandria, VA	Non-profit government and industry association	Advisor to Board of Directors	10/08	Present
3	Intelligence and National Security Alliance Alexandria, VA	Non-profit government and industry association	Member, Board of Directors	10/05	9/08
4	Center for Strategic & International Studies Commission on Cyber Security for the 44th President	Non-partisan public policy institution	Commissioner	1/08	Present
5	Project on National Security Reform Arlington, VA	Non-profit, non-partisan organization	Advisor	6/09	Present
6	Army Women's Foundation, Fort Lee, VA	Private and Non-profit 501(c)(3)	Member, Board of Directors	1/09	Present
7	Arlington County Public Schools, Arlington, VA	Educational	Substitute Teacher	9/09	Present

Part II: Compensation In Excess Of \$5,000 Paid by One Source

Report sources of more than \$5,000 compensation received by you or your business affiliates for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source.

1	Source (Name and Address)	Brief Description of Duties	None
1	Doo Jones & Smith, Hampton, State Blacks University (client of Doo Jones & Smith), Blacksburg, State Intelligence and Security Academy, LLC Reston, VA	Legal Services Legal services in connection with university acquisition Education, training, consulting on national security for government and private sector organizations	<input type="checkbox"/>
2			
3			
4			
5			
6			

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**SELECT COMMITTEE ON
INTELLIGENCE**

UNITED STATES SENATE



**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

Effective January 1998

**SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE**

**QUESTIONNAIRE FOR COMPLETION BY
PRESIDENTIAL NOMINEES**

PART A - BIOGRAPHICAL INFORMATION

1. NAME: Philip S. Goldberg
2. DATE AND PLACE OF BIRTH: August 1, 1956 Boston, Massachusetts
3. MARITAL STATUS: Single
4. SPOUSE'S NAME: N/A
5. SPOUSE'S MAIDEN NAME IF APPLICABLE:
6. NAMES AND AGES OF CHILDREN: None

NAME

AGE

7. EDUCATION SINCE HIGH SCHOOL:

<u>INSTITUTION</u> <u>DEGREE</u>	<u>DATES ATTENDED</u>	<u>DEGREE RECEIVED</u>	<u>DATE OF</u>
Boston University	Sept 1974-Jan 1981	B.S. degree	Jan 1981

8. EMPLOYMENT RECORD (LIST ALL POSITIONS HELD SINCE COLLEGE, INCLUDING MILITARY SERVICE. INDICATE NAME OF EMPLOYER, POSITION, TITLE OR DESCRIPTION, LOCATION AND DATES OF EMPLOYMENT.)

<u>EMPLOYER</u>	<u>POSITION/TITLE</u>	<u>LOCATION</u>	<u>DATES</u>
US Dept of State	Foreign Service Officer	Washington, DC	1989-present
City of New York/Office of Mayor	Liaison to UN and Consulates	New York, NY	1982-1989
Law Office of Stanley Teitler	Legal Assistant	New York, NY	1982 (Jan-May)
City of New York/Human Resources Admin	Accounting Officer	New York, NY	1981 (Oct-Dec)

9. GOVERNMENT EXPERIENCE (INDICATE EXPERIENCE IN OR ASSOCIATION WITH FEDERAL, STATE OR LOCAL GOVERNMENTS, INCLUDING ADVISORY, CONSULTATIVE, HONORARY OR OTHER PART-TIME SERVICE OR POSITION. DO NOT REPEAT INFORMATION ALREADY PROVIDED IN QUESTION 8):

Assignments during career with the U.S Department of State (1989-present)

2008 – Present	Coordinator for Implementation of UN Res. 1874 (North Korea), Department of State, Washington, D.C.
2006 – 2008	U. S. Ambassador to the Republic of Bolivia, La Paz, Bolivia
2004 – 2006	Chief of Mission, U.S. Office, Pristina, Kosovo
2002 – 2004	Deputy Chief of Mission, U. S. Embassy, Santiago, Chile
2001 – 2002	Charge d'Affaires, U.S. Embassy, Santiago, Chile
January-June 2001	Acting Deputy Assistant Secretary of State for Legislative Affairs, Washington, D.C.
2000 – 2001	Senior Member of Department of State's Transition Team, Washington, D.C.
September-October 2000	Plan Colombia Coordinator (Temporary Duty), U.S. Embassy, Bogota, Colombia
1998 – 2000	Executive Assistant to the Deputy Secretary of State, Washington, D.C.
1996 – 1998	Special Assistant to Deputy Secretary of State, Washington, D.C.

1994 – 1996	Bosnia Desk Officer, Bureau of European and Canadian Affairs, Department of State, Washington, D.C.
1992 - 1994	Political-Economic Officer, U.S. Embassy, Pretoria, South Africa
1990 – 1992	Political-Consular Officer, U.S. Embassy, Bogota, Colombia
1989 – 1990	Junior Officer Training, Foreign Service Institute

10. INDICATE ANY SPECIALIZED INTELLIGENCE OR NATIONAL SECURITY EXPERTISE YOU HAVE ACQUIRED HAVING SERVED IN THE POSITIONS DESCRIBED IN QUESTIONS 8 AND/OR 9.

As a Foreign Service Officer, I have twenty years of experience with service on three continents, including as Charge d' Affaires and Deputy Chief of Mission, and Chief of Mission in Kosovo and Bolivia. These posts provided extensive experience in intelligence oversight of multiple agencies; at the same time I served as the prime consumer of much of that information. In Bolivia, a difficult operating environment, we faced a hostile government while carrying out counter-narcotics programs. As Executive Assistant to the Deputy Secretary of State (1998-2000) I approved/reviewed sensitive intelligence operations and integrated intelligence information into key policy decisions.

11. HONORS AND AWARDS (PROVIDE INFORMATION ON SCHOLARSHIPS, FELLOWSHIPS, HONORARY DEGREES, MILITARY DECORATIONS, CIVILIAN SERVICE CITATIONS, OR ANY OTHER SPECIAL RECOGNITION FOR OUTSTANDING PERFORMANCE OR ACHIEVEMENT):

Three Department of State Superior Honor Awards: 1996, 2000, and 2004

Two Department of State Meritorious Honor Awards: 1922 and 1993

Four Department of State Senior Foreign Service Performance Pay Awards: 2005, 2006, 2007 and 2008

12. ORGANIZATIONAL AFFILIATIONS (LIST MEMBERSHIPS IN AND OFFICES HELD WITHIN THE LAST TEN YEARS IN ANY PROFESSIONAL, CIVIC, FRATERNAL, BUSINESS, SCHOLARLY, CULTURAL, CHARITABLE OR OTHER SIMILAR ORGANIZATIONS):

<u>ORGANIZATION</u>	<u>OFFICE HELD</u>	<u>DATES</u>
American Foreign Service Association	Member	1989-present

13. PUBLISHED WRITINGS AND SPEECHES (LIST THE TITLES, PUBLISHERS, AND PUBLICATION DATES OF ANY BOOKS, ARTICLES, REPORTS OR OTHER PUBLISHED MATERIALS YOU HAVE AUTHORED. ALSO LIST ANY PUBLIC SPEECHES YOU HAVE MADE WITHIN THE LAST TEN YEARS FOR WHICH THERE IS A TEXT OR TRANSCRIPT. TO THE EXTENT POSSIBLE, PLEASE PROVIDE A COPY OF EACH SUCH PUBLICATION, TEXT OR TRANSCRIPT):

N/A

PART B - QUALIFICATIONS

14. QUALIFICATIONS (DESCRIBE WHY YOU BELIEVE YOU ARE QUALIFIED TO SERVE IN THE POSITION FOR WHICH YOU HAVE BEEN NOMINATED):

See Answers 8 through 10. In addition, I have extensive management experience, having served in leadership roles in three diplomatic missions overseas.

PART C - POLITICAL AND FOREIGN AFFILIATIONS

15. POLITICAL ACTIVITIES (LIST ANY MEMBERSHIPS OR OFFICES HELD IN OR FINANCIAL CONTRIBUTIONS OR SERVICES RENDERED TO ANY POLITICAL PARTY, ELECTION COMMITTEE, POLITICAL ACTION COMMITTEE, OR INDIVIDUAL CANDIDATE DURING THE LAST TEN YEARS):

None

16. CANDIDACY FOR PUBLIC OFFICE (FURNISH DETAILS OF ANY CANDIDACY FOR ELECTIVE PUBLIC OFFICE):

None

17. FOREIGN AFFILIATIONS

(NOTE: QUESTIONS 17A AND B ARE NOT LIMITED TO RELATIONSHIPS REQUIRING REGISTRATION UNDER THE FOREIGN AGENTS REGISTRATION ACT. QUESTIONS 17A, B, AND C DO NOT CALL FOR A POSITIVE RESPONSE IF THE REPRESENTATION OR TRANSACTION WAS AUTHORIZED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH YOUR OR YOUR SPOUSE'S EMPLOYMENT IN GOVERNMENT SERVICE.)

A. HAVE YOU OR YOUR SPOUSE EVER REPRESENTED IN ANY CAPACITY (E.G. EMPLOYEE, ATTORNEY, OR POLITICAL/BUSINESS CONSULTANT), WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No

B. HAVE ANY OF YOUR OR YOUR SPOUSE'S ASSOCIATES REPRESENTED, IN ANY CAPACITY, WITH OR WITHOUT COMPENSATION, A FOREIGN GOVERNMENT OR AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE FULLY DESCRIBE SUCH RELATIONSHIP.

No

C. DURING THE PAST TEN YEARS, HAVE YOU OR YOUR SPOUSE RECEIVED ANY COMPENSATION FROM, OR BEEN INVOLVED IN ANY FINANCIAL OR BUSINESS TRANSACTIONS WITH, A FOREIGN GOVERNMENT OR ANY ENTITY CONTROLLED BY A FOREIGN GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No

D. HAVE YOU OR YOUR SPOUSE EVER REGISTERED UNDER THE FOREIGN AGENTS REGISTRATION ACT? IF SO, PLEASE PROVIDE DETAILS.

No

18. DESCRIBE ANY LOBBYING ACTIVITY DURING THE PAST TEN YEARS, OTHER THAN IN AN OFFICIAL U.S. GOVERNMENT CAPACITY, IN WHICH YOU OR YOUR SPOUSE HAVE ENGAGED FOR THE PURPOSE OF DIRECTLY OR INDIRECTLY INFLUENCING THE PASSAGE, DEFEAT OR MODIFICATION OF FEDERAL LEGISLATION, OR FOR THE PURPOSE OF AFFECTING THE ADMINISTRATION AND EXECUTION OF FEDERAL LAW OR PUBLIC POLICY.

None

PART D - FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST

19. DESCRIBE ANY EMPLOYMENT, BUSINESS RELATIONSHIP, FINANCIAL TRANSACTION, INVESTMENT, ASSOCIATION OR ACTIVITY (INCLUDING, BUT NOT LIMITED TO, DEALINGS WITH THE FEDERAL GOVERNMENT ON YOUR OWN BEHALF OR ON BEHALF OF A CLIENT), WHICH COULD CREATE, OR APPEAR TO CREATE, A CONFLICT OF INTEREST IN THE POSITION TO WHICH YOU HAVE BEEN NOMINATED.

None

20. DO YOU INTEND TO SEVER ALL BUSINESS CONNECTIONS WITH YOUR PRESENT EMPLOYERS, FIRMS, BUSINESS ASSOCIATES AND/OR PARTNERSHIPS OR OTHER ORGANIZATIONS IN THE EVENT THAT YOU ARE CONFIRMED BY THE SENATE? IF NOT, PLEASE EXPLAIN.

N/A

21. DESCRIBE THE FINANCIAL ARRANGEMENTS YOU HAVE MADE OR PLAN TO MAKE, IF YOU ARE CONFIRMED, IN CONNECTION WITH SEVERANCE FROM YOUR CURRENT POSITION. PLEASE INCLUDE SEVERANCE PAY, PENSION RIGHTS, STOCK OPTIONS, DEFERRED INCOME ARRANGEMENTS AND ANY AND ALL COMPENSATION THAT WILL OR MIGHT BE RECEIVED IN THE FUTURE AS A RESULT OF YOUR CURRENT BUSINESS OR PROFESSIONAL RELATIONSHIPS.

N/A (Career Foreign Service Officer)

22. DO YOU HAVE ANY PLANS, COMMITMENTS OR AGREEMENTS TO PURSUE OUTSIDE EMPLOYMENT, WITH OR WITHOUT COMPENSATION, DURING YOUR SERVICE WITH THE GOVERNMENT? IF SO, PLEASE PROVIDE DETAILS.

No

23. AS FAR AS CAN BE FORESEEN, STATE YOUR PLANS AFTER COMPLETING GOVERNMENT SERVICE. PLEASE SPECIFICALLY DESCRIBE ANY AGREEMENTS OR UNDERSTANDINGS, WRITTEN OR UNWRITTEN, CONCERNING EMPLOYMENT AFTER LEAVING GOVERNMENT SERVICE. IN PARTICULAR, DESCRIBE ANY AGREEMENTS, UNDERSTANDINGS OR OPTIONS TO RETURN TO YOUR CURRENT POSITION.

None

24. IF YOU ARE PRESENTLY IN GOVERNMENT SERVICE, DURING THE PAST FIVE YEARS OF SUCH SERVICE, HAVE YOU RECEIVED FROM A PERSON OUTSIDE OF GOVERNMENT AN OFFER OR EXPRESSION OF INTEREST TO EMPLOY YOUR SERVICES AFTER YOU LEAVE GOVERNMENT SERVICE? IF YES, PLEASE PROVIDE DETAILS

No

25. IS YOUR SPOUSE EMPLOYED? IF YES AND THE NATURE OF THIS EMPLOYMENT IS RELATED IN ANY WAY TO THE POSITION FOR WHICH YOU ARE SEEKING CONFIRMATION, PLEASE INDICATE YOUR SPOUSE'S EMPLOYER, THE POSITION AND THE LENGTH OF TIME THE POSITION HAS BEEN HELD. IF YOUR SPOUSE'S EMPLOYMENT IS NOT RELATED TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED, PLEASE SO STATE.

N/A

26. LIST BELOW ALL CORPORATIONS, PARTNERSHIPS, FOUNDATIONS, TRUSTS, OR OTHER ENTITIES TOWARD WHICH YOU OR YOUR SPOUSE HAVE FIDUCIARY OBLIGATIONS OR IN WHICH YOU OR YOUR SPOUSE HAVE HELD DIRECTORSHIPS OR OTHER POSITIONS OF TRUST DURING THE PAST FIVE YEARS.

<u>NAME OF ENTITY</u>	<u>POSITION</u>	<u>DATES HELD</u>	<u>SELF OR SPOUSE</u>
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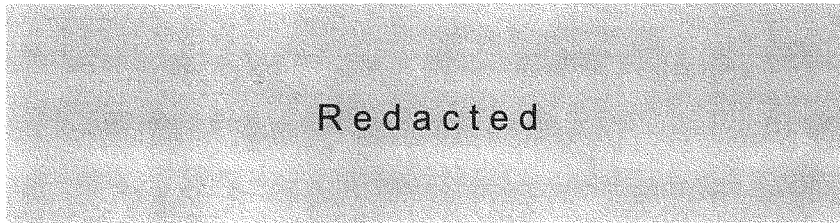
None

27. LIST ALL GIFTS EXCEEDING \$100 IN VALUE RECEIVED DURING THE PAST FIVE YEARS BY YOU, YOUR SPOUSE, OR YOUR DEPENDENTS (NOTE: GIFTS RECEIVED FROM RELATIVES AND GIFTS GIVEN TO YOUR SPOUSE OR DEPENDENT NEED NOT BE INCLUDED UNLESS THE GIFT WAS GIVEN WITH YOUR KNOWLEDGE AND ACQUIESCENCE AND YOU HAD REASON TO BELIEVE THE GIFT WAS GIVEN BECAUSE OF YOUR OFFICIAL POSITION.)

None

28. LIST ALL SECURITIES, REAL PROPERTY, PARTNERSHIP INTERESTS, OR OTHER INVESTMENTS OR RECEIVABLES WITH A CURRENT MARKET VALUE (OR, IF MARKET VALUE IS NOT ASCERTAINABLE, ESTIMATED CURRENT FAIR VALUE) IN EXCESS OF \$1,000. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE A OF THE DISCLOSURE FORMS OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CURRENT VALUATIONS ARE USED.)

<u>DESCRIPTION OF PROPERTY</u>	<u>VALUE</u>	<u>METHOD OF VALUATION</u>
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29. LIST ALL LOANS OR OTHER INDEBTEDNESS (INCLUDING ANY CONTINGENT LIABILITIES) IN EXCESS OF \$10,000. EXCLUDE A MORTGAGE ON YOUR PERSONAL RESIDENCE UNLESS IT IS RENTED OUT, AND LOANS SECURED BY AUTOMOBILES, HOUSEHOLD FURNITURE OR APPLIANCES. (NOTE: THE INFORMATION PROVIDED IN RESPONSE TO SCHEDULE C OF THE DISCLOSURE FORM OF THE OFFICE OF GOVERNMENT ETHICS MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT CONTINGENT LIABILITIES ARE ALSO INCLUDED.)

<u>NATURE OF OBLIGATION</u>	<u>NAME OF OBLIGEE</u>	<u>AMOUNT</u>
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None

30. ARE YOU OR YOUR SPOUSE NOW IN DEFAULT ON ANY LOAN, DEBT OR OTHER FINANCIAL OBLIGATION? HAVE YOU OR YOUR SPOUSE BEEN IN DEFAULT ON ANY LOAN, DEBT OR OTHER FINANCIAL OBLIGATION IN THE PAST TEN YEARS? HAVE YOU OR YOUR SPOUSE EVER BEEN REFUSED CREDIT OR HAD A LOAN APPLICATION DENIED? IF THE ANSWER TO ANY OF THESE QUESTIONS IS YES, PLEASE PROVIDE DETAILS.

No

31. LIST THE SPECIFIC SOURCES AND AMOUNTS OF ALL INCOME RECEIVED DURING THE LAST FIVE YEARS, INCLUDING ALL SALARIES, FEES, DIVIDENDS, INTEREST, GIFTS, RENTS, ROYALTIES, PATENTS, HONORARIA, AND OTHER ITEMS EXCEEDING \$200. (COPIES OF U.S. INCOME TAX RETURNS FOR THESE YEARS MAY BE SUBSTITUTED HERE, BUT THEIR SUBMISSION IS NOT REQUIRED.)

	2004	2005	2006	2007	2008
Redacted					

32. IF ASKED, WILL YOU PROVIDE THE COMMITTEE WITH COPIES OF YOUR AND YOUR SPOUSE'S FEDERAL INCOME TAX RETURNS FOR THE PAST THREE YEARS?

Yes

33. LIST ALL JURISDICTIONS IN WHICH YOU AND YOUR SPOUSE FILE ANNUAL INCOME TAX RETURNS.

No current state filings. New York State, where I am domiciled, does not require a filing for non-residents or those living overseas with no New York income. I have been overseas for tax years 2001-2008. I anticipate filing a District of Columbia return for 2009.

34. HAVE YOUR FEDERAL OR STATE TAX RETURNS BEEN THE SUBJECT OF AN AUDIT, INVESTIGATION OR INQUIRY AT ANY TIME? IF SO, PLEASE PROVIDE DETAILS, INCLUDING THE RESULT OF ANY SUCH PROCEEDING.

No

35. IF YOU ARE AN ATTORNEY, ACCOUNTANT, OR OTHER PROFESSIONAL, PLEASE LIST ALL CLIENTS AND CUSTOMERS WHOM YOU BILLED MORE THAN \$200 WORTH OF SERVICES DURING THE PAST FIVE YEARS. ALSO, LIST ALL JURISDICTIONS IN WHICH YOU ARE LICENSED TO PRACTICE.

N/A

36. DO YOU INTEND TO PLACE YOUR FINANCIAL HOLDINGS AND THOSE OF YOUR SPOUSE AND DEPENDENT MEMBERS OF YOUR IMMEDIATE HOUSEHOLD IN A BLIND TRUST? IF YES, PLEASE FURNISH DETAILS. IF NO, DESCRIBE OTHER ARRANGEMENTS FOR AVOIDING ANY POTENTIAL CONFLICTS OF INTEREST.

No. All assets currently in cash accounts.

37. IF APPLICABLE, ATTACH THE LAST THREE YEARS OF ANNUAL FINANCIAL DISCLOSURE FORMS YOU HAVE BEEN REQUIRED TO FILE WITH YOUR AGENCY, DEPARTMENT, OR BRANCH OF GOVERNMENT.

See attached.

PART E - ETHICAL MATTERS

38. HAVE YOU EVER BEEN THE SUBJECT OF A DISCIPLINARY PROCEEDING OR CITED FOR A BREACH OF ETHICS OR UNPROFESSIONAL CONDUCT BY, OR BEEN THE SUBJECT OF A COMPLAINT TO, ANY COURT, ADMINISTRATIVE AGENCY, PROFESSIONAL ASSOCIATION, DISCIPLINARY COMMITTEE OR OTHER PROFESSIONAL GROUP? IF SO, PROVIDE DETAILS.

No

39. HAVE YOU EVER BEEN INVESTIGATED, HELD, ARRESTED, OR CHARGED BY ANY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITY FOR VIOLATION OF ANY FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW, REGULATION, OR ORDINANCE, OTHER THAN A MINOR TRAFFIC OFFENSE, OR NAMED AS A DEFENDANT OR OTHERWISE IN ANY INDICTMENT OR INFORMATION RELATING TO SUCH VIOLATION? IF SO, PROVIDE DETAILS.

No

40. HAVE YOU EVER BEEN CONVICTED OF OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL VIOLATION OTHER THAN A MINOR TRAFFIC OFFENSE? IF SO, PROVIDE DETAILS.

No

41. ARE YOU PRESENTLY OR HAVE YOU EVER BEEN A PARTY IN INTEREST IN ANY ADMINISTRATIVE AGENCY PROCEEDING OR CIVIL LITIGATION? IF SO, PLEASE PROVIDE DETAILS.

No

42. HAVE YOU BEEN INTERVIEWED OR ASKED TO SUPPLY ANY INFORMATION AS A WITNESS OR OTHERWISE IN CONNECTION WITH ANY CONGRESSIONAL INVESTIGATION, FEDERAL OR STATE AGENCY PROCEEDING, GRAND JURY INVESTIGATION, OR CRIMINAL OR CIVIL LITIGATION IN THE PAST TEN YEARS? IF SO, PROVIDE DETAILS.

No

43. HAS ANY BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, DIRECTOR OR PARTNER BEEN A PARTY TO ANY ADMINISTRATIVE AGENCY PROCEEDING OR CRIMINAL OR CIVIL LITIGATION RELEVANT TO THE POSITION TO WHICH YOU HAVE BEEN NOMINATED? IF SO, PROVIDE DETAILS. (WITH RESPECT TO A BUSINESS OF WHICH YOU ARE OR WERE AN OFFICER, YOU NEED ONLY CONSIDER PROCEEDINGS AND LITIGATION THAT OCCURRED WHILE YOU WERE AN OFFICER OF THAT BUSINESS.)

No

PART F - SECURITY INFORMATION

44. HAVE YOU EVER BEEN DENIED ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION FOR ANY REASON? IF YES, PLEASE EXPLAIN IN DETAIL.

No

45. HAVE YOU BEEN REQUIRED TO TAKE A POLYGRAPH EXAMINATION FOR ANY SECURITY CLEARANCE OR ACCESS TO CLASSIFIED INFORMATION? IF YES, PLEASE EXPLAIN.

No

46. HAVE YOU EVER REFUSED TO SUBMIT TO A POLYGRAPH EXAMINATION? IF YES, PLEASE EXPLAIN.

No

PART G - ADDITIONAL INFORMATION

47. DESCRIBE IN YOUR OWN WORDS THE CONCEPT OF CONGRESSIONAL OVERSIGHT OF U.S. INTELLIGENCE ACTIVITIES. IN PARTICULAR, CHARACTERIZE WHAT YOU BELIEVE TO BE THE OBLIGATIONS OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY, AND THE INTELLIGENCE COMMITTEES OF THE CONGRESS, RESPECTIVELY, IN THE OVERSIGHT PROCESS.

Congressional oversight of the Intelligence Community provides the fundamental balance between our ability to carry out sensitive and often secret intelligence activities while protecting the public interest. The Intelligence Committees have the obligation to carry out their oversight roles without the usual ability to make public much of their information. The DNI and CIO must keep the Committees currently informed of all major activities. These unique relationships – unlike any others in Congress – require a special layer of trust and candor.

48. EXPLAIN YOUR UNDERSTANDING OF THE RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND RESEARCH.

The Assistant Secretary of State for Intelligence and Research is the chief intelligence adviser to the Secretary of State. The Assistant Secretary ensures objective and independent intelligence analysis for the Secretary of State, Department policymakers and the entire national security apparatus. The Assistant Secretary plays a key role in assuring that diplomatic and foreign policy positions are represented in the formulation of intelligence policy and activities. The Assistant Secretary is the leader and manager of over 300 civil and Foreign Service employees, whose responsibilities include geographic and boundary issues as well as a new role in cyber-security. The Assistant Secretary also seeks out academic and private-sector relationships to add to the Bureau's expertise and basic knowledge. Within the IC, the Bureau contributes to production of estimates of vital importance to national security.

49. DO YOU BELIEVE THAT A POSITION ENJOYS GREATER STATURE WITHIN THE INTELLIGENCE COMMUNITY WHEN IT REQUIRES SENATE CONFIRMATION? PLEASE EXPLAIN.

I believe that any Executive-branch position that requires Senate confirmation enjoys greater stature than those that do not. In the case of the Intelligence Community, Senate confirmation in my view is as much a sign of responsibility for the nominee as stature, given the unique and necessarily privileged roles played by the Senate Select Committee and Senate Leadership in oversight and funding.

AFFIRMATION

I, Philip S. Goldberg, DO SWEAR THAT THE ANSWERS I
HAVE PROVIDED TO THIS QUESTIONNAIRE ARE ACCURATE AND COMPLETE.

Aug. 31, 2009
Date

Philip S. Goldberg
Signature

Jacqueline Priddy Moses
Notary

Washington, District of Columbia

Subscriber has sworn to before me, in my presence,

this 31st day of August, 2009

by *Jacqueline Priddy Moses*
Notary Public

My Commission Expires 02-28-2010



JACQUELINE PRIDDY MOSES, FI
Notary Public, District of Columbia
My Commission Expires February 28, 2010

TO THE CHAIRMAN, SELECT COMMITTEE ON INTELLIGENCE:

In connection with my nomination to be Assistant Secretary of State for Intelligence and Research, I hereby express my willingness to respond to requests to appear and testify before any duly constituted committee of the Senate.



Signature

Aug. 31, 2009
Date

SELECT COMMITTEE ON
INTELLIGENCE
UNITED STATES SENATE



Prehearing Questions

For

Ambassador Philip S. Goldberg

Upon his Nomination to be

Assistant Secretary, Bureau of Intelligence & Research

Department of State

**Additional Prehearing Questions
For
Philip S. Goldberg
Upon his nomination to be
Assistant Secretary for Intelligence & Research
Department of State**

General Questions on the Intelligence Community

1. The Intelligence Reform and Terrorism Prevention Act of 2004 states that national intelligence should be “timely, objective, independent of political considerations and based upon all sources available to the intelligence community and other appropriate entities.”

A. How do you intend to ensure that INR produces intelligence analysis that meets these criteria?

INR has a long history of providing the sort of intelligence support the Intelligence Reform and Terrorism Prevention Act of 2004 describes. If confirmed, I intend to ensure that the Bureau maintains that tradition.

B. How do you define improper pressure on intelligence analysis and what will you do to prevent it?

I define “improper pressure on intelligence analysis” as any effort to alter the outcome of the analytical process for ideological or policy-related reasons. If confirmed, I will maintain in INR an environment that strongly discourages outside efforts to distort analysis, ensures that analysts are prepared to anticipate and resist such efforts, and protects analysts who come under such pressure.

2. Should INR analysts staff Intelligence Community Centers, such as the National Counterterrorism Center or the National Counterproliferation Center?

INR's size makes it difficult to staff positions in IC Centers like NCTC or NCPC on a continuing basis. Nonetheless, if confirmed, I intend to support assignments of INR analysts to such Centers and IC agencies to the greatest extent possible. Such assignments develop analysts and contribute to building a more integrated and collaborative Intelligence Community.

3. Should INR analysts serve as detailees in other analytic agencies within the Intelligence Community?

Yes. Details of up to a year, and perhaps more, to other Intelligence Community (IC) analytic agencies develop and broaden the skills of analysts and build a collaborative spirit within the IC. Typically INR lacks the resources to fill in behind analysts who leave for details to other intelligence agencies. If confirmed, I will look for ways to ease the burden on INR of extended details so that more of the bureau's analysts can benefit from them.

4. If you are confirmed, how will you ensure that analysts from the Bureau of Intelligence and Research actively participate in the process of drafting National Intelligence Council products, including the National Intelligence Estimates?

INR analysts have long played a prominent and key role in both the drafting and coordination of NIC products, including National Intelligence Estimates. If confirmed, I intend to sustain that well-established tradition.

Coordination of Intelligence and Foreign Policy

5. Has the Secretary of State indicated the functions she expects you to perform as the Assistant Secretary for Intelligence and Research? Please elaborate.

It is clear from my contacts with Secretary Clinton that she expects me, if confirmed, to be her Senior Intelligence Advisor, providing advice and counsel on all intelligence-related matters at the State Department. Those matters include ensuring the Department's collection and analytical needs

are met, and injecting the Department's perspective into proposed sensitive intelligence and law enforcement activities.

6. Who are INR's principal customers – Department of State policymakers or other officials in the Executive Branch?

I believe that INR should focus, first, on supplying intelligence and analytical support to diplomats and diplomacy. Thus, INR's principal customers are the Secretary of State and her supporting cast of policymakers at the Department of State and across the world. Her agenda and theirs largely dictate INR's analytical production. That said, a wide array of national security officials use INR analyses, and INR analysts occasionally write directly for the President by drafting articles for the President's Daily Brief. Nonetheless, INR is embedded in the State Department and its primary customers should be the Secretary of State and the foreign policy makers who support her.

7. If you are confirmed as Assistant Secretary for Intelligence and Research, what steps will you take to ensure that INR is both integrated into the Intelligence Community and responsive to the needs of the Department of State?

As a State Department bureau and an element of the IC, INR has "two masters," the Secretary of State and the Director of National Intelligence. If confirmed, I intend to lead INR first and foremost as a State Department element in the Intelligence Community rather than an Intelligence Community entity in the State Department. I think that is how INR can add the most value to the nation and how INR can best fulfill its mission to provide intelligence and analytical support to diplomats and diplomacy. At the same time, if confirmed, I will ensure that INR fulfills all its IC obligations. That is the most certain path to ensuring that vast Intelligence Community resources and programs serve the intelligence needs of the Department of State and the foreign policy community.

8. Are you aware of any disagreements between the Office of the Director of National Intelligence (ODNI) and the Secretary of State with respect to the allocation of National Intelligence Program resources within the Department of State? If there are such differences, what will be your role in resolving them?

I am not aware of any disagreements. I sense a very collaborative relationship between the ODNI and the State Department. If a disagreement were to occur, I'm confident that INR would work with the Department's Chief Financial Officer and the ODNI's Chief Financial Officer to solve it. The likelihood of a disagreement is small, as I understand that INR coordinates resource requests fully and cooperatively with ODNI and State's Chief Financial Officer.

9. Are you aware of any disagreements between the ODNI and the Department of State on matters of policy and procedure with respect to intelligence activities? If there are such disagreements, what will be your role in resolving them?

To my knowledge, there are no such disagreements. If I am confirmed and disagreements arise, I believe my role should be to resolve them in a way that serves the best interests of the Department of State, the Intelligence Community, and the nation.

10. If there are disagreements between ODNI representatives abroad and U.S. ambassadors with respect to intelligence activities or covert actions or regarding other matters, what will be your role in resolving them?

If confirmed, I see INR's role as that of honest broker. INR works to protect Chief of Mission authorities while ensuring that properly coordinated intelligence activities can move forward.

11. One of the most difficult challenges facing the Bureau of Intelligence and Research is maximizing access to sensitive information for policymakers while complying with security requirements for handling this information. If confirmed, what steps will you take, whether technological or otherwise, to increase the availability of sensitive information to appropriately cleared officials within INR, the Department of State, and at diplomatic missions abroad?

I fully agree with the current Intelligence Community's emphasis on sharing information based on the "Responsibility to Share", as opposed to the prior emphasis on "Need to Know." If confirmed, I will support all efforts in this direction. Neither intelligence analysts nor policymakers can do their job if information essential to their mission is declared too sensitive for them to access. Within the Department of State, I intend to press ahead with INR's e-Intel initiative that envisions providing policymakers across the Department nearly all intelligence materials they need at or near their desktops.

INR Management, Personnel and Operations

12. If confirmed as Assistant Secretary for Intelligence and Research, what would be your priorities with respect to the management of INR?

- A. How would you ensure the high quality and integrity of INR personnel?

INR's most important resource is its staff. If confirmed, I will place the highest priority on recruiting, training, rewarding, and retaining the most expert and capable personnel possible. The bureau's record on this score is exceptionally good. INR staff is known for its subject matter expertise, its analytic integrity, and its dedication to speaking truth to power. If confirmed, I will do my utmost to sustain and further foster all those qualities

- B. How would you ensure that INR employees with whistleblower concerns are treated properly?

I am committed to leading an organization where all employees are comfortable bringing matters of concern to the attention of management or other sources of redress without fear of reprisal. If confirmed, I will ensure that INR staff are aware of both prohibited personnel practices and whistleblower protections; that all employees know their rights as well as the safeguards that are in place to protect them.

C. If confirmed, what organization or other management changes would you examine or undertake within INR?

If confirmed, I would review INR's organization and management to ensure that they are postured and resourced to inform the development of America's foreign policy and to support its implementation.

13. If confirmed as Assistant Secretary for Intelligence and Research, what goals will you set for the performance of INR? What specific actions do you propose to take to achieve those goals?

If confirmed as INR Assistant Secretary, my goal will be to ensure the bureau provides accurate, timely, and insightful intelligence support that is crucial to the State Department's mission of promoting our national interests and protecting our national security.

Some of the specific issues upon which I intend to focus include recruiting and training the next generation of INR experts and making sure the bureau has a modern and efficient production system that distributes tailored intelligence to policymakers when they need it. I will also give priority to guarding against gaps or vulnerabilities in the bureau's security posture. Finally I intend to deploy the bureau's outreach program to infuse the perspectives of outside experts from the private sector, academia, and NGOs into INR's analysis of the most challenging foreign policy and intelligence issues of the day.

14. If confirmed, will you encourage INR analysts to participate in joint analytic training programs with analysts from the rest of the Intelligence Community?

A well-trained workforce is essential for INR to perform its mission. The Bureau has a Professional Development and Training Officer dedicated to ensuring all INR staff have the skills they need to do their jobs. I understand that INR analysts actively participate in joint analytic training. If confirmed, I intend to foster the Bureau's culture of training and strengthen it further in any way I can.

15. The Bureau of Intelligence and Research currently hires its analysts based on competitive service requirements, in line with general State Department civil service hiring practices. Are the competitive service requirements constraining the INR's hiring capabilities, particularly its ability to hire analysts with deep expertise on certain countries or regions? Please elaborate on whether and how the excepted service regulations guiding other intelligence community agencies would benefit the Bureau of Intelligence and Research.

Competitive service requirements clearly have not kept INR from hiring an exceptionally talented, motivated, and dedicated workforce. Thus far, the bureau has not determined that the benefits of excepted service merit attempting to move from competitive service requirements. If confirmed, I will watch this issue closely to ensure that INR is able to recruit, hire, and retain the best possible staff. Its important mission demands nothing less.

16. INR tends to have one analyst covering an intelligence topic while other all-source analytic agencies have teams of analysts covering the same topic. Does INR's smaller size help or hinder the production of accurate and timely analysis? Why?

My sense is that INR's small size presents challenges, but is also one of the Bureau's greatest strengths. The challenges include keeping pace with coordinating analytic products across the sprawling IC and releasing INR staff for joint duty assignments, training, and leave. The benefits of the bureau's size mean and that that INR analysts have a tremendous breadth of scope and knowledge and that they know their colleagues in the bureau as well as those in State's policy offices quite well. The relatively small number of INR analysts also enables nimble teamwork across issues, while the lack of bureaucracy and layers means that INR can respond in minutes to a policymaker's requests. If I am confirmed, part of my job will be keeping the Bureau focused on tasks where INR's size is a comparative advantage.

Substantive Analytic Issues

17. INR tends to dissent more from the consensus analytic view in coordinated intelligence products than do other agencies. Why do you think this is the case? In general, is this practice to be encouraged or discouraged?

My sense is that INR collaborates extremely well with the rest of the Intelligence Community and more often than not joins the IC consensus. I can't confirm that INR dissents more than other agencies, nor have I picked up that dissent is either specifically encouraged or discouraged. When INR dissents in a Community product, I think it probably demonstrates the bureau's commitment to independent analysis; its reliance on the experience, knowledge, and judgment of its analysts; and its dedication to speaking truth to power. Those are all hallmarks of INR that, if confirmed, I look forward to maintaining and advancing.

18. If confirmed, how will you ensure that the analysis produced by the Bureau of Intelligence and Research both adequately covers the high-profile hot spots in the Middle East and South Asia and ensures in-depth global coverage of the political, economic, and security issues pertinent to other regions of the world?

If confirmed, I am committed to helping INR fulfill its enduring mission to cover every issue, every country, all the time. That, after all, is the Secretary's agenda, and it includes high profile, front burner issues, as well as issues that are less prominent or over-the-horizon. It strikes me that INR has to cover both sets of issues if it is to provide the Secretary and State Department policy offices the intelligence support they need.

19. Describe the balance you would strike at INR between current intelligence and longer term trend analysis and think pieces (strategic intelligence)?

Both current intelligence and longer term trend analysis are important parts of INR's mission. The bureau has a record of success supplying State Department policymakers with current intelligence (usually accompanied by brief analytical comments that provide context), and thoughtful, longer term analysis. If confirmed, I expect to ensure that INR continues to fulfill both those missions.

20. In May 2009, President Obama declared U.S. cyber infrastructure security a national priority. The Department of State and the Intelligence Community will play an integral role in protecting U.S. communications and information infrastructure. What do you believe to be the Bureau of Intelligence and Research's appropriate role in contributing to this national priority?

Cyber is a major priority for the Administration, the Intelligence Community, and for INR, which established an Office of Cyber Affairs to focus on cyber issues. INR/CYBER analyzes cyber developments for State policymakers, facilitates State Department cyber-related activities, and contributes to cyber-related Intelligence Community products.

It also ensures that U.S. cyber activities are consistent with foreign policy, and helps lead the Department's international engagement on cyber issues.

21. Since January 2009, the Department of State and the White House have appointed a Special Envoy on Climate Change, the Special Representative for Afghanistan and Pakistan, a Special Envoy on Middle East Peace, and a Presidential Advisor on Sudan, among other special advisors. Each of these special envoys, representatives or advisors works inside the State Department but leads an office outside of the traditional functional and regional bureaus.

A. If confirmed as the Assistant Secretary for Intelligence and Research, how will you ensure that the Bureau of Intelligence and Research supports the work of these policy officials?

I will, if confirmed, devote myself to ensuring that INR supplies top quality intelligence support to all policy offices at State, from the Secretary to Desk Officers. That certainly includes supporting the important work of the Department's special envoys.

B. How can the Intelligence Community benefit from the work of these special envoys, representatives and advisors?

INR derives one of its greatest strengths from being embedded in the State Department with those who make and implement foreign policy. The bureau's analysts benefit tremendously from daily interaction that builds understanding of policy priorities and increases their awareness of challenges to implementing those policies. This better enables INR analysts to determine where INR can add value. INR infuses the rest of the IC with the insights it gains from policymakers, including the special envoys.

22. How can the Bureau of Intelligence and Research's analysis support the public diplomacy mission of the Department of State?

The Bureau's Office of Opinion Research directly supports public diplomacy through its analysis of public opinion polls and foreign media

commentary. Such analysis can assist public diplomacy officials to align strategic goals and programmatic activities with what we know about the attitudes, aspirations, and needs of foreign publics.

23. Over the past five years, transnational issues ranging from international pandemics to global financial insecurity have emerged as increasingly central to U.S. national security interests. What steps should the INR take to ensure that its analysts cover such issues, which cut across traditional functional and regional portfolios? Will ensuring the sufficient coverage of transnational issues require any personnel reforms?

INR is well-postured to cover transnational issues. Four of the bureau's ten analytic offices cover functional issues that transcend regional portfolios: the Offices of Economic Analysis; Strategic, Proliferation, and Military Issues; Terrorism, Narcotics, and Crime; and Geographer and Global Issues. INR's small size ensures and demands that its regional offices work hand-in-glove with its functional offices to form powerful standing and ad hoc analytic teams that build on and deeply benefit from each others' strengths.

24. Please describe your views on the role of financial networks in sustaining threats such as the Taliban, al-Qa'ida and other terrorist groups, WMD proliferation, Iran's and North Korea's missile and nuclear development, and Mexico's violent drug trade.

Clearly, terrorists, proliferators, and drug dealers abuse global financial networks to carry on their activities.

Networks that sustain the Taliban and, al-Qaida include foreign donors, mostly from the Gulf, criminal activities including narcotics, and money raised through charitable or social service work.

WMD proliferation financial networks stem primarily from state-sponsored actors that often conduct activities through legitimate businesses. In Iran and North Korea, state-owned banks and firms facilitate the acquisition of

materials and technologies abroad for missile and WMD proliferation efforts.

Mexican drug cartels use financial institutions to launder billions of dollars, despite the anti-money laundering legislation in place, thus gaining access to funds for weapons purchases--which fuel the spiraling death toll—or for bribing officials.

Professional Background

25. Please describe how you are prepared to take this senior intelligence position without any prior professional experience in the Intelligence Community.

I believe that, if confirmed, I would bring a set of skills and experience to the job of Assistant Secretary for Intelligence and Research (INR) that will let me effectively lead the Bureau and add value to its work. While I have not worked formally in the Intelligence Community, I have had extensive and relevant experience in almost all aspects of INR's core functions. As a political, economic and biographic officer at embassies overseas, I have worked closely with analysts in the Intelligence Community to produce analytical products. In addition, I have myself produced analytic reports for policymakers, from assignments overseas as well as in Washington. This experience has given me a strong appreciation for the independence, intellectual rigor, experience and personal integrity that contribute to good analytical products. Having worked on policy matters in Washington and overseas in four geographic bureaus and on the seventh floor of the department, I have a strong appreciation for how intelligence can best support diplomacy and its practitioners. This is INR's primary mission.

As Executive Assistant to the Deputy Secretary, I served as liaison with INR and the IC, as well as action officer on a range of sensitive and compartmented intelligence programs. During that period, I travelled with the Director of Central Intelligence to resolve a sensitive IC-State issue at one of our missions in Europe. As a Charge d'affaires and two-time chief of mission, I have

overseen intelligence and law enforcement activities of IC members in the field and ensured that intelligence activities were carried out in support of foreign policy and national security objectives. Most recently, I have served as Coordinator for Implementation of United Nations Security Council Resolutions on North Korea, a job that requires analysis of all-source intelligence information, coordination with the ODNI and other IC elements, and decisions on whether to downgrade information for release to other countries. (See next question for further details). Finally, my experience leading large and complex missions overseas, as well as managerial assignments at the State Department, have prepared me to lead this large bureau.

26. Please describe how your experience as the United States Coordinator for Implementation of United Nations Security Council Resolutions on North Korea prepared you for the position of Assistant Secretary for Intelligence and Research. What lessons about intelligence did you learn as the Coordinator?

My time as Coordinator has provided first-hand and very practical experience in evaluating raw intelligence for use in counter-proliferation activities, especially in efforts to disrupt shipments of proscribed military goods and financial transactions. I have also been involved in efforts to use intelligence information for the purpose of designations of individuals and entities under U.S. law. We have worked with the IC to downgrade information to make it releasable to foreign governments. There are few jobs in government that rely as heavily on actionable and timely intelligence. I have gained a unique perspective about the extent – and limits – of our ability to monitor illicit activities. As a result of my work, I have also seen the tension that exists between the use of intelligence information and the protection of sources and methods.

27. Please provide to the Committee detailed information surrounding the circumstances of the Bolivian Government's decision to declare you *Persona Non Grata* in September 2008. Please precisely detail the instructions you received from the Secretary of State regarding your assignment in Bolivia, how you followed these instructions, and the position of the Bolivian government regarding your activities.

During my assignment in Bolivia, the country team, the State Department in Washington, and I determined that the United States should pursue wide-ranging strategic goals in Bolivia. Among them, we aimed to encourage the Government of Bolivia to pursue political dialogue and respect democratic institutions. We developed programs to advance Bolivia's economic prosperity and security. We attempted to strengthen Bolivia's counternarcotics efforts. We undertook to improve our bilateral security relations. We promoted improved health for Bolivians. We sought to engage, inform, and shape Bolivian public opinion and to influence policy in support of U.S. goals and priorities.

Regrettably, hostility from wide segments of the Bolivian Government-- and repeated provocations--caused our bilateral relations to deteriorate sharply. The Bolivian Government escalated public attacks against the U.S. Government and began to dismantle key partnerships. In June 2008, for example, the government supported a massive and violent march on our embassy and expelled USAID from Bolivia's largest coca growing region. In September, the government expelled DEA from the same area. The next day, President Morales declared me *persona non grata*. President Morales publicly justified his decision with a series of baseless allegations.

I believe that President Morales' decision damaged our bilateral relationship with Bolivia, a relationship with deep, historical roots that benefits the peoples of both our countries. I regret that President Morales chose that course.

Questions for the Record
Ambassador Philip S. Goldberg
Nominee to be Assistant Secretary for Intelligence and Research
At the Department of State

1. In your testimony you wrote: "As a Charge d' Affairs and two-time Chief of Mission, I have ensured that intelligence and law enforcement activities were carried out in support of foreign policy and national security objectives." Please elaborate on this statement, providing examples of these objectives.

In my role as Charge d'affaires in Chile during and after September 11, 2001, I worked closely with agencies in the Country Team to coordinate and advance our work with the Chilean Government on counterterrorism concerns, a key national security objective in the wake of the attacks. In Kosovo and Bolivia, I oversaw the work of agencies at post to ensure that all activities being carried out were fully consistent with our overall goals of support for democratic development and counternarcotics cooperation.

2. How will you ensure that the Bureau of Intelligence and Research (INR) maintains its analytic integrity and independence, both internally, and in response to possible pressure from policymakers? In other words, how will you ensure that INR analysts feel comfortable briefing policymakers on assessments that they do not necessarily want to hear?

The INR culture stresses that written products and oral briefings represent the reasoned analysis of the bureau's regional and functional experts, the analysts. Bureau management is responsible for ensuring that the analysis is well researched, written and sourced, as well as timely and policy relevant. Management's role is not to substitute its views for the analysts' for policy or other purposes. If confirmed, I will seek to reinforce that culture. If needed, I will also stand as a buffer between policymakers and analysts should the former seek to pressure analysts to slant their views for policy purposes.

3. Currently, can INR analysts access reporting from the entire Intelligence Community?

Yes. INR analysts have access to reporting from the entire Intelligence Community.

4. How can the managers and leadership of INR “grade” intelligence analysis? What are your thoughts on how to judge the quality and effectiveness of intelligence analysis produced by INR?

Judging the quality and effectiveness of intelligence analysis can be challenging. A study by Business Executives for National Security (BENS) determined that the private sector doesn’t apply a single method. In an effort to ensure that INR is meeting the needs of policy makers, a group of senior analysts and managers twice a year reviews samples of INR assessments to see how well they adhere to the Intelligence Community Analytic Standards (objectivity, independent of political consideration, timeliness, based on all available sources of intelligence, and exhibits proper standards of analytic tradecraft). The group applies ODNI tradecraft standards, as established by Intelligence Community Directives 203 and 206 to rate the products fair, poor, good or excellent. The last review judged INR’s overall analysis as excellent. INR also surveys policy makers to gauge their satisfaction with INR. Over 90% of those INR surveys consistently report that they are satisfied with the support that INR provides.

5. What role should INR play in recommending the commitment of new resources (e.g. Foreign Service officer deployments, travel budgets, time devoted to collecting and reporting) for the purposes of more overt collection and diplomatic reporting?

It is clear that the Intelligence Community highly values Foreign Service diplomatic reporting. INR cooperates with all elements of the HUMINT enterprise, including the National HUMINT Committee, the National HUMINT Board of Governors, the National HUMINT manager, and the National HUMINT Requirements Tasking Center to ensure that Foreign Service posts and reporting officers know what the HUMINT collection requirements are and contribute to meeting them through conventional Foreign Service reporting.

6. What role should INR play in tasking Foreign Service officers to collect and report on specific issues?

INR details a Senior Foreign Service Officer to the National HUMINT Requirements Tasking Center. Two retired Senior Foreign Service Officers work on the NHRTC staff. INR relays to Foreign Service Officers reporting requirements that the National HUMINT Requirements Tasking Center establishes, as well as ad hoc requests from the Intelligence Community for reporting on specific topics.

7. What role does the Assistant Secretary play in addressing the diplomatic risks of espionage?

INR's Assistant Secretary ensures that intelligence activities support our foreign policy goals. He also ensures that intelligence activities don't undercut our foreign policy goals. He does that by making sure that a deliberate risk/benefit analysis determines that the activity should be conducted. INR's Assistant Secretary also ensures that Chiefs of Mission and State's regional bureaus are aware of all intelligence activities taking place in their countries of responsibility, know their authority over those activities, and understand their responsibility to judge whether the intelligence gains from such activities justify any risk.

8. You wrote in your response to the prehearing questions that you "intend to lead INR first and foremost as a State Department element in the Intelligence Community rather than an intelligence community entity in the State Department." You also noted that you "will ensure that INR fulfills all of its IC obligations." Please describe these IC obligations.

INR has three principal missions in the IC. First, INR produces analysis collaboratively and independently based on information from all sources to inform the thinking of foreign policy makers and add value to their decision making. Second, INR injects the State Department's perspective into intelligence activities to ensure that their benefits outweigh their risks. Third, INR conducts open source activities that benefit Intelligence Community analysts and foreign policy makers, primarily related to global public opinion polling, foreign media analysis, and analytic outreach, for which INR is the Intelligence Community's executive agent.

9. As an analytic office as well as the liaison to Department of State officials and embassy teams, what is the proper role for INR in identifying intelligence gaps, both globally and country and region-specific, and reporting these gaps back to the DNI?

INR participates in multiple intelligence community boards and forums designed to ensure that Intelligence Community collection targets the President's and the foreign policy community's top priorities. These boards and forums generally are chaired by DNI representatives or report in some manner to the DNI.

10. In your view, what is INR's role in setting counterintelligence policy for the Department of State?

Counterintelligence is a top priority for INR and for INR's Assistant Secretary as the Head of the Intelligence Community Element for State. INR's Assistant Secretary coordinates with State Department policy makers and represents the State Department's views and interests in the Intelligence Community as it establishes policies and procedures governing the IC's activities targeting hostile intelligence activities. In addition, INR's Assistant Secretary works closely with the Bureau of Diplomatic Security to ensure that State has in place counterintelligence policies and procedures to prevent hostile intelligence organizations from gathering and collecting intelligence from or against our personnel.

11. If confirmed, how do you plan to enhance counterintelligence security at INR?

If confirmed, I will scrutinize our policies together with Diplomatic Security to ensure that we are taking every reasonable measure to protect sensitive compartmented information. I will also ensure that INR and State are properly postured and organized to identify security vulnerabilities and to close weaknesses that foreign intelligence services could exploit.

12. In response to a question at the December 1, 2009 hearing regarding whether you would agree to provide documents and any other material requested by the committee in order for it to carry out its oversight and

legislative responsibilities, you stated, "To the best of my ability, yes." Will you please clarify your answer?

If confirmed, I would be firmly committed to providing the Committee with the documents and materials it needs to carry out its essential oversight and legislative responsibilities. However, in some circumstances I may not be the official with sole authority to provide the requested documents. In such cases, INR will work with the Secretary and other controlling officials to satisfy the Committee's request. If intelligence in INR's possession is controlled by another element of the Intelligence Community, INR would engage with the IC element to provide the requested information.



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 23, 2009

The Honorable Dianne Feinstein
Chairwoman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Madam Chairwoman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Philip S. Goldberg, who has been nominated by President Obama for the position of Assistant Secretary of State for Intelligence and Research, Department of State.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert I. Cusick".

Robert I. Cusick
Director

Enclosures

Mr. James H. Thessin
Deputy Legal Adviser and
Designated Agency Ethics Official
U.S. Department of State
Washington, D.C. 20520-6310

Date: July 31, 2009

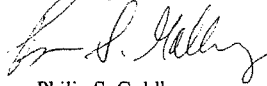
Re: Ethics Undertakings

Dear Mr. Thessin:

I am committed to the highest standards of ethical conduct for government officials. If confirmed as Assistant Secretary for Intelligence and Research, as required by 18 U.S.C. §208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any other person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to section 208(b)(1), or qualify for a regulatory exemption, pursuant to section 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Finally, I will provide the appropriate officials with the list of those interests I have retained or may acquire in order to support my efforts to avoid conflicts of interest. In addition, I will recuse myself from participation on a case-by-case basis in any particular matter involving specific parties in which I determine that a reasonable person with knowledge of the relevant facts would question my impartiality in that matter, unless I am first authorized to participate, pursuant to 5 C.F.R. Part 2635, Subpart E.

Sincerely,



Philip S. Goldberg

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

ST 278 (Rev. 0/2/2009)
 U.S. Office of Government Ethics

Date of Appointment, Candidacy, Election,
 or Termination (Month, Day, Year)

Reporting Individual's Name

Position for Which Filing

Location of Present Office (or forwarding address)

Positions Held with the Federal Government During the Preceding 12 Months (If Not Same as Above)

Presidential Nominees Subject to Senate Confirmation

Certification

Other Review (If desired by agency)

Agency Ethics Official's Opinion

Office of Government Ethics Use Only

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

Reporting Individual's Last Name

First Name and Middle Initial

New Entrant, Nominee, or Candidate

Termination Date (Month, Day, Year)

Termination Date (Month, Day, Year)

Reporting Periods

Termination Date (Month, Day, Year)

Reporting Periods

Reporting Periods

Reporting Periods

Reporting Individual's Name	Goldberg	First Name and Middle Initial	Philip S.	New Entrant, Nominee, or Candidate	<input checked="" type="checkbox"/>	Termination Date (Month, Day, Year)	
Position for Which Filing	Assistant Secretary Bureau of Intelligence and Research	Department or Agency (If Applicable)	Department of State	Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Location of Present Office (or forwarding address)	2201 L Street, NW Washington DC 20521	Telephone No. (Include Area Code)	202-647-4568	Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Positions Held with the Federal Government During the Preceding 12 Months (If Not Same as Above)	FOREIGN SERVICE OFFICER	Do You Intend to Create a Qualifying Diversified Trust?	<input checked="" type="checkbox"/> No	Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Presidential Nominees Subject to Senate Confirmation	SENATE SELECT COMMITTEE ON INTELLIGENCE	Do You Intend to Create a Qualifying Diversified Trust?	<input checked="" type="checkbox"/> No	Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Certification	Richard Goldberg	Signature of Designated Agency Ethics Official/ Reviewing Official	Jan. 2008 - Oct. 2008: Ambassador to Bolivia Nov. 2008 - Jan. 2009: Sr. Advisor, W. Hem. Affairs Feb. 2009 - present: Sr. Advisor, Political Affairs	Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Other Review (If desired by agency)		Signature of Other Reviewer		Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Agency Ethics Official's Opinion		Signature of Designated Agency Ethics Official/ Reviewing Official		Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Office of Government Ethics Use Only		Signature		Termination Date (Month, Day, Year)		Reporting Periods	7/1/09 - 11/2/09
Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)	2009-01-11 09 4802 (Check box if filing extension granted & indicate number of days)						

Fee for Late Filing
 Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a \$100 fee.

Reporting Periods
 The reporting period is the preceding calendar year or Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date you choose as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities): The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedules C, Part II (Assets) or Arrangements: Show only assets or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Agency Use Only

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OCT 26 2009

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Reporting Individual's Name: **Philip S. Goldberg** Page Number: **2**

SCHEDULE A

Income: type and amount. If "None (or less than \$201)" is checked, no other entry is needed in Block C for that item.

Assets and Income BLOCK A	Valuation of Assets at close of reporting period. BLOCK B										Type BLOCK C										Date (Mo, D, Y.) Only if Honoraria
	None (or less than \$1,001)	\$1,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	Over \$1,000,000*	None (or less than \$201)	\$201 - \$1,000	\$1,001 - \$2,500	\$2,501 - \$5,000	\$5,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$1,000,000	Over \$1,000,000*	Over \$5,000,000			
<p>None <input type="checkbox"/> Yes <input type="checkbox"/></p> <p><small>For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding \$1,000 at the close of the reporting period, or which generated more than \$200 in income during the reporting period, together with such income.</small></p> <p><small>*In yourself, also report the source and actual amount if earned income exceeding \$200 (other than from the U.S. Government). For your spouse, report the amount of earned income if more than \$1,000 (or the actual amount if any honoraria over \$200 of your spouse).</small></p> <p>Examples: Central Airlines Common Dix Jones & Smith, Hometown, State Kemper Equity Fund IRA: Hartford 800 Index Fund</p>																					
State Dept. Fed Credit Union CD																					
Money Market																					
State Dept. Fed Credit Union																					
Shelkin Savings																					
State Dept. Fed Credit Union																					
Fidelity Spiriton Money Market																					

* This category applies only if the asset/income is solely that of the filer's spouse or dependent children. If the asset/income is either that of the filer or jointly held by the filer with the spouse or dependent children, mark the other higher categories of value, as appropriate.

Part I: Transactions

Do not report a transaction involving property used solely as your personal residence or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to certificate of divestiture from OGE.

Transaction Type	Date (Mo., Day, Yr.)	Amount of Transaction (r)	None <input type="checkbox"/>	
			Buy	Sell
Example: Central Airlines Common	2/1/99		X	
1				
2				
3				
4				
5				

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than \$260, and (2) travel-related cash reimbursements received from one source totaling more than \$260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. Exclude anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth \$104 or less. See instructions for other exclusions.

Source (Name and Address)	Brief Description	Value
Examples: Nat'l Acad. of Race Collectors, NY, NY Frank Jones, San Francisco, CA	Airline ticket, hotel room & meals incident to national conference 6/1/99 (personal activity unrelated to duty) Leather briefcase (personal friend)	\$500 \$300
1		
2		
3		
4		
5		

None

Reporting individual's Name: **Philip S. Goldberg** Page Number: **4**

SCHEDULE C

Part I: Liabilities None

a mortgage on your personal residence unless it is secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

Part II: Agreements or Arrangements

Status and Terms of any Agreement or Arrangement

Sample	First Name, Last Name, and Address	Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (1)
	First District Bank, Washington, DC John Jones, 123 3 St., Washington, DC	Mortgage on real property. Balance Promissory note	1991 1999	8 1/2% 10%	25 yrs. on demand	\$10,001 - \$15,000 \$15,001 - \$50,000 \$50,001 - \$100,000 \$100,001 - \$500,001 - \$500,001 - \$1,000,001 - \$1,000,001 - \$5,000,001 - \$5,000,001 - \$25,000,001 - \$25,000,001 - \$50,000,001 - \$50,000,001 - \$100,000,001 - \$100,000,001 -

This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher category, as appropriate.

Part II: Agreements or Arrangements

Status and Terms of any Agreement or Arrangement

Sample	Status and Terms of any Agreement or Arrangement	Date
	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/30/00.	7/85

of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None

Reporting Individual's Name		SCHEDULE D		Page Number
Goldberg, Philip S.				5
<p>Part I: Positions Held Outside U.S. Government Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature. None <input checked="" type="checkbox"/></p>				
Examples	Organization (Name and Address)	Type of Organization	Position Held	From (Mo./Yr.) To (Mo./Yr.)
1	NYU Assn. of Prof. College, NY, NY Doe Jones & Smith, Hometown, State	Non-profit education, Law firm	President Partner	6/92 7/85 Present 1/00
2				
3				
4				
5				
6				
<p>Part II: Compensation in Excess of \$5,000 Paid by One Source Report sources of more than \$5,000 compensation received by you or your spouse during the reporting period directly by you during any one year of the reporting period. This includes the compensation received by any corporation, firm, partnership, or other business enterprise, or any other source (Name and Address). Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate. None <input checked="" type="checkbox"/></p>				
Examples	Source (Name and Address)	Brief Description of Duties		
1	Doe Jones & Smith, Hometown, State Moton University (Care of Doe Jones & Smith), Moneyswain, State	Legal services Legal services in connection with university construction		
2				
3				
4				
5				
6				