



COMMITTEE ON HOMELAND SECURITY

FOR IMMEDIATE RELEASE

Hearing Statement of Intelligence & Counterterrorism Subcommittee Chairwoman Elissa Slotkin (D-MI)

Examining the Operations of the Office of Intelligence and Analysis

December 13, 2022

I want to thank my colleagues on the Committee on Homeland Security for joining me in this important hearing to discuss the current and future state of the Department of Homeland Security (DHS)'s Office of Intelligence and Analysis. And I want to welcome back Mr. Kenneth L. Wainstein, who is testifying before us this morning.

After serving as our nation's fourth Homeland Security Advisor, Mr. Wainstein is intimately familiar with this Committee, and we are glad to welcome you back in your new role as the Under Secretary for Intelligence and Analysis – or I&A – at DHS. As a former CIA intelligence officer, I understand the important role that intelligence plays in helping prevent and mitigate threats to the homeland and U.S. interests abroad – and in developing long-term expertise on issues and supporting the policymaking process.

I&A's contributions to the intelligence process are especially vital, as the office has the unique responsibility for delivering intelligence to our State, Local, Tribal, Territorial, and private sector partners – who in many cases are on the frontlines of keeping Americans safe. I&A's mission success is dependent on effective information-sharing capabilities and processes with these local partners to address the persistent and dangerous threats facing our nation.

However, I&A has struggled to consistently achieve mission success. At times, information from I&A to state and local partners may not be timely enough to help them take steps to protect our communities from threats. For example, the Government Accountability Office recently issued a preliminary report finding that although I&A developed two threat products regarding potential threats on January 6, 2021 – the day the U.S. Capitol came under attack from domestic terrorists – it did not share the products with partners until two days after the attack, on January 8. Delays in I&A intelligence product review, approval, and dissemination are not new.

A March 2017 report by the Inspectors General of DHS, the Intelligence Community, and the Department of Justice found that I&A officials in the field lacked, and I quote, "release authority, that is, the authority to send intelligence reports directly to the clearing offices for review and approval without first sending them to the Reporting Branch," where there were backlogs. Four years later – a DHS Administrative Review found that similar review backlogs were a factor in the improper collection and dissemination of open-source intelligence reports on journalists engaged in constitutionally protected activities during the Portland, Oregon protests in July 2020. Unresolved internal control deficiencies are not the only thing that has troubled I&A over the years.

Under the previous administration, I&A was repeatedly politicized, especially regarding information that could be used to justify the Administration's actions. Between March 2018 and August 2020, the Senior

Official Performing the duties of the Under Secretary for Intelligence and Analysis, Brian Murphy, made at least five whistleblower-protected disclosures regarding the politicization of information within DHS. These concerns led the OIG to initiate investigations, during which the OIG found that – on at least one occasion – and I quote, “I&A employees during the review and clearance process changed the product’s scope by making changes that appear to be based in part on political considerations, potentially impacting I&A’s compliance with Intelligence Community policy.”

These serious longstanding issues amount to a decline in institutional capacity that is prone to happen when an agency lacks a permanent leader who is dedicated to the mission and leading the workforce to mission success. This is why, Under Secretary Wainstein, I was pleased to hear you say during your Senate confirmation hearings that you are committed to the production of “objective, unvarnished intelligence,” and that your first focus as Under Secretary is on the workforce. I believe in the mission of I&A – and today I look forward to having a robust, honest conversation about how we address these issues to ensure I&A is most effective, that it continues to garner support from its stakeholders and the American public, and that the men and women of I&A feel good about their efforts to keep the Homeland safe.

Throughout my time as Chair of the Intelligence and Counterterrorism Subcommittee, I have worked tirelessly with the Department, other Federal agencies, and Members on both sides of the aisle - including my Ranking Member, Mr. Pfluger -to find solutions to issues that came before us. So as we move into a new Congress, I hope that we use what we learn today to work together in ensuring I&A’s success.

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